OECD DAC Handbook on Security System Reform

SUPPORTING SECURITY AND JUSTICE

OECD

THE OECD DAC HANDBOOK ON SECURITY SYSTEM REFORM (SSR)

SUPPORTING SECURITY AND JUSTICE

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where the governments of 30 democracies work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD member countries are: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Commission of the European Communities takes part in the work of the OECD.

OECD Publishing disseminates widely the results of the Organisation's statistics gathering and research on economic, social and environmental issues, as well as the conventions, guidelines and standards agreed by its members.

This work is published on the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of the Organisation or of the governments of its member countries.

This report is also available in French under the title:
"Manuel de l'OCDE/CAD sur la réforme des systèmes de sécurité: soutenir la sécurité et la justice".

© OECD 2007
No reproduction, copy, transmission or translation of this publication may be made without written permission. Applications should be sent to OECD Publishing: rights@oecd.org or by fax (33 1) 45 24 13 91. Permission to photocopy a portion of this work should be addressed to the Centre français d'exploitation du droit de copie, 20, rue des Grands-Augustins, 75006 Paris, France (contact@cfcopies.com).

Foreword

Recent debate within the international community has centred on the challenge of insecurity and conflict as a barrier to political, economic and social development. If states are to create the conditions in which they can escape from a downward spiral wherein insecurity, criminalisation and under-development are mutually reinforcing, socio-economic and security dimensions must be tackled simultaneously.

The traditional concept of security is being redefined to include not only state stability and the security of nations but also a clear focus on the safety and well-being of their people. The recognition that development and security are inextricably linked is enabling security in partner countries to be viewed as a public policy and governance issue inviting greater public scrutiny. A democratically run, accountable and efficient security system helps reduce the risk of conflict, thus creating an enabling environment for development to occur. This was a central theme of the 2005 publication Security System Reform and Governance. This Reference Document has not only provided donors with a new direction and understanding of the security-development nexus, but have challenged donors to consider how their programmes are designed, implemented and evaluated, and how resources from across government agencies can be best used to support SSR processes.

Security System Reform has now become a central component of efforts to overcome fragility and conflict in a number of countries, from Sierra Leone to the Solomon Islands. The challenge for donors remains how to ensure that they support reform processes that are sustainable; underpin poverty reduction through enhanced service delivery; and help develop effective and accountable systems of security and justice. The OECD DAC Handbook on Security System Reform (SSR): Supporting Security and Justice provides guidance to operationalise the DAC SSR guidelines and close the gap between policy and practice. It is targeted at development, security, rule of law and diplomatic personnel - practitioners in field missions and those working on policy and strategy issues at headquarters. It is based on experience gathered both from countries that have undertaken security and justice reforms, and the work of the international community in supporting, conflict prevention and peacebuilding over the past decade.

The purpose of the handbook is to ensure that donor support to SSR programmes is both effective and sustainable. The DAC's work has provided a platform from which to reach out to actors in the security systems and to partner countries. In particular, there is growing acknowledgement that the DAC's governance principles for SSR can help frame the technical inputs provided by diplomatic and security policy communities. This approach provides a framework greater coordination and integration of development, security and justice policies and practices. It aims to make the international community's support to SSR more effect, its impact more sustainable, and its vision more in tune with peoples needs.

Angel Gurría
Secretary-General of the OECD

Richard Manning
DAC Chair

Acknowledgements

This publication is the result of a collaborative effort by members of the DAC Network on Conflict, Peace and Development Co-operation (CPDC). However, as with all processes of this scale, it has benefited from the experience and input of a wide range of colleagues from across the security, development and diplomatic communities.

The process of developing this handbook was managed and led by Graham Thompson (DFID and Chair of the CPDC Task Team on Security System Reform) and Mark Downes (OECD Directorate for Development Co-operation). The Co-ordinating Editor was Andrew McLean and the fourth member of the editorial team was Lisa Williams (OECD Directorate for Development Co-operation). Special thanks also go to Mark White for his assistance to the editorial board in the latter stages of this work.

The first phase of the process was developed by a consortium that included Bradford University (Malcolm Chalmers, Owen Greene and Christopher Cushing), Clingendael (Luc van de Goor), and Saferworld (Andrew McLean and Paul Eavis). This version formed the basis of the SSR Practitioners Workshop held at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Ghana in December 2005. The facilitators for the meeting, the rapporteurs and chairs for the various breakout groups included the above drafting team together with Adedeji Ebo (DCAF), Innocent Chukwuma (CLEEN), Lu Ecclestone (DFID/PCRU), Rod Evans (DFID), Ann Fitz Gerald (Cranfield University), Yannick Hingorani, Benjamin Kunbuor, Graham Mathias (Saferworld), Laurie Nathan, Uju Ogomoh (PRAWA), Gordon Peake, Jonathan Sandy (ONS Sierra Leone), Peter Viner and Peter Wilson (SSDAT).

The second phase of this process brought together a number of SSR experts to work on specific aspects of this publication, including Rob Allen (International Centre for Prison Studies), Bernardo Arevalo de Leon (Interpeace), Peter Batchelor (UNDP), Hans Born (DCAF), Michael Brzoska (ISFH), Inger Buxton (European Commission), Andrew Carpenter (UNDPKO), Izabella Cooper (UNDP), Patrick Doelle (European Commission), Mark Downes (OECD), Renata Dwan (UNDPKO), Paul Eavis (Saferworld), Hans-Georg Ehrhart (ISFH), Antoine Gouzee-de-Harven (European Commission), Linn Hammergren (World Bank), Dylan Hendrickson (Kings College, London), Isabelle Hight (UNDPKO), Francis James (UNDP), Kate Joseph (DFID), Anicia Lala (Africa Security Sector Network), Graham Mathias (Saferworld), Alexander Mayer-Rieckh (International Centre for Transitional Justice), Andrew McLean, Peter Middlebrook and Sharon Miller (Middlebrook and Miller), Robert Muggah (Small Arms Survey), Richard Murray, Sue Nelson, Gordon Peake, Juliet Pierce, Laure-Hélène Piron (DFID), Serge Rumin (ICTJ), Simon Rynn (Saferworld), Vincenza Scherrer (DCAF), Eric Scheye, Paul Scott (Crown Agents), Mark Shaw (UNODC), Henry Smith (Saferworld), Graham Thompson (DFID), Tracy Vienings, Achim Wennmann (Graduate Institute of International Relations, Geneva), Mark White (DFID), Lisa Williams (OECD) and Peter Wilson (SSDAT).

There were also a number of consultations that allowed the editorial board to test aspects of this work, including a regional consultation in Latin America hosted in Bolivia by the Observatorio Democracia y Seguridad, Universidad de la Cordillera and the Bolivian Police Academy, with the assistance of Catherine Weiss (UK FCO) and Angus Morris (SSDAT). The Africa Security Sector Network (ASSN) facilitated an opportunity to share our work with their network and we are also grateful for their input, particularly in leading on the section on civil society. A further country-level consultation was held in the Democratic Republic of Congo, with the assistance of the European Commission, EUSEC, EUPOL and the Embassy of Belgium; our thanks go to Rory Keane, Leila Bouchebouba, Sophie de Camara and Junior de Fabrickers for facilitating that consultation. There were also a number of whole-of-government/organisation consultations held in Canada, Sweden and the United Kingdom, at the United Nations and with the United States. These were supplemented by thematic workshops on security and justice service delivery and the evaluation of SSR programmes that were hosted by DFID and provided substantive input to relevant sections of this work. Valuable input was also received from the the DAC Network on Gender Equality, UNDPKO, the OSCE and NATO.

The overall process benefited greatly from the advice and support of the Critical Review Panel made up of Dylan Hendrickson, Laurie Nathan, Peter Middlebrook, Eboe Hutchful, Paul Eavis, Owen Greene, Luc van de Goor, the Geneva Centre for the Democratic Control of the Armed Forces (Theodor Winkler, Heiner Hanggi and Alan Bryden) and the International Centre for Transitional Justice (Paul van Zyl, Serge Rumin and Alexander Mayer-Rieckh).

The input of the OECD DAC SSR Taskteam Core Group was critical. The Group included: Carola Baller, Nina Berg, Katharina Buse, Inger Buxton, Victoria Coakly, Junior de Fabrickers, Sophie Da Camara, François Gaulme, Bjorn Holmberg, Cristina Hoyos, Annette Kaiser, Michael Koros, Glyn Lewis, Marie-Josée Lafleur, Laure-Hélène Piron, Caroline Smit, Michael Wanning, Tjip Walker, Julie Werbel, Jelte Wieren and Caitlin Wilson.

The design team for this handbook was from Barnes Advertising, led by Daniel Barnes and Juria Chuah.

A team of OECD staff helped prepare this publication. The team included: Mark Downes, Ben Dickinson and Lisa Williams. Josie Pagani and Carola Miras provided advice; and Phyllis Flick provided practical assistance throughout the publication process. Proofreading was done by Randall Holden. This work was carried out under the guidance of Alexandra Trzeciak-Duval.

Terminology

Security system reform

The OECD DAC Reference Document Security System Reform and Governance agreed by ministers in 2004 define the security system as including: core security actors (*e.g.* armed forces, police, gendarmerie, border guards, customs and immigration, and intelligence and security services); security management and oversight bodies (*e.g.* ministries of defence and internal affairs, financial management bodies and public complaints commissions); justice and law enforcement institutions (*e.g.* the judiciary, prisons, prosecution services, traditional justice systems); and non-statutory security forces (*e.g.* private security companies, guerrilla armies and private militia).

This definition has become established internationally and so in the handbook, “security system”, “security system reform” and “SSR” all refer to that broad range of security and justice institutions. The terms also denote activities sometimes referred to by international actors as “security sector reform”, “security and justice sector reform” and “rule of law”. The OECD DAC views “security system” as comprising a number of sectors, each of which is discussed in Section 7.

In no way should this be seen as implying that justice is subordinate to security. To reinforce that point, the terms “justice and security reform”, “justice and security providers”, “justice and security delivery” and “justice and security development” are used in many places throughout the text instead of “security system” and “security system reform”.

Small arms control

For the purposes of this handbook, small arms control is taken to include:

- The development of laws, regulations and administrative procedures to exercise effective control over the production, export, import and transit of small arms and light weapons.
- The development of institutional structures for policy guidance, research and monitoring.
- Programmes to improve the management and security of stockpiles of small arms, light weapons and related ammunition and explosives, particularly those held by the police, the military and other forces authorised by the state.
- The destruction of small arms and light weapons, and related ammunition and explosives that are deemed surplus to national security requirements.
- Public awareness campaigns on small arms and light weapons and voluntary small arms and light weapons collection and destruction programmes.
- The promotion of regional and sub-regional co-operation and information exchange to prevent, combat and eradicate the illicit trade in small arms and light weapons across borders.

Table of Contents

	pg
Ministerial Statement	10
Executive Summary	13
Section 1: Principles of security system reform	
Introduction: The importance of security system reform (SSR)	20
Purpose of this handbook	21
Principles of SSR	21
Engaging both state and non-state actors	22
Current gaps in implementation	23
Adapting donor support programmes to the national SSR process	24
Who could benefit from this handbook?	25
How to use this handbook	26
Section 2: Fostering a supportive political environment	
Introduction: SSR as a political process	28
Ensuring a conflict-sensitive approach	30
Different contexts for security and justice reform	30
Getting SSR onto the national agenda	31
Inception phase of donor engagement	34
Section 3: Undertaking security system reform assessments	
Introduction	41
Part A: The assessment process	42
Planning assessments	42
Information gathering	43
Types of assessments	45
Key stakeholders to consult as part of an SSR assessment	48
Part B: An SSR assessment methodology	50
Developing an integrated approach	50
Four key analytical categories	50
Trade-offs between process and methodology	56
Section 4: Designing programmes of support for SSR processes	
Principles for designing SSR assistance programmes	63
Approaches for supporting partner countries' SSR processes	67
Setting objectives and developing an effective system of review and evaluation	69
Selecting the appropriate resources and funding mechanisms	75
Section 5: Strengthening national capacity	
The challenge of capacity development	86
Legal frameworks	87
Strategic planning and policy making	88
Budgetary processes	91
Developing national capacity to manage change	94
Building national capacity to monitor, review and evaluate	94
Section 6: Developing an integrated approach to SSR in post-conflict situations	
Challenges and opportunities in post-conflict situations	100
Disarmament, demobilisation and reintegration (DDR)	105
Small arms control	106
Transitional justice	107

pg

Section 7: Implementing SSR sector by sector

Democratic oversight and accountability	112
Defence reform	124
Intelligence and security service reform	140
Integrated border management	151
Police Reform	163
Justice reform	182
Prison reform	199
Private security and military companies	211
Civil society	224

Section 8: Managing, monitoring, reviewing and evaluating SSR assistance programmes

The multidisciplinary skill sets required for SSR	236
Managing a bilateral assistance programme	236
Options for programme management	239
Reviewing progress and evaluating impact	240
Developing an effective communications strategy	243
Strengthening international co-ordination	244

Case Studies:

2.1:	Developing an inception phase for an SSR programme in Yemen	37
2.2:	Supporting dialogue on SSR in Ghana	38
3.1:	Lessons from conducting a joint Strategic Conflict Assessment (SCA) in Nigeria	57
3.2:	Lessons from the Joint Assessment Mission in Darfur (DJAM)	58
3.3:	Institutional analysis in a post-conflict context: Capacity and Integrity Framework (CIF)	60
4.1:	Police reform and the use of performance indicators in South Africa	80
4.2:	Managing the transition from police support to a sector-wide approach in Sierra Leone	82
4.3:	Expenditure management reviews of the security system in Afghanistan and Sierra Leone	83
5.1.	Integrating SSR into development frameworks: Uganda, Burundi and Sierra Leone	97
5.2:	Capacity development for a national defence review in Uganda	98
6.1:	Disarmament, demobilisation and reintegration (DDR), security system reform (SSR) and small arms control in Liberia	108
6.2:	Vetting judges, police and prosecutors in Bosnia and Herzegovina	109
7.1.1:	Parliamentary staff training programme in South East Europe	121
7.1.2:	Truth-seeking and SSR in Peru	122
7.2.1:	International support for defence reform in Ukraine	135
7.2.2:	Uganda Defence Review Process	136
7.2.3:	Promoting defence reform through training schools in Africa	137
7.3.1:	Intelligence and security reform in a Middle Eastern country	148
7.3.2:	Intelligence and security reform in a post-conflict country	149
7.4.1:	Customs reform in Mozambique	159
7.4.2:	Border management project in Bosnia and Herzegovina	160
7.4.3:	Supporting cross-border co-operation to tackle small arms trafficking	161
7.5.1:	Community safety initiatives as a support to community-based policing in Kosovo	177
7.5.2:	Police reform in Malawi	179
7.5.3:	Developing a rapid response police force in the Democratic Republic of Congo (DRC)	180
7.6.1:	Criminal justice reform in El Salvador	195
7.6.2:	Support to transform the justice system in South Africa	197
7.7.1:	Prison reform in the Dominican Republic	207
7.7.2:	Management of tuberculosis linked to prison reform in Kazakhstan	207
7.7.3:	Legal and penal reform in Niger	208
7.8.1:	Reform of the private security sector in Bosnia and Herzegovina	220
7.8.2:	Regulating private security and military companies in South Africa	221
7.9.1:	Civil society involvement in SSR in Guatemala	233
7.9.2:	Civil society providing legal aid in Bangladesh	234
8.1:	Managing donor programmes — reviewing UK support for SSR in Sierra Leone	247
8.2:	Communication and outreach on SSR in Kosovo	249

Acronyms

ASDR	African Security Dialogue and Research
ASSN	Africa Security Sector Network
AU	Africa Union
CIF	Capacity and Integrity Framework
CPAR	Country Procurement Assessment Reviews
CSOs	Civil Society Organisations
DAC	Development Assistance Committee of the OECD
DCAF	The Geneva Centre for the Democratic Control of Armed Forces
DDR	Demobilisation, Disarmament and Reintegration
DFID	UK Department for International Development
EC	European Commission
ECOWAS	Economic Community of West African States
ERW	Explosive Remnants of War
EU	European Union
GDP	Gross Domestic Product
HDI	Human Development Index
IADB	Inter-American Development Bank
IACHR	Inter-American Court of Human Rights
IDPs	Internally Displaced Persons
IFIs	International Financial Institutions
IMF	International Monetary Fund
ISS	Intelligence and Security Services
JAM	Joint Assessment Mission
KOS	Kosovo Police Service
MDGs	Millennium Development Goals
MDRP	Multi-Country Demobilization and Reintegration Program
MoD	Ministry of Defence
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
NSS	National Security Strategy
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PCNAs	Post-conflict Needs Assessments
PEAP	Poverty Eradication Action Plan
PFM	Public Financial Management
PNTL	Policia Nacional de Timor-Leste
PRSP	Poverty Reduction Strategy Papers
PSOs	Peace Support Operations
RAMSI	Regional Assistance Mission to Solomon Islands
SALW	Small Arms and Light Weapons
SAPS	South African Police Service
SCA	Strategic Conflict Assessment
SECI	Southeast European Cooperative Initiative
SEEPCA	South East European Police Chiefs Association
SSR	Security System Reform
SWAps	Sector-Wide Approaches
TRC	Truth and Reconciliation Commission
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMBIH	United Nations Mission in Bosnia and Herzegovina
UNMIT	United Nations Integrated Mission in Timor-Leste
UNODC	United Nations Office on Drugs and Crime
URNG	Unidad Revolucionaria National Guatemalteca
USAID	US Agency for International Development
WB	World Bank

The OECD Development Assistance Committee (DAC)

In order to achieve its aims the OECD has set up a number of specialised committees. One of these is the Development Assistance Committee (DAC), whose members have agreed to secure an expansion of the aggregate volume of resources made available to developing countries, and to improve their effectiveness. To this end, members periodically review together both the amount and the nature of their contributions to aid programmes, bilateral and multilateral, and consult each other on all other relevant aspects of their development assistance policies.

The members of the Development Assistance Committee (DAC) are Australia, Austria, Belgium Canada, Denmark, Finland, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom, the Unites States and the Commission of the European Communities.

See further: www.oecd.org/dac

Enhancing International Co-operation on Conflict, Peace and Security

The *OECD DAC Network on Conflict, Peace and Development Co-operation (CPDC)* – www.oecd.org/dac/conflict — is the international forum that brings together conflict prevention and peacebuilding experts from OECD donor governments, the European Commission, the United Nations, the World Bank and the International Monetary Fund.

Through the CPDC, DAC members continue to increase and improve their efforts to help conflict-prone and conflict-affected countries establish structures and mechanisms to manage change and political conflict through democratic and peaceful means. The shared objective is to develop and promote good practice in helping to prevent and respond to the outbreak and recurrence of violent conflict. The Network is currently focusing on: support to donor assistance programmes for Security System Reform; guidance for evaluating peacebuilding and conflict prevention programmes: armed violence and poverty reduction; and training in conflict, peace and security with partner countries and donors alike.

MINISTERIAL STATEMENT

KEY POLICY AND OPERATIONAL COMMITMENTS FROM THE IMPLEMENTATION FRAMEWORK FOR SECURITY SYSTEM REFORM[1] (IF-SSR):

Signed by OECD DAC Ministers and Heads of Agency, Paris, 4 April 2007

The purpose of the IF-SSR is to ensure that donor support to SSR programmes is both effective and sustainable. The DAC's work has provided a platform from which to reach out to non-development actors and to partner countries. In particular, there is growing acknowledgement that the DAC's governance principles for SSR can help frame the "harder" technical inputs provided by diplomatic and security policy communities. This approach enables countries to address diverse security challenges through integrating development and security policies and practices. The main messages suggest that international support to SSR is most effective when donor programmes adhere to the following good practice:

Building Understanding, Dialogue and Political Will

1. **Donors should engage in SSR with three major overarching objectives:** i) the improvement of basic security and justice service delivery, ii) the establishment of an effective governance, oversight and accountability system; and iii) the development of local leadership and ownership of a reform process to review the capacity and technical needs of the security system.

2. **Technical inputs to SSR should be delivered and co-ordinated with a clear understanding of the political nature of SSR and institutional opportunities and constraints.** This is the basis on which different policy communities – development, governance, diplomacy and security – can work effectively and coherently together. Building understanding of SSR amongst non-security actors is essential for building dialogue on issues of security and justice reform and governance.

3. **The political terrain needs to be prepared in partner countries and early investments made in appropriate analysis.** In the past, programmes have been based on inadequate assessment and have often been too technical in nature. A balance must be struck between support to provide quick wins and confidence-building measures, on the one hand, and taking time to understand each particular context with appropriate analysis and assessment, on the other.

Assessment

4. **Assessment tools should inform the design of realistic, focused programmes,** which can make significant contributions to supporting partner countries in addressing the security and justice needs of all citizens. Undertaking joint assessments, including both different OECD governments and different departments within each government, is the way to ensure effective donor support to SSR processes. Shared analysis is likely to promote common understanding of problems and common objectives. Tools such as Power and Drivers of Change Analysis and Strategic Conflict Analysis can expose root causes of violent conflict and security system problems. The IF-SSR provides an assessment tool that covers: political analysis; the security context; capacity development and governance; and people's security and justice needs. The IF-SSR highlights the need to assess both the capacity constraints (technical competence) and integrity gaps (quality of governance) within security institutions.

[1]The Implementation Framework for Security System Reform (IF-SSR) was a two-year process to gather lessons learned and good practice on security system reform. This handbook is the main outcome from that process.

Programme Design

5. **Programmes need to be designed to help identify local drivers of reform and be flexible in supporting local ownership as it emerges.** The process of identifying and fostering ownership requires continuous attention, and it cannot be assumed that ownership will be easily identifiable or coherent at the point at which international actors begin to engage. Flexibility is needed to respond to trajectories and trends of ownership, differentiated across security system organisations and beneficiaries, both state and non-state, and over time. At all costs, donors need to avoid the temptation to support supply driven initiatives. The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained.

6. **Donors must support partner countries to lead SSR processes** as the starting point for sustainable reforms. But because ownership and leadership are never monolithic and not always easy to determine, opportunities to foster multi-stakeholder coalitions for change should be prioritised.

7. **Donors must work with partners to ensure that initiatives to support the delivery of security and justice are conflict-sensitive and sustainable, financially, institutionally and culturally.** Sustainability is a key issue in the design and delivery of support to security and justice service delivery.

8. **SSR programmes need to take a multi-layered or multi-stakeholder approach.** This helps target donor assistance to those providers, state and non-state actors simultaneously, at the multiple points at which actual day-to-day service delivery occurs. A multi-layered strategy helps respond to the short-term needs of enhanced security and justice service delivery, while also building the medium-term needs of state capacity.

Programme Implementation

9. **The international community needs to move from ad hoc, often short-term, projects to more strategic engagement.** The governance approach to SSR provides the necessary strategic framework to co-ordinate technical inputs from across donor governments. To be effective and strategic, whole-of-government approaches should be built on shared understanding of and respect for the different mandates, skills and competencies of security, development and diplomatic communities. Transparency about objectives, allocations and operations promotes coherent strategies.

10. **Donors should strive to develop specific whole-of-government capacity to support SSR.** Integrated teams that bring together technical expertise with the necessary political, change management, programme management and communications skills are critical. Cross-government training is required to enable those involved in supporting SSR to have a strategic, political and technical understanding of SSR.

11. **SSR objectives need to focus on the ultimate outcomes of basic security and justice services.** Evidence suggesting that in sub-Saharan Africa at least 80% of justice services are delivered by non-state providers should guide donors to take a balanced approach to supporting state and non-state security and justice service provision. Programmes that are locked into either state or non-state institutions, one to the exclusion of the other, are unlikely to be effective.

12. **The international community should use appropriate instruments and approaches for different contexts,** and should build support across the justice and security system to ensure a more strategic approach to SSR. Options include:

1. A problem-solving approach that means focusing on one security or justice problem (such as crime) as an entry point in order to mobilise system-wide engagement.
2. An institutional approach where there are existing pro-reform initiatives at an institutional level which can be supported (such as government-initiated security system reviews).
3. A phased approach to post-conflict situations that focuses on understanding and, where possible, integrating stabilisation – "securing the peace" – and development-oriented objectives.
4. Multi-stakeholder projects and programmes are core instruments for SSR, but donor budget support programmes provide important opportunities to consider security sector financing issues.

Donor Harmonisation and Joint Planning

13. **The international community needs to align support to the dominant incentive frameworks and drivers for change.** Despite the key findings of the 2002 World Bank "Voices of the Poor" report which found that safety and security was the number one priority of the poor, these issues are rarely considered in the development of Poverty Reduction Strategies. Inclusions of security and justice into national development plans will reinforce the incentives provided by peace agreements and external incentives such as those provided by NATO, the OSCE and other regional organisations. SSR should be included in other frameworks such as Transitional Results Matrices (TRMs), Post-conflict Needs Assessments (PCNA), and any UN Integrated Mission Planning Framework.

14. **SSR should be viewed as an integral part of the planning process for immediate post-conflict situations and peace support operations.** This can help to prevent a disjointed approach to post-conflict engagement and lead to more strategic engagement from the outset that includes a comprehensive strategy for sustainable peace. The inclusion of SSR in the strategic planning for peace support operations is crucial.

Choosing the Right Entry-Point Leading to Broader System-wide Reforms

15. **The IF-SSR should be used to help place sub-sector reforms in the context of system-wide needs.** The sub-sector guidance provided in the IF-SSR covers ways to link reforms to the broader system, how to sequence reforms, potential starting points for reform, particular programme design issues, common challenges and particular features of post-conflict SSR needs. The sub-sectors covered include: i) civilian oversight and accountability; ii) defence reform; iii) intelligence and security services reform; iv) border management; v) policing; vi) justice (judicial and legal) reform; vii) prisons, viii) private security and military companies; and ix) civil society.

Impact and Evaluation

16. **The key principles agreed in the 2004 DAC SSR Guidelines need to be translated into evaluation indicators.** A focus on programme outcomes requires an evaluation of strategic objectives, impact and not only project outputs.

EXECUTIVE SUMMARY

The security — development nexus

Security is fundamental to people's livelihoods, to reducing poverty and to achieving the Millennium Development Goals. It relates to personal and state safety, access to social services and political processes. It is a core government responsibility, necessary for economic and social development and vital for the protection of human rights.

Security matters to the poor and other vulnerable groups, especially women and children, because bad policing, weak justice and penal systems and corrupt militaries mean that they suffer disproportionately from crime, insecurity and fear. They are consequently less likely to be able to access government services, invest in improving their own futures and escape from poverty.

The 2005 DAC Reference Document on SSR and Governance

Recent work by the DAC Network on Conflict, Peace and Development Co-operation (*Security System Reform and Governance*) has focused on the positive role that the integrated reform of a country's security system can play in stabilising fragile, conflict-prone or conflict-affected states. The traditional concept of security is being redefined to include not only state stability and the security of nations but also the safety and wellbeing of their people. The recognition that development and security are inextricably linked is enabling security in partner countries to be viewed as a public policy and governance issue inviting greater public scrutiny of security policy. A democratically run, accountable and efficient security system helps reduce the risk of conflict, thus creating an enabling environment for development. The DAC's guidance on security system reform covers three interrelated challenges facing all states: (1) developing a clear institutional framework for the provision of security that integrates security and development policy and includes all relevant actors; (2) strengthening the governance of the security institutions; and (3) building capable and professional security forces that are accountable to civil authorities.

Security system reform has now become a central component of efforts to overcome fragility and conflict in a number of countries, from Sierra Leone to the Solomon Islands. The challenge for donors remains how to ensure that they: support reform processes that are sustainable; underpin poverty reduction through enhanced service delivery; and help develop effective and accountable systems of security and justice in partner countries.

The 2005 *DAC Reference Document on Security System Reform and Governance* has not only provided donors with a new direction and understanding of the security-development nexus, but has also led them to question how their programmes are designed, implemented and evaluated. They have had a significant impact on policy development and ensuring a developmental approach to security system reform and governance. But much remains to be done to effect changes in development practice and behaviour.

Bridging the capacity gap in SSR implementation

While SSR is still a relatively new concept, there has been significant work undertaken and lessons learned in a number of security and justice sectors over the past decade. A number of challenges still remain, including the following.

Lack of a coherent strategy for SSR

The main challenge facing donors is the lack of a coherent strategy to support SSR, a strategy that encompasses the different resources available from across government. Donors continue to take an *ad hoc* approach to SSR, viewing the different sectors in isolation and not as an interconnected system. Donors, for example, continue to fund individual training programmes for the police without looking at how that training fits into the overall education system, or how training on crime scene management needs to be understood given the co-operation necessary with the police and

prosecutors. Donors collectively need to view the system as a whole, to have a shared understanding of SSR, and to work collectively to provide coherent and co-ordinated support to partner countries. At the heart of this is establishing clear, shared desired outcomes for security and justice initiatives and integrated strategies for achieving these outcomes. Ideally, such strategies should be informed by a common cross-government assessment.

Lack of sufficient capacity

The second main challenge facing donor governments is the lack of capacity available to support SSR. Bilateral and multilateral actors depend on serving police, military, prison and judiciary officers to implement their programmes. While serving officers have technical expertise in their sectors, more guidance is needed enable these officers to have a better understanding of: (i) the political and contextual nature of security reforms; and (ii) the need to ensure reform linkages across the system. In addition, many have never been involved in a reform process and may require specific guidance on entry-points, programme design and SSR programme management. There is also the problem of the limited available pool of serving officers and ability of donor governments to deploy such officers to SSR missions when they are needed to ensure security and justice services at home. This underlines the importance of actively engaging with the private sector on these issues, as the implementation of SSR programmes is increasingly being contracted out to a range of external providers including NGOs, consultancy companies, and in some cases, PMCs and /or PSCs.

A recognition that SSR is not only about increasing operational capacity but also about enhanced service delivery, governance and accountability highlights that other skills are also required — skills such as an understanding of institutional reform, change management, financial management, strategic planning, human resources and training. While there is a need to develop the strategic-level skills to manage SSR support programmes, there is also the challenge for donor governments to ensure that the necessary skills (either from within government or through external sources) are available and deployed at the right time.

Another significant challenge is facilitating local ownership. There is often limited capacity within partner governments to assess, design and implement reform processes. In new and emerging democracies, there is often no civilian office and little civilian capacity to lead national strategic policy making, planning or budgetary processes. As a result, policy making on security issues may be led by uniformed organisations whose capacity is also often very limited, which can lead to security being perceived as state-centric rather than a people-centred issue. Investing to support the development of such capacity and providing training in skills such as strategic analysis, policy formulation, strategic planning, organisational design, change management, evaluation and budgeting are important priorities.

Need to enhance oversight and cross-government training

Programme officers from the field and in HQ could benefit from a stronger understanding of the technical as well as political issues related to SSR. With the implementation of SSR programmes increasingly being subcontracted to private companies, programme officers need to have an in-depth understanding of SSR processes and sector-specific reform needs, to ensure effective oversight of subcontractors and the development of an overall SSR strategy.

In tandem with a need to develop a comprehensive cross-government strategy on SSR, there is a need to ensure that this is backed up with sufficient training and whole-of-government mechanisms to enable a coherent approach to policy, planning and deployment. The DAC is developing training modules to support the dissemination of this handbook and is encouraging it's members to review their capacity and coherence across government.

As the international community moves from an implementation approach designed around *ad hoc* projects focusing on specific aspects of sectoral forms, *e.g.* police training, towards a more strategic

understanding of the linkages across the security system, there needs to be a change in practice. Similarly, there needs to be a change in how the international community evaluates actions in support of SSR, away from a focus on outputs (number of police, military or parliamentary personnel trained) and more towards a focus on the impact of programmes and whether they have improved security and access to justice for citizens.

From policy to practice — the OECD DAC handbook on SSR

This handbook provides guidance to operationalise the OECD DAC guidelines on SSR and close the gap between policy and practice. The process to develop this handbook was known as the Implementation Framework for Security System Reform (IF-SSR). This handbook is the main outcome of that process, it is targeted at development, security, rule of law and diplomatic personnel — practitioners in field missions, including from the private sector, and those working on policy and strategy issues at headquarters. It largely follows the external assistance programme cycle and contains valuable tools to help encourage a dialogue on security and justice issues and to support an SSR process through the assessment, design and implementation phases. It also provides new guidance on monitoring, review and evaluation of SSR programmes, and highlights how to ensure greater coherence across the different actors and departments engaged in SSR.

The handbook is the result of a two-year consultative process — it has been designed by and for international actors working to address insecurity and to support access to justice. This process has brought the development community together with their security and diplomatic colleagues to ensure that the handbook incorporates knowledge on the political, governance and technical nature of SSR. It is based on experience gathered, from countries that have undertaken security and justice reforms and the international community, on conflict prevention and peacebuilding over the past decade throughout the developing world.

The purpose of the handbook is to ensure that donor support to SSR programmes is both effective and sustainable. The DAC's work has provided a platform from which to reach out to non-development actors and to partner countries. In particular, there is growing acknowledgement that the DAC's governance principles for SSR can help frame the technical inputs provided by diplomatic and security policy communities. This approach provides a framework for supporting countries as they address the diverse security and justice needs of their people through greater co-ordination and integration of development and security policies and practices. Underpinning this is the concept of security and justice as a public good all citizens have a right to enjoy and one the state is responsible for guaranteeing. This understanding informs the need to see security and justice as a service delivery issue which, like health and education, is of critical importance for supporting sustainable development and poverty reduction.

The phrase security and justice is often used throughout the handbook. This reflects the growing recognition that a people-centred approach to SSR requires that access to justice be placed at the forefront of the agenda. Security and justice are not the same, and neither is subordinate to the other. However, in promoting an environment in which individuals and communities feel safe and secure, within which the rule of law is respected and in which sustainable development can flourish, it is important to recognise the linkages and the complementary relationship between security and justice. This handbook advocates an approach whereby the desired outcome and the context determine the priority, nature and scope of the programme. It argues that addressing the challenges faced by all citizens to achieve personal safety, security of property and access to justice should be the key determining factors in evaluating the success or otherwise of the donor support programme. Generating public interest, understanding and engagement in SSR is therefore critical.

The main messages from this process suggest that international support to SSR is most effective when donor programmes adhere to the following good practices.

Spend time to build understanding, dialogue and political will for SSR

A supportive political environment needs to be fostered in partner countries, and early investments made in appropriate analysis. In the past, programmes have been based on inadequate assessment and have often been too technical in nature. A balance must be struck between support to provide quick wins and confidence-building measures on the one hand, and taking time to understand each particular context with appropriate analysis and assessment on the other.

Donors should engage in SSR with three major overarching objectives: i) the improvement of basic security and justice service delivery; ii) the establishment of an effective governance, oversight and accountability system; and iii) the development of local leadership and ownership of a reform process to review the capacity and technical needs of the security system.

Technical inputs to SSR should be delivered and co-ordinated with a clear understanding of the political nature of SSR as well as institutional opportunities and constraints, and personnel capable of leading a reform agenda. This is the basis on which different policy communities — development, governance, diplomacy and security — can work effectively and coherently together. Building understanding of SSR among non-security actors in partner countries is essential for building dialogue on issues of security and justice reform and governance.

Take a strategic approach to SSR assessments

As the international community moves from *ad hoc*, often short-term "quick win" projects to a more strategic, longer-term SSR engagement, there is a need to develop more sophisticated and comprehensive approaches to undertaking assessments. Assessment tools should inform the design of realistic, focused programmes. Undertaking joint assessments, both across and between bilateral governments, can deliver clear benefits in ensuring effective donor support to SSR processes. Shared analysis is likely to promote common understanding of problems and common objectives. Tools such as Power and Drivers of Change Analysis and Strategic Conflict Analysis can expose root causes of violent conflict and security system problems. This handbook provides an assessment tool that covers: conflict and political analysis; the capacity and governance of security and justice systems; and the security and justice needs of citizens, particularly the poor and marginalised. It highlights the need to assess both the capacity constraints (technical competence) and integrity gaps (quality of governance) within security and justice institutions.

Design SSR support programmes that build ownership and balance capacity and governance needs

Experiences of developing SSR programmes in different countries show the benefit of establishing an inception phase to an SSR programme, *i.e.* a stage at which to address common challenges; build support and capacity; establish credibility and relationships built upon mutual trust; test assumptions; and lay the foundations for longer-term progress. An inception phase allows donors to build their understanding of the political and security context, to effectively target their support, and to assess where donor support adds value.

Programmes need to help identify local drivers of reform and be flexible in supporting local ownership as it emerges. The process of identifying and fostering ownership requires continuous attention, and it cannot be assumed that ownership will be easily identifiable or coherent at the point at which international actors begin to engage. Flexibility is needed to respond to trajectories and trends of ownership, differentiated across security system organisations and beneficiaries — both state and non-state — and over time. At all costs, donors need to avoid the temptation to support supply-driven initiatives.

The bottom line is that reforms that are not shaped and/or driven by local actors are unlikely to be implemented effectively or sustained.

The international community must support partner countries in leading SSR processes as the starting point for sustainable reforms. But because ownership and leadership are never monolithic and not always easy to determine, opportunities to foster multi-stakeholder coalitions for change should be prioritised. Donors must work with partners to ensure that initiatives to support the delivery of security and justice are sustainable — financially, institutionally and culturally. Sustainability is a key issue in the design and delivery of support for security and justice service delivery.

SSR programmes must consider the need for a multi-layered or multi-stakeholder approach. This helps target donor assistance to state and non-state justice and security providers simultaneously, at the multiple points at which actual day-to-day service delivery occurs. A multi-layered strategy helps respond to the short-term needs of enhanced security and justice service delivery, while also building the medium-term needs of state capacity and critical governance structures.

Promote whole-of-government approaches to SSR implementation

Donors should strive to develop specific whole-of-government capacity to support SSR. Integrated teams that bring together technical expertise with the necessary political, change management, programme management and communications skills are critical. Cross-government training is required to enable those involved in supporting SSR to have a strategic, political and technical understanding of SSR. This handbook provides the necessary strategic framework to co-ordinate technical inputs across donor governments. To be effective and strategic, whole-of-government approaches should be built on shared understanding of and respect for the different mandates, skills and competencies of security, rule of law, development and diplomatic communities. Transparency of objectives, allocations and operations promotes coherent strategies.

SSR objectives need to focus on the ultimate outcomes of basic security and justice services. Evidence suggesting that in sub-Saharan Africa at least 80% of justice services are delivered by non-state providers should guide donors, encouraging them to take a balanced approach to supporting state and non-state provision, while understanding and respecting the context in which these services are being supplied. In such contexts, programmes that are locked into either state or non-state institutions, one to the exclusion of the other, are unlikely to be effective.

The international community should use appropriate instruments and approaches for different contexts, and should build support across the justice and security system to ensure a more strategic approach to SSR. Options include:

i. A problem-solving approach, focusing on solving one security or justice problem (such as violent crime, prison overcrowding or court backlogs) as an entry point from which to mobilise system-wide engagement.

ii. An institutional approach, where there are existing pro-reform initiatives at an institutional level that can be supported (such as a government-initiated review of the prison or police service). Linkages to other institutions can then develop over time.

iii. A phased approach to post-conflict situations focusing on understanding and, where possible, integrating stabilisation — “securing the peace” — and development-oriented objectives.

iv. A comprehensive approach which includes reviewing the effectiveness and accountability of the whole security and justice system in order to build linkages across it. Although rarely available at the outset, a comprehensive approach would be the eventual goal of either of the approaches outlined above.

v. While multi-stakeholder projects and programmes are core instruments for SSR, donor budget support programmes provide important opportunities to consider security sector financing issues.

Donor harmonisation and alignment with national objectives

The international community needs to align support with national objectives and development frameworks. Despite the key findings of the 2002 World Bank "Voices of the Poor" report, which found that safety and security were the number one priority of the poor, these issues are rarely considered in the development of Poverty Reduction Strategies (PRSs). Inclusions of security and justice into national development plans will reinforce the need to balance security needs with the needs of the broader society. It will also support the promotion of a more people-centred approach to the delivery of security and justice, as well as a renewed focus on service delivery.

An integrated approach should be taken towards supporting SSR in immediate post-conflict situations. There are clear linkages between SSR and peace agreements, international peace support operations (PSOs), programmes for the disarmament, demobilisation and reintegration of ex-combatants (DDR), transitional justice initiatives, and small arms and light weapons (SALW) control programmes. Ensuring that these tools and approaches are designed and delivered in a coherent and co-ordinated manner, with each informing and supporting the other, is important in delivering effective support for the overarching peacebuilding objective. The financial sustainability of security structures developed in a post-conflict environment is also a key issue to be considered.

Choosing the right entry-point leading to broader system-wide reforms

The handbook should be used to help place sub-sector reforms in the context of system-wide needs. The sub-sector guidance provided in the handbook covers ways to link reforms to the broader security system, how to sequence reforms, potential starting points for reform, particular programme design issues, common challenges, and particular features of post-conflict SSR needs. The sub-sectors covered include: i) democratic oversight and accountability; ii) defence reform; iii) intelligence and security services reform; iv) border management; v) policing; vi) justice (judicial and legal) reform; vii) prisons; viii) private security and military companies; and ix) civil society engagement.

Monitoring, review and evaluation

A system of performance management should be integrated into the design of SSR programmes to track progress and impact. Establishing a system of ongoing monitoring and regular review can ensure that programmes are adapted to respond to changing contexts. Increased emphasis on the importance of evaluations can help identify the broader lessons learned and inform the design of future programmes.

SCHEMATIC FOR THE OECD DAC HANDBOOK ON SECURITY SYSTEM REFORM

Topic	Objective	Key Issues	Outcome
Section 1 Principles for implementing security and justice reform	To establish the basic principles for security and justice system reforms	DAC Guidelines Basic principles Overview of security and justice system reform processes	**Outcome 1** The rationale, approach and architecture of the IF-SSR Framework
Section 2 Fostering a supportive political environment	To outline the political nature of SSR and how to build support for security and justice reform	Why SSR is a political process Getting SSR on the agenda The inception phase Co-ordinating SSR support Preparing the terrain	**Outcome 2** Enhanced awareness of the centrality of political factors in establishing effective SSR and justice system reform programmes
Section 3 Undertaking SSR assessments	To outline the core elements of the assessment consultation process and method	Key lessons learned / problems Assessment types The assessment process The assessment methodology Key analytical questions	**Outcome 3** Heightened awareness of core assessment processes, methods and tools
Section 4 Designing support programmes for SSR processes	To establish the basic design framework for security and justice system reform	**Design** Principles Entry points Country processes Funding mechanisms	**Outcome 4** Awareness of fundamental principles of effective security and justice programming design and processes
Section 5 Strengthening national capacity	To strengthen core national reform capabilities	**Core capabilities** Policy making Strategic planning Budgetary processes Management capabilities	**Outcome 5** Enhanced focus on strengthening core national policy making — planning and budgeting capacities
Section 6 Integrated approaches to SSR in post-conflict contexts	To ensure integrated approach to SSR in countries emerging from conflict.	**SSR linkages with:** PSOs, DDR, small arms control and transitional justice	**Outcome 6** Clearer link with post-conflict initiatives, bridging the gap between post-conflict and developmental SSR
Section 7 Implementing SSR sector by sector	To present core security and justice system implementation guidelines	**Sectors** Democratic oversight, civil society, defence reform, intelligence, border management, policing, justice, prisons, private sector	**Outcome 7** Linking reform across the security and justice system More focused, effective, efficient and co-ordinated external support for core SSR sectors
Section 8 Managing international assistance programmes	To present guidelines on how to manage SSR programmes and centrality of reviews, monitoring and programme evaluations	**Learning lessons through;** Strengthening processes service delivery, objectives, indicators, outcomes, information and MIS	**Outcome 8** Adoption of a service delivery approach to SSR that is affordable, people-focused, monitorable and accountable.

SECTION 1: PRINCIPLES OF SECURITY SYSTEM REFORM

Objective of this section

This section provides an overview of the main principles for supporting security system reform, as contained in the 2005 *OECD DAC Reference Document on Security System Reform and Governance*. The main issues addressed in this section:

1. Introduction: The importance of security system reform (SSR)
2. Purpose of this handbook
3. Principles of SSR
4. Engaging both state and non-state actors
5. Current gaps in implementation
6. Adapting donor support programmes to the national SSR process
7. Who could benefit from this handbook?
8. How to use this handbook?

1. Introduction: The importance of security system reform (SSR)

Security from disorder, crime and violence is fundamental for reducing poverty and achieving the Millennium Development Goals (MDGs) — and, more broadly, for sustainable economic, social and political development. According to the 2005 Human Development Report, "violent conflict is one of the surest and fastest routes to the bottom of the HDI (Human Development Index) table — and one of the strongest indicators for a protracted stay there". Since the early 1990s, developing countries have accounted for over half of all armed conflicts — almost 40% of which occurred on the African continent. Over the same period, crime and armed violence in countries throughout Latin America and the Caribbean, Central Asia and the Balkans are believed to have escalated, contributing to heightened real and perceived insecurity for literally millions of people.

If states are to create the conditions in which they can escape from a downward spiral wherein insecurity, crime and underdevelopment are mutually reinforcing, socioeconomic, justice and security dimensions must be tackled simultaneously. Despite the key findings of the 2002 World Bank "Voices of the Poor" report, which found that safety and security were top priorities of the poor, these issues are rarely considered in national development strategies. The Inter-American Development Bank (IADB) has estimated that the cost to a country like Peru if business owners do not trust justice and conflict resolution systems is between USD 65 million and USD 200 million per year in gross domestic product.

Security system reform has emerged as a vital international concern. The *OECD DAC Reference Document on Security System Reform and Governance*, approved by development ministers and agency heads and by the OECD Council in 2004, helped donors recognise the positive role that the integrated reform of a country's security system can play in stabilising fragile, crime-prone, conflict-affected and post-conflict states.

Work on SSR in the DAC has developed over nearly a decade of efforts to improve development co-operation approaches to conflict prevention and peacebuilding. Since 2004, OECD countries have drawn extensively on the Guidelines when developing their own policies on SSR engagement. The DAC Guidelines on SSR not only provided donors with a new direction and understanding of the security-development nexus, but also led them to question how their programmes are designed, implemented and evaluated. Yet there remains a strategic deficit between international policy and the practical support that many international actors provide to SSR processes. Programming in this area is relatively new, so lessons are being learned steadily as more international efforts develop.

2. Purpose of this handbook

Closing the gap between policy and practice is one of the main objectives of this handbook. It provides practical guidance for policy makers and practitioners — development officials, diplomats, police, the military, judges, prosecutors, lawyers, prison officers and consultants — who are engaged in providing support for SSR. The handbook draws on good practice to provide lessons learned in conducting assessments, identifying entry points, designing and managing assistance programmes, and monitoring and evaluating progress.

This handbook identifies lessons from bilateral donors, UN agencies, regional organisations and international financial institutions. It covers the range of issues that may sometimes be termed security sector/system reform, rule of law and access to justice. It also draws on experience from development assistance programmes on security and justice issues and from peace support operations. The handbook has been written by and for practitioners working to address insecurity and to support access to justice. It aims to help align the standards and practices of the international community with the objectives of partner countries. It is the result of a two-year consultative process and incorporates experience gathered by practitioners, donor officials both in the field and in headquarters and practitioners in partner countries, who have worked on SSR over the past decade throughout the world.

The process has brought together development, security and diplomatic actors to ensure that the handbook incorporates knowledge of the political, governance and technical nature of SSR, and that it encourages an integrated approach to make international support to SSR programmes both effective and sustainable. The developmental approach can help ensure that the "harder" technical inputs provided by diplomatic and security actors are responsive to local needs and recognise the importance of strengthening governance. Though written for international actors, it is hoped that this handbook will also be useful for partner countries, supporting them in leading SSR development processes.

3. Principles of SSR

The overall objective of international support to security system reform processes is to increase the ability of partner countries to meet the range of security and justice challenges they face, "in a manner consistent with democratic norms, and sound principles of governance and the rule of law", as defined in the *DAC Guidelines on SSR*. SSR helps create a secure environment conducive to other political, economic and social developments, through the reduction of armed violence and crime.

The focus for international actors should be to support partner countries in achieving four overarching objectives:

i) Establishment of effective governance, oversight and accountability in the security system.
ii) Improved delivery of security and justice services.
iii) Development of local leadership and ownership of the reform process.
iv) Sustainability of justice and security service delivery.

Basic working principles for donor support to SSR processes, as agreed in the policy statement in the *DAC Guidelines on SSR* (see Annex 1), underline that SSR should be:

- People-centred, locally owned and based on democratic norms and human rights principles and the rule of law, seeking to provide freedom from fear and measurable reductions in armed violence and crime.
- Seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations, through more integrated development and security policies and through greater civilian involvement and oversight.
- Founded on activities with multi-sectoral strategies, based upon a broad assessment of the range of security and justice needs of the people and the state.

- Developed adhering to basic governance principles such as transparency and accountability.
- Implemented through clear processes and policies that aim to enhance the institutional and human capacity needed for security policy to function effectively and for justice to be delivered equitably.

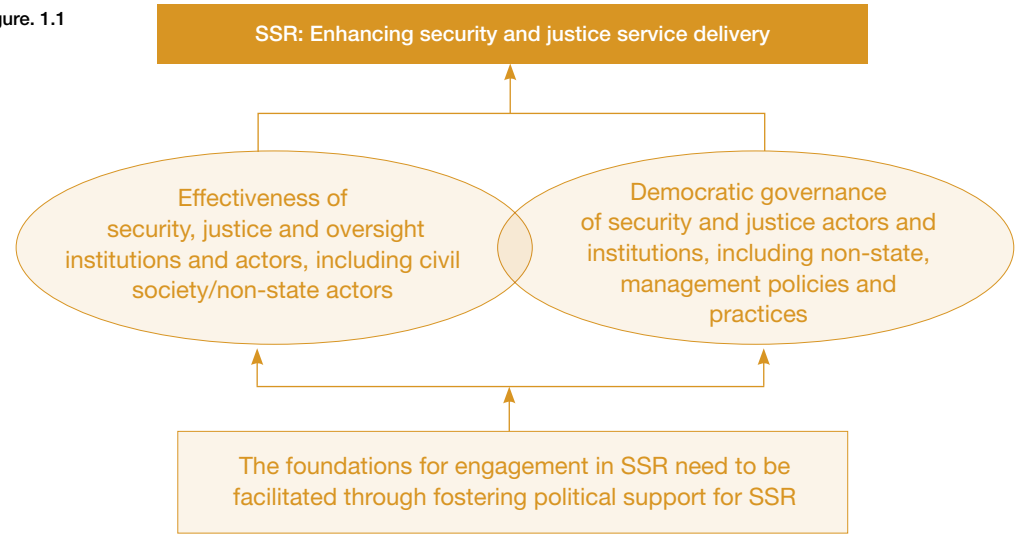
4. Engaging both state and non-state actors

Understanding who provides security and justice is central to SSR. The reality in most countries is that these services are delivered by a large number of actors. Some are state agencies and services, but some are likely to be non-state organisations and systems. Although the state has an irreducible role in justice and security provision, effective reform across the system requires working with a broad spectrum of actors.

The security and justice system is defined by the OECD-DAC as including all those institutions, groups, organisations and individuals — both state and non-state — that have a stake in security and justice provision. The DAC Guidelines on SSR state that the security system includes:

- **Core security actors:** armed forces; police service; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; and reserve or local security units (civil defence forces, national guards, militias).
- **Management and oversight bodies:** the executive, national security advisory bodies, legislative and legislative select committees; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget officers, financial audit and planning units); and civil society organisations (civilian review boards and public complaints commissions).
- **Justice and the rule of law:** judiciary and justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems.
- **Non-statutory security forces:** liberation armies, guerrilla armies, private security companies, political party militias.

Figure. 1.1



Experience shows that international support to SSR is most effective when donor programmes take a strategic approach and help build linkages between reforms across the security system. For example, supporting the development of the police service in isolation of the broader criminal justice system often has limited impact. It is therefore useful to spend time to understand and build links between the various sectors that make up the security system. Some find it useful to see the security system as being made up of smaller sub-systems, such as the following examples:

- Criminal justice system (police services, judiciary, prosecution service, lawyers, probation workers, oversight institutions, community justice providers).
- Intelligence system (police, intelligence collection agencies, strategic analysis organisations, military, oversight institutions).
- State security system (police services, security and intelligence services, military, border guards, oversight institutions).

5. Current gaps in implementation

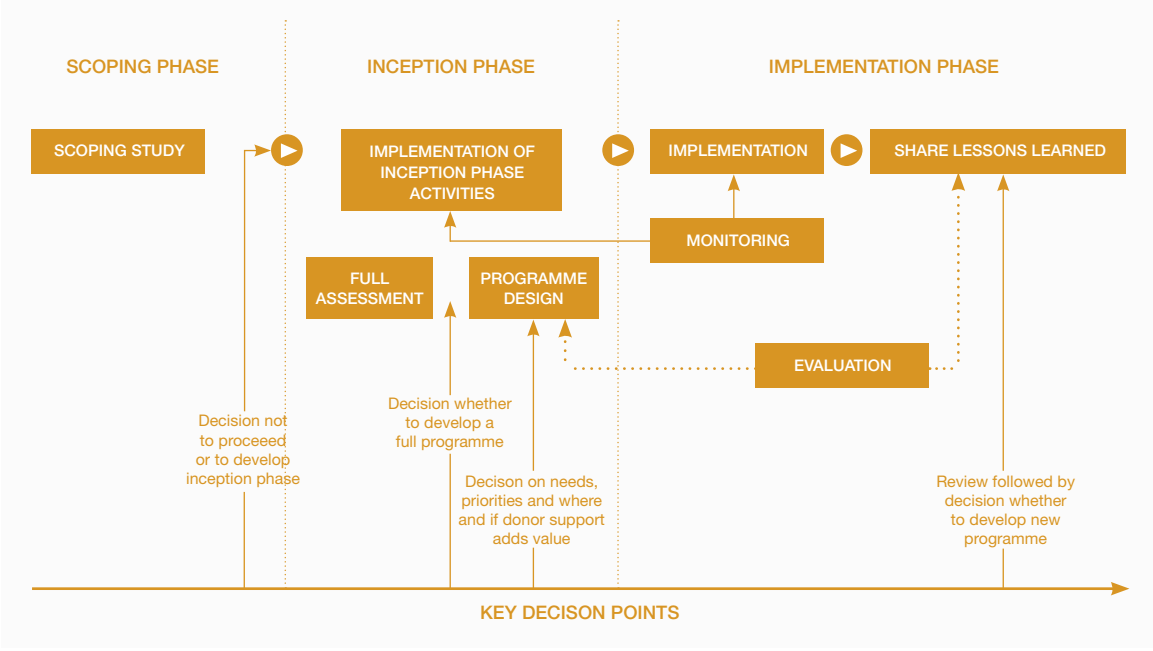
A number of shortcomings in the international community's engagement in SSR were identified in the course of developing this handbook. For example:

- SSR is still discussed at the conceptual level in headquarters and delivered and funded at the tactical level in the field. Overcoming this strategic gap between headquarters policy and field delivery is one of the main objectives of this handbook.
- Donor governments often use serving police, military and prison officers and legal officials to support their SSR programmes (especially in post-conflict contexts). While these practitioners have technical expertise in their specific sectors, more guidance is required for those being deployed, to give them a better understanding of: i) the political nature of security system reform; and ii) governance and broader technical needs — including how to link reform across the security and justice sectors. In addition, many have never been involved in development activities or an institutional reform process and may require specific guidance on how to identify potential entry points, assess needs, design and manage support programmes, and promote sustainable change.
- Similarly, many development agency staff and diplomatic professionals often have little if any background or expertise in security and justice issues, and would benefit from greater understanding of the challenges in bringing about sustainable improvement in service delivery. Greater cross-fertilisation of experience and expertise across relevant departments, including secondments, would be beneficial in overcoming this capacity gap. Support for justice and security development requires a whole-of-government approach. The international actors involved are responsible for ensuring that the right mix of expertise is present in programme teams on the ground, and that this assistance is effectively co-ordinated.
- Programme officers (from development, diplomatic and security agencies) in the field and in headquarters could benefit from a better understanding of the technical as well as political issues related to SSR. The implementation of SSR programmes is increasingly being subcontracted and, as a result, programme officers need to have an in-depth understanding of SSR processes and sector-specific reform needs so as to both guide and oversee subcontractors. Similarly, subcontractors may not be aware of donor policies or what a developmental approach to SSR means for SSR programming.
- International actors need more tools if they are to move from *ad hoc*, often short-term projects that may focus primarily on "quick wins" to a more strategic form of engagement. There is a need to develop more comprehensive approaches to assessment that result in the design of realistic and focused programmes that support partner countries. A more effective approach to monitoring, review and evaluation is also vital. Indicators are needed to track progress through the results chain from inputs, process, outputs and outcomes through to impact. As the objective of SSR is to support the delivery of security and justice to all communities, this must

be the basis for evaluating programmes. Monitoring and evaluation should take into account citizens' perceptions as well as considering quantitative data.

- Experience has shown that SSR programmes often tend to exclude certain institutions such as those dealing with justice; donors tend to focus their engagement on one or two sub-sectors. This undermines the adoption of a comprehensive approach, and fragmentation of the system can prevent the establishment of a cohesive national policy framework. Similarly, fiscal sustainability issues tend to be ignored, and standard public finance management approaches are rarely included in SSR programmes. Security and justice institutions are often seen as separate from the public sector, subject to different pay scales and with different processes, rules and regulations. It is important that state institutions within the security system be recognised as part of the broader public sector and integrated into initiatives aimed at public sector reform — including those addressing financial management, procurement, audit and human resource management.

Figure. 1.2 Overview of an external assistance programme for SSR



6. Adapting donor support programmes to the national SSR process

Change management processes are always challenging. In many developing countries, this difficulty is compounded by a deficit of capacity and of political or social cohesion — and, in some cases, by violent conflict. Strengthening security and justice service delivery through an inclusive process takes time. In South Africa, a stable and democratic society, the process of instigating reform within the defence sector took six years — two years to develop a Defence White Paper, two years to conduct a Defence Review and two years to translate this into a Defence Act. The added challenge is that reform is not undertaken in a vacuum. Security and justice institutions and actors must continue to provide their services while planning and implementing reform. This presents a particular challenge when it comes to allocating resources and ensuring that those who are assessing reform needs have the time and capacity to do so.

The challenge for international support to SSR processes is to understand and incorporate such time scales into programmes. An SSR process can take a generation, and different international actors may provide support during different phases of the process. For example, one assistance programme could focus on building a dialogue on security and justice development, another support a national SSR assessment, and another support implementation. With such long-term goals, it is essential that the process (and thus the programmes of support) be consistently reviewed, and fine-tuned and redirected when necessary. Implementing a long-term vision of reform or development in the security and justice sectors requires consistent medium- to long-term support. This can often be difficult when funding cycles are only annual or biannual. The international community needs to be creative in finding innovative ways to adapt its support programmes and funding systems to the long-term needs of partner countries.

7. Who could benefit from this handbook?

This handbook is targeted at development, security and diplomatic personnel — both practitioners in field missions and those working on policy and strategy issues at headquarters. The box below highlights its various benefits.

Table 2.1 **Benefits that different readers will derive from this handbook**

Role	Responsible for	What the handbook can provide
Policy officers from development, security and diplomatic agencies	Development of donor policy (defence, foreign affairs or development policy) in engaging developing countries — ensuring greater cross-government coherence.	An understanding of the key principles of SSR and the policy responses and whole-of-government capacity required to support SSR processes. See also Security System Reform and Governance.
Country desk officers from development, security and diplomatic agencies	Development of country strategies; the planning, assessment and design of country programmes within donor policy frameworks. Assessment of the time scales and human and financial resources required for programme implementation.	Guidance on the assessment and design process, identifying and managing risks and integrating effective assessment, monitoring, review and evaluation into support programmes.
Development agency, in-country embassy staff	Relations with partner countries, support of partner country efforts to tackle both development and security issues.	How to support dialogue processes, build a conducive political environment and develop national capacity. How to manage country-level assistance programmes, and link SSR with national peace or development processes.
Defence attaché or police liaison officers	Relations with relevant partner country ministries, providing technical advice and expertise and facilitating information sharing with partner country — often a conduit through which requests for SSR assistance come.	How to assess needs and place them within the wider political and security system context. How to balance support for capacity and governance development, and ensure coherence in support with other government departments. Guidance on sector-specific issues.
Security, development, rule of law and democratisation officials/advisers deployed in developing countries	Design and management of programmes and projects, and provision of technical expertise.	How to manage SSR programmes and support the development of national SSR reviews/strategies, guidance on possible entry points and sector-specific issues.

>>> continued

Role	Responsible for	What the handbook can provide
Justice/rule of law experts, police, military, prison officers deployed as part of peacebuilding missions	Design and implementation of programmes at country level — including input into the assessment and design of programmes.	How to assess needs, support national actors, promote development of national capacity, build links across the security system and ensure greater coherence between security, diplomatic and development objectives.
Planners for peace support operations (PSOs)	Assessing and planning the human, financial and security requirements for peace support operations. Consideration of how short-term (security) needs fit into the long term (development).	An understanding of how PSOs have a crucial role to play in laying the foundations for SSR. How to ensure coherence between PSO and development objectives.
Private sector consultants	Implementation support to development agency programmes, engagement with partner country officials.	An understanding of development agency policy, strategy and objectives with regard to SSR and how these should be reflected in the delivery of assistance programmes.

8. How to use this handbook

The handbook is structured as follows:

Section 2 – Fostering a supportive political environment

This section sets out the political nature of SSR and the challenges faced when trying to place security and justice reform on the public policy agenda. It helps practitioners to work with local partners to develop understanding and dialogue between security and justice providers and beneficiaries. This in many ways is the most crucial engagement, as it creates the space in which the issue of reform can be discussed openly while also providing the international community with the understanding necessary to help partner countries assess the exact needs and requirements for reform.

Section 3 – Undertaking security system reform assessments

This section provides a new assessment tool that includes straightforward guidance on how to assess the local context. It covers: conflict and political analysis; assessing the governance and capacity of the security system; identifying the needs of the poor; and highlighting other frameworks and programmes with which SSR could be linked. This section offers practical suggestions on both the methodology and the process that best suits a particular situation.

Section 4 – Designing support programmes for SSR processes

This section focuses on how to design an SSR assistance programme. Local ownership should be the point of departure, and this section examines some key ways of ensuring that it is. It also advocates that programmes consider the need to follow a multi-layered strategy that combines: i) immediate support to enhance service delivery with support to build state governance capacities; and ii) support to state and non-state justice and security actors. This section also suggests ways of ensuring that monitoring, review and evaluation processes are integrated into programme design.

Section 5 – Strengthening national capacity

This section provides practical guidance on strengthening the capacity in partner governments and civil society to develop, manage and implement SSR. Without action to strengthen the institutions and processes through which policy is made, the financial and human resources in an SSR support initiative will inevitably be undermined. The focus here, then, is on four vital areas of capacity development: i) strategic planning and policy making; ii) budgetary processes; iii) management; and iv) monitoring, review and evaluation.

Section 6 – Developing an integrated approach to SSR in post-conflict contexts

This section explores how to develop an integrated approach to SSR in countries emerging from conflict. It examines important linkages with peace support operations, DDR programmes, small arms control and transitional justice. Guidance on specific post-conflict challenges in different areas of SSR such as defence and police reform is provided in Section 7.

Section 7 – Supporting the various sectors that make up the security system

The sectors covered include: i) civilian oversight and accountability; ii) defence reform; iii) intelligence and security services reform; iv) border management; v) policing; vi) legal and judicial reform; vii) prisons; viii) private security and military companies; and ix) civil society. The sector guidance covers how to link reforms to the broader system, how to conduct an assessment, how to sequence reforms, potential entry points for reform, key issues for programme design, common challenges, and specific features of post-conflict SSR in each area.

Section 8 – Managing international assistance programmes

This section examines how donors can manage their SSR assistance programmes, co-ordinate their efforts, and effectively monitor, review and evaluate programmes of support; how to increase cross-government and international co-ordination; and how to ensure adequate oversight of subcontractors and harness the skill sets required to support partner country SSR processes.

Additional Resources

The following are recommended resources for further information on the cost of insecurity and SSR policy that have helped inform this section:

1. **Chalmers, Malcolm (2005), *Spending to Save: Is Conflict Prevention Cost Effective?* Centre for International Cooperation and Security, Department of Peace Studies, University of Bradford,**
   http://www.bradford.ac.uk/acad/cics/publications/spending/working_paper_1.pdf
   Develops an approach to estimate the costs and benefits of conflict prevention and operationalises it using several retrospective and prospective case studies.

2. **Collier, Paul and Anke Hoeffler (2004), *The Challenge of Reducing the Global Incidence of Civil War*, Copenhagen Consensus Challenge Paper,**
   www.copenhagenconsensus.com/Files/Filer/CC/Papers/Conflicts_230404.pdf
   Analysis of the costs and benefits of three opportunities to reduce the incidence of civil wars: conflict prevention, shortening of existing conflicts, and post-conflict policies.

3. **World Bank (2003), *Breaking the Conflict Trap: Civil War and Development Policy*, World Bank Policy Research Report, Oxford University Press,**
   Identifies the consequences of civil war on development and proposes an agenda for practical action

4. **OECD (2001), *Helping Prevent Violent Conflict, The DAC Guidelines,* which includes *Conflict, Peace and Development Co-operation* Guidelines Series,**
   www.oecd.org/dac/conflict/preventionguidelines
   These guidelines set out the importance of conflict prevention as an integral part of the quest to reduce poverty and explore ways for donor governments to honour their commitment to help prevent conflict and promote peace.

5. **OECD (2004), *Security System Reform and Governance*, DAC Guidelines and Reference Series,**
   www.oecd.org/dac/conflict/ssr
   Based on good practice examples, this paper sets out how donors can approach security system reform as a governance issue. Whole-of-government approaches and partner country buy-ins are identified as critical for success.

6. **OECD (2004), "Security and Development Nexus: Challenges for Aid",**
   http://www.oecd.org/dataoecd/7/60/31785359.pdf
   Debates the need for security and development programmes to work together to support peace and prevent conflict. Also highlights the challenges that will result for the engagement of security and development actors in aid environments.

SECTION 2: FOSTERING A SUPPORTIVE POLITICAL ENVIRONMENT

Objective of this section

This section highlights the political nature of support to SSR programmes. It explores how international actors can identify the constraints and opportunities for security and justice reform and help raise the issue onto the national agenda. It examines how to increase local ownership through developing an inception phase in assistance programmes. The main issues addressed in this section include:

1. Introduction: SSR as a political process
2. Ensuring a conflict-sensitive approach
3. Different contexts for security and justice development
4. Getting SSR onto the national agenda
5. Inception phase of donor engagement

Key lessons learned

- SSR is a highly political process, so time spent preparing the political terrain and understanding the context of reform is time well spent.
- Integrating an inception phase into an SSR programme allows donors to build their understanding of the political and security context, to effectively target their support and to assess where donor support adds value.
- If local ownership is taken seriously, it changes the means and manner of engagement in SSR; as such, SSR assistance should be designed to support partner governments and stakeholders as they move down a path of reform, rather than determining that path and leading them down it.

1. Introduction: SSR as a political process

Security system reform and international assistance to support it are inherently political processes. The ways in which justice and security are provided and governed by state and non-state institutions underpin a country's balance of power. Box 2.1 on Afghanistan illustrates the point. Security system reform has an explicitly political objective — to ensure that security and justice are provided in a manner consistent with democratic norms, human rights principles and the rule of law. Reform processes inevitably create winners and losers as they challenge vested interests and existing power relationships. Justice and security reform is therefore best approached as a governance issue and not simply as a technical activity.

It is important that international actors understand local realities and carefully foster a supportive political environment before engaging in long-term assistance programmes. Important components of this phase of an SSR process include:

- Conducting comprehensive assessments.
- Understanding and promoting local ownership and capacity.
- Identifying and supporting champions of reform.
- Supporting pilot projects.
- Assessing whether donor support adds value.

These components are often prerequisites for effective international engagement, and all of them require time. Yet too often they are neglected or accorded insufficient time when a programme is launched, mainly due to pressure to achieve immediate and demonstrable results. This highlights the importance of developing an inception phase in assistance programmes that allows sufficient time for the above measures to be undertaken prior to engaging in a full programme.

Experience shows that SSR is a long-term process and that it is effective when internally driven. The role of the international community is primarily to support and facilitate. In some post-conflict and

fragile state contexts, external actors may initially be required to take more of a leading role to help stabilise the security situation. But the focus should be on building the capacity of local actors to take on the leadership role as soon as possible.

The local context will shape and inform the objectives and outcomes of any SSR assistance programme. This handbook does not attempt to provide a set template of how to provide justice and security development assistance in all contexts. It should help relevant actors think about "what" to do, as well as "how" to do it, and in what order. SSR is complex, ambitious and time- and resource-intensive, particularly as it is often conducted in countries affected by violent conflict and weak governance. Holistic and comprehensive reform — or a system-wide approach — is SSR's over-arching objective, and may be readily pursued in some cases. But in many places, such goals may (at least initially) be politically unrealistic. The chances of assistance being effective increase when international actors are pragmatic, adopt a problem-solving perspective, and are responsive to changes in the political environment. Above all else, it is important to be aware of the limitations of externally driven change and to accept that local actors must be in charge of their own justice and security development.

The political sensitivity of security issues can create resistance to external assistance in developing countries. National defence and internal security are the traditional cornerstones of state sovereignty. Developing countries' concerns tend to relate to their fears that: (i) donor countries might gather intelligence about their security services; (ii) donor countries might pursue strategic interests that are at odds with those of the host country; and (iii) there is a danger of becoming or remaining a client state, dependent on patrons for security and defence. But when security is viewed in its wider sense, as involving a range of development issues, this may legitimise donor engagement and open the door to a more constructive dialogue. Acknowledgement of the need for governments to address this issue in line with their own priorities and circumstances can further help to allay the concerns of many stakeholders.

Jeremy Hartley/Panos Pictures

SENEGAL: Dialogue in action — Fulani men in village meeting.

Ideal preconditions for reform rarely exist. Keen awareness of the dilemmas and risks involved in providing security system assistance is required on a case-by-case basis. Where the rule of law is weak and a culture of impunity exists, donor contact with the security bodies may grant them legitimacy and undermine reform objectives. In such cases, donors may seek to mitigate risks through tighter control of the reform process. However, this makes it harder to achieve a genuinely consultative approach. By restricting their involvement to countries where these kinds of dilemmas are not so acute, donors may be able to avoid the misuse of development funds. Inaction, however, also has an important impact on human welfare, and the consequences need to be openly confronted if the risks and returns associated with transforming the security system are to be comprehensively assessed. Even when a government is strongly committed to a reform process, donors may have to work with security forces that have been involved in serious human rights abuses. That has to be done in a way that does not legitimise the abuse. This provides another reason for engagement and exchange between development officials and security actors from donor governments.

Box 2.1. Dealing with political realities: SSR in Afghanistan

The evolution of military reform in Afghanistan demonstrates the political implications of the choices made in SSR programming. At first, it was believed that "state re-building in Afghanistan could only be based on the cooption of the warlords into the [centralised] state administration and security forces" (Giustozzi, 2004, p.3). Thus disarmament, demobilisation and reintegration (DDR) programming was advanced as an over-riding priority. An initial result was that one ethnic group, the Panshiri Tajiks, dominated the ministry of defence, the nascent Afghan army and the powerful intelligence agency, the National Security Directorate. Following a further review of the situation, however, it was acknowledged that this demographic imbalance had to be rectified. Each of Afghanistan's competing ethnic groups needed to be appropriately represented within the security sector and "warlordism" more directly confronted. To begin to achieve this dual objective, new SSR initiatives had to be instituted to complement DDR. These included the assignment of new deputies for the army chief of staff, four of whom came from underrepresented ethnic groups; the reform of the ministry of defence, with special attention paid to mid-ranking ministry officials; and the establishment of new recruitment centres throughout the country to balance ethnic representation among the rank and file troops.

The Afghan example highlights the importance of understanding local political realities and analysing the likely impact of reform initiatives. It demonstrates the need for ensuring that reforms are sensitive to key issues such as ethnicity and are targeted to help address root causes of tension.

Source: Giustozzi, Antonio (2004), *"Good" State vs. "Bad" Warlords? A Critique of State-Building Strategies in Afghanistan,* Working Paper No. 51, Crisis States Research Centre, LSE.

2. Ensuring a conflict-sensitive approach

Justice and security institutions should play an important role in the management of conflicts within any society. However, abusive and unaccountable security forces and discriminatory justice institutions can cause violent conflict. International actors increasingly recognise that SSR is a high priority for conflict prevention, peacebuilding and development. But, given the sensitive role of the security system in society, there is a risk that if assistance programmes are not carefully targeted they could inadvertently exacerbate tensions. For example, increasing the operational capacity of law enforcement agencies without improving their governance could fuel repression. And targeting programmes in one part of the country in a divided society could reinforce ethnic divisions and the marginalisation of disadvantaged groups.

This highlights the importance of taking a conflict-sensitive approach. As SSR programmes are often in countries affected by or at risk of violent conflict, it is important to understand the conflict dynamics and root causes as well as the perspectives of relevant stakeholders in order to develop programmes of support effectively. SSR programmes that integrate a conflict-sensitive approach can help support peacebuilding and mitigate tensions by, for example, increasing the access to justice of marginalised groups or enhancing trust between the police and local communities. International actors need to be aware of these risks and opportunities when considering whether to engage in security and justice development in countries prone to violent conflict. Failure to do so could result in assistance programmes actually fuelling conflict. (See the Saferworld website, http://www.saferworld.org.uk/en/conflict_tools.html.)

3. Different contexts for security and justice reform

A key lesson from SSR programmes is that each country context is different and approaches have to be tailored to address the local environment. However, there are some broad distinctions between different types of countries that are important to bear in mind when designing assistance programmes.

The key factor is often the level of security and stability in a country. The challenges and opportunities for SSR, and the appropriate approaches to reform, can differ between post-conflict countries and more stable environments. Section 6 focuses on supporting security and justice reform in post-conflict contexts and highlights the importance of ensuring an integrated approach to reform.

Another key issue is the need to understand the variety of political, legal, bureaucratic and religious institutional arrangements that operate in developing countries. For example, most English-speaking countries practice common law, and most Francophone and Latin countries practice civil law. This leads to differences in the structure of the justice system and the relationships between judges, prosecutors and the police (see Section 7.6 on legal and judicial reform). In some countries, religious legal systems play an important role — for example the Islamic *sharia* courts in parts of Nigeria or Somalia. Increasingly, legal systems are a hybrid of different traditions. An important distinction in the security sector is that in Francophone countries there is often a national system of gendarmerie, inspired by the French model. A gendarmerie consists of professional and armed police forces, especially but not exclusively deployed in rural areas. They are part of the military forces and therefore operate under military command, but they have civilian duties. That may have implications for the appropriate division of labour among security forces for internal security (see Section 7.5 on policing).

4. Getting SSR onto the national agenda

Justice and security reform begins in a variety of ways. In some cases the push for reform may come from the government; in others, civil society organisations may be the impetus for change. In many cases donor governments and international organisations raise the issue. An opening for international assistance to SSR often arises when government systems are in transition, when conflicts come to an end, or following a peace agreement, political crisis or elections. International actors can help raise SSR on a country's national agenda by:

- Responding to openings to support SSR.
- Taking local ownership seriously.
- Addressing resistance to reform and supporting drivers of change.
- Building political commitment, dialogue, and understanding.

4.1 Responding to openings to support SSR

International actors become engaged in many ways, including through DDR programming, armed violence reduction and small arms and light weapons control, civil service reform, public expenditure management and even land reform projects. These entry points often cut across the mandates of a broad range of different international actors and agencies.

Initial contacts may be made by development agency staff, such as governance advisers, or through dialogue between national security services. In other cases, issues may come up through regular diplomatic exchanges led by ambassadors or through contacts made by defence attachés. This illustrates that SSR is, by nature, a whole-of-government issue for both partner governments and international actors. Potential entry points or requests for assistance from partners need to be carefully assessed. A list of questions for comprehensive assessments is included in Table 3.2 in Section 3, but key issues to consider at the outset are highlighted in the box below.

Box 2.2. Issues to assess when considering opportunities for SSR assistance

- Whether partners recognise the need both to improve the effectiveness of the security system and to strengthen its governance and oversight.
- Weighing up the risks of engaging against the risk to local beneficiaries of not tackling challenges in the security system.
- Whether proposed areas of support address real needs.
- Whether the end-goal of reform is best served by keeping initial discussions low profile (given local political sensitivities), or whether there is the opportunity to support a wider public debate.
- What further information is needed to allow informed decision making on future programme design.

Whenever the local context permits, initial discussions between international actors and national partners should be expanded to include the participation of a wide range of state and non-state stakeholders. The engagement of civil society groups is often vital in fostering a supportive political environment through genuinely inclusive dialogue, especially when the country in question is politically unstable. Women's organisations have an important role to play here, as highlighted in Box 2.3 below. SSR is effective and sustainable when it is based on partnerships and is part of wider societal processes of political, social, economic and institutional development. For instance, crime reduction strategies are most productive when combined with education, healthcare, recreation and employment programmes.

Box 2.3. Including women in SSR processes

In the Mano River Union (Guinea, Sierra Leone and Liberia), a sub-regional network of women's organisations opened communications between warring factions, which led to trilateral talks among the three presidents. The network also successfully lobbied peace negotiators to ensure the inclusion of women's issues in the Liberian peace accords.

In South Africa, the active participation of women's constituencies transformed the defence reform process, turning it into a broad-based national discussion on issues of human security and a more responsive security system.

Opening up dialogue on security and justice issues may not always be immediately possible, particularly when the commitment of partner governments is weak. In such circumstances, international actors may need to demonstrate their understanding of local sensitivities and establish their credibility as partners while gradually seeking to broaden the debate to address wider issues and include more stakeholders.

In some cases, international actors may be in a position to stimulate and support the demand for SSR through political, diplomatic and development discussions with varying representatives of the national government, the security system and civil society. One approach is to encourage the formation or inclusion of civil society groups in regional associations and networks, such as the African Security Sector Network (www.africansecurity.org). Supporting the exchange of ideas and experiences between and among SSR practitioners from recipient countries through formal and informal dialogue or discussions between countries within the same region often proves a productive method of placing SSR onto the agenda, and is an activity that can facilitate donor engagement. This has been the case in Latin America and the Balkans, where setting up regional police organisations, such as the South East European Police Chiefs Association (SEEPCA), resulted in a collective sense of lesson learning and helped establish informal standards.

4.2 Taking local ownership seriously

"The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained" (Nathan, 2006, p. 6). In addition to local ownership, sustainability relies on four important elements, examined in detail in Section 4:

- Human capital.
- Financial resources.
- Cultural appropriateness.
- Institutional structures and systems.

Experience shows that SSR assistance should be designed to support partner governments and stakeholders as they move down a path of reform, rather than determining that path and leading them down it.[1] This in line with the Paris Declaration on Aid Effectiveness (www.oecd.org/dac/effectiveness/parisdeclaration), in which partner countries committed to "exercise effective leadership over their development policies and strategies, and co-ordinate development actions" and

donors committed to "respect partner country leadership and help strengthen their capacity to exercise it" (OECD, 2005). Reform processes will not succeed in the absence of commitment and ownership on the part of those undertaking reforms. Building local capacity is the most important focus for international support. The main pillars for capacity development for SSR are covered in Section 5.

4.3 Addressing resistance and supporting change

As emphasised earlier, planning for a potential international programme of support for SSR requires accurate analysis of the existing context. One of the key political risks is resistance to reform, because SSR potentially challenges vested interests, roles and power relationships. It is therefore crucial to study the dynamics of change and undertake a stakeholder analysis to assess who will lose and who will benefit from SSR initiatives, and how external support will be perceived by different interest groups. The openings for and resistance to reform identified by these assessments ought to be addressed throughout the process of getting SSR onto the agenda and, in particular, in the inception phase and the design of international programmes of support.

Resistance to development may in fact be heightened if an SSR programme is perceived to be driven by external interests. To address this in Indonesia, the donor community has supported meetings organised by local civil society groups to raise awareness of SSR concepts among government officials from the main security system ministries. Over a two-year period these meetings, conducted in the local language with no outsiders present, have prepared the ground for local acceptance and ownership of SSR.

Resistance to reforms may manifest itself in different forms; three key sources are:

- Political.
- Institutional/organisational.
- Individual.

The following issues are often important in addressing that resistance.

4.3.1 Understanding resistance to change

First, it is important for external actors to realise that national counterparts may have a better understanding of the challenges and have valid concerns about reform processes. From the perspective of those who oppose justice and security reform, their resistance is logical and rational. Resisters are defending their interests (material, cultural, political), or those of their organisation or group, as they understand them. An administrative judicial clerk, for example, may fear the implementation of an automated case management system for various reasons, such as loss of income from bribery or fear of losing employment due to lack of requisite skills. Paramilitary units within the police may fear the loss of power if the government's approach to policing changes from a law enforcement to a service delivery model. And the military may resist SSR if a key element is the transfer of responsibility for internal security to the police. Effective international support to SSR programmes recognises these motivations and seeks to address or mitigate them so as to prevent their obstructing the reform process. Identifying incentives for change across the range of relevant actors is a critical aspect of any reform programme.

4.3.2 Using language carefully

The word "reform" may be alienating to many local partners and can itself be a source of resistance. In order to foster a supportive political environment, talk of "development" or "professionalisation" may be better received. Emphasising the objective of helping security and justice institutions deliver a better service could also be useful. Improved effectiveness is often a key argument for winning local support (from communities and also security and justice institutions) and getting buy-in from resisters.

4.3.3 Supporting dialogue processes

Popular domestic pressure is another efficient and legitimate way of developing political commitment to address SSR, and one that is too often underestimated. The development of a broad constituency for change may involve supporting media, academics, civil society organisations, religious groups and local communities, to enable them to raise their concerns on justice and security issues. Such policy dialogue may create trust and shared understanding among local actors and offer means of over-coming potential resistance to justice and security development. The Ghana case study at the end of this section illustrates the point.

5. Inception phase of donor engagement

Experiences of developing SSR programmes in different countries show the benefit of establishing an inception phase to an SSR programme, *i.e.* a stage at which to address common challenges, build support and capacity, test assumptions, and lay the foundations for longer-term progress.

The useful length of an inception phase depends on the local context, but it can range from 12 to 18 months. The process is intended to build trust and confidence between the national government, local civil society organisations and the international actor(s) prior to launching a formal long-term SSR programme.

The practical objectives of an inception phase for international actors are fivefold:

- Build mutual confidence and trust between international and local actors on highly sensitive political issues.
- Assess if there is value-added in international support to an SSR programme and demonstrate credibility as a partner.
- Confirm the commitment of the partner government and other local actors to an SSR programme that addresses both governance and service delivery issues.
- Build understanding and dialogue on security and justice issues within the partner country.
- Conduct detailed assessments (conflict analysis, governance assessment, drivers of change, sources of tension, key agents of change, economic environment) that can inform the design of longer-term assistance programmes or donor decisions to support SSR or not.

Box 2.4. Bridging the gap between design and implementation

Inception phases can also help bridge the gap between programme design and implementation. There is often a damaging delay of up to 12-15 months due to cumbersome and time-consuming donor procurement procedures. This can have a significant negative impact on donor credibility and relationships with key local leaders and other actors. To address this issue in Serbia, a number of donors agreed to set up a fund for justice reform, overseen by that country's ministry of finance. This allowed the quick disbursement of funds and reduced the administrative burden. The disbursement of the funds was decided by a joint government/ donor committee.

If a full inception phase is not possible, alternative models can be used. For example, in the Balkans the Canadian International Development Agency (CIDA) approved an interim small-grants arrangement for rule of law programmes, managed by a senior consultant in-country that supported quick-impact, confidence building projects to help sustain momentum.

Typical activities that can be incorporated into an inception phase include the following.

5.1 Intra-regional exchanges

The practical experiences of regions in similar situations can be very powerful in demonstrating the benefits, risks and challenges of reform. In Bolivia for example, the government invited experts from Chile, Guatemala, Nicaragua and Peru to share their experiences of managing security and justice reform processes. Supporting such activities can help demonstrate that international actors are sensitive to the needs of the local context and not seeking to impose western models. Regional exchanges can help provide valuable insight and help cultivate regional partners who can play a supportive role as reforms develop.

5.2 Pilot projects

Pilot projects are often a useful means for international and national actors to engage in SSR without the risks or costs associated with a larger programme. If well designed, pilot projects can test new approaches and identify important lessons, as well as immediately strengthen service delivery to meet local needs. Many government officials and local people may initially be sceptical or resistant to reforms. By demonstrating the positive impact of a new approach — for example, the effect a local community-based policing project can have on reducing insecurity — pilot projects can build credibility and support for more ambitious reform programmes. Care has to be taken to maximise the benefits of such projects, as in some cases they become marginalised and little effort is made by international or national actors to learn lessons for wider application. Their location should also be carefully selected to address local needs and maximise the chances of success.

The lessons learned from pilot projects should be a springboard. The experience gained is useful for developing wider, long-term initiatives, as government officials and donors gain practical knowledge of designing and implementing sustainable SSR. This, however, requires adequate monitoring and evaluation of pilot programmes, and sufficient time for these activities should be included in the planning of an inception phase. Recent pilot projects promoting community-based armed violence reduction and small arms control in Haitian slums, for example, ultimately formed the template for national DDR and SSR strategies.

Experience has shown that the "train and equip" initiatives often supported by international actors are unsustainable and ineffective if they are not linked with more far-reaching governance reforms, particularly the development of managerial processes and procedures. Often partner governments request training and capital equipment without having made an assessment of what the sector's or institution's real needs are. This can lead to donors providing large capital inputs with little understanding of their value or their long-term recurrent costs. It is important not to allow such "quick win" projects to become stand-alone activities. In such situations, dialogue with local partners is vital to fully assess needs and ensure that any support is viewed in the context of a longer-term reform strategy.[2]

5.3 Capacity development

An inception phase also provides an important opportunity to help foster greater national ownership of SSR through capacity development activities. This will bring substantial benefits in helping to create a team of stakeholders who can drive the implementation process. Donor assistance priorities could include:

- Developing competencies in strategic and financial planning and organisational reform.
- Providing mentoring support to change agents.
- Supporting the development of local capacity to deliver training and education.
- Building the capacity of civil society organisations to engage with their governments on SSR issues.
- Developing the capacity of marginalised groups to hold their justice and security service providers to account.

5.4 Assessments

An inception phase may also provide the time to conduct more in-depth assessments of different issues that affect the sustainability and effectiveness of SSR programmes. The findings of these assessments can then be used to help refine the design of longer-term programmes. For example, expenditure reviews can be conducted to provide information on issues of fiscal sustainability; that information is crucial to "right-sizing" security forces over the medium to longer term. Assessment may also indicate that a reform process supported by external actors is not needed for reasons of political sensitivity, timeliness, lack of ownership, the conflict situation, etc. Examples of different types of assessment and how they can be conducted are contained in Section 3.

5.5 Assessing the added value of international support

A key issue for the inception phase is to assess whether there is added value in international support of long-term justice and security development. At the beginning of an inception phase, it is unlikely that an international actor will have enough information about the security system in a partner country to design an effective long-term reform programme. Inception phases therefore provide an opportunity to understand which actors provide security and justice, which undermine them, and the relationship between state and non-state justice and security service providers. It is important to assess:

- The extent of support for SSR from other international actors and opportunities for joint efforts.
- Any gaps that exist.
- Opportunities for co-ordination.
- The impact of international support on the prospects for reform.
- The risks attached to assistance.

5.6 Assessing partner country commitment

The need for reform is a necessary but not sufficient reason for international support. A precondition for sustainable justice and security development is the commitment to SSR by the partner government and other local actors. Often the willingness to address issues of governance is just as key an issue as the effectiveness of security and justice institutions. This underlines the importance of linking SSR to other governance and civil service reform.

It is important to recognise, though, that local commitment may be weak for good reasons, one of which may be that the political risks of reform are high. International actors may therefore face the challenging situation of simultaneously supporting initial SSR activities while (through their engagement) bolstering local actor commitment to such reform initiatives. International actors have to assess the situation and decide whether they can help build this commitment through their engagement. It is important to be risk-aware but not risk-averse in these situations. Donors are often cautious about engaging in SSR until there are tangible signs of comprehensive reforms being implemented. This is understandable, but often investment is needed to facilitate reform and to bolster the role of reformers within an organisation. It is unrealistic to expect instant results in countries going through transition. Inception phases enable donors to provide support at an earlier stage when public commitments to reform are made, without the risk of committing to a long-term assistance programme. This can be a good means of assessing local commitment and deciding whether the context is right for longer-term support.

Reader's Notes:

The OECD DAC Handbook on Security System Reform – 978-92-64-022287 – © OECD 2007

Checklist: Useful questions when working to understand and foster a supportive political environment

- Have you assessed the potential impact of SSR and international assistance on the balance of power in the country and the root causes of conflict?
- Have you weighed the risk of engaging against the risk of not addressing challenges in the security system?
- Do partners recognise the need to both improve the effectiveness and strengthen the governance and oversight of the security system?
- Have you identified the key state and non-state stakeholders and explored opportunities for dialogue?
- Which other agencies or departments in your government or organisation have an interest in SSR in this country and have you engaged them?
- Have you mapped the support for SSR from other governments or international organisations and explored opportunities for joint initiatives?
- What are the main issues to address in an inception phase to build trust and increase knowledge?

How this section links with the rest of the handbook

This section has highlighted the political nature of SSR and key issues to address in an inception phase. Detailed information about the types of assessment that can be conducted in an inception phase is in Section 3. Section 4 then examines how issues identified can be addressed in longer-term assistance programmes.

Case Study 2.1
Developing an inception phase for an SSR programme in Yemen

Context

In 1994, Yemen finally achieved unification and began the process of modernising its government structures and activities. Although results are being achieved, the process is slow, the justice and security system in Yemen is weak, and linkages within the sector are in need of further development. Violence and disorder remain problematic in various regions throughout the country, as large areas do not have either a police or a judicial presence. It is estimated that over 80% of all judicial and security services are provided by non-state actors. Access to justice and safety for marginalised and excluded social groups is also poor in many areas.

Entry point

The government of Yemen requested international donor support for their ongoing justice and security development activities. Over the course of 12 months, an international and national multidisciplinary team — including security, judicial, prison, governance, and public administration practitioners, along with an anthropologist and legal sociologist — went on a series of missions to Yemen to develop a one-year inception phase assistance programme. As a result of this assessment, the inception phase activities will focus on a police management support programme to assist government planning, performance evaluation, and local police station problem-solving initiatives, while judicial support is to concentrate on providing concrete assistance with information management, particularly with regard to enhancing judicial inspections and court administration. The third element of the support programme is attempting to establish a social fund for justice, whose activities would seek to improve access to justice for all, particularly marginalised and vulnerable groups.

Lessons learned

Be aware of the sensitivity of conducting needs assessments — It may sometimes be politically impossible to conduct extensive performance, management and needs assessments of security and justice institutions. One strategy may be to incorporate multiple, narrowly defined evaluations as outputs of a "quick win" initiative designed to achieve an immediate improvement of service delivery.

Carefully design pilot projects — Pragmatism and political realism are vital in the formulation and delivery of pilot projects. If such projects are to build the trust and confidence of the partner government they must meet its needs while seeking to verify their commitment to sustainable justice and security development.

Management arrangements are important — An inception phase may be well designed, but it will be ineffective if equal consideration is not given to managing its implementation. It may be beneficial to ensure that people involved in designing the inception phase and planning long-term assistance remain closely involved in the management of the inception activities to ensure continuity, institutional memory and the confidence of local stakeholders.

Chris Stowers/Panos Pictures

YEMEN, Sana'a: Street scene.

Case Study 2.2
Supporting dialogue on SSR in Ghana

Context

The first peaceful transfer of power in Ghana from one elected government to another occurred in January 2001 when opposition leader John Kufuor became President. Part of the remaining challenge of democratic consolidation was full civilian, democratic control and further professionalisation of the security sector.

Entry point

Through the good relationship developed by the UK defence attaché with senior figures in the Ghanaian Ministry of Defence (MoD) and the Ghanaian armed forces, the UK Security Sector Development Advisory Team was invited by the Ghanaian MoD to advise them on how to develop a human resources management and development strategy for the civilian component of the MoD. It became clear that before such a strategy could be developed, there was a need for greater clarity on the roles and responsibilities of the civil wing in relation to its military counterparts. The process of helping Ghanaian partners think through what these roles and responsibilities might be provided an opportunity to draw upon the experiences of other African countries that had strengthened the governance and management structures of their own security systems. It also enabled broader participation among Ghanaian stakeholders in this debate, including the wider security system, parliamentarians, academia and relevant civil society organisations.

Lessons learned

Build networks through dialogue — Through the participation of a wide range of stakeholders in a series of workshops, greater understanding of SSR issues was developed, and a network of those interested in supporting progressive change was established. It was through this network that a locally designed and led course on security sector governance and management was developed. Delivered by an alliance of local institutions, the annual course is managed by a steering team jointly chaired by the Office of the President and the Office of the Head of the Civil Service.

Empower and strengthen local organisations — The series of workshops was organised by a local NGO called the African Security Dialogue and Research. ASDR built upon its extensive contacts and local knowledge to ensure a tailored approach that was effective in guiding the agenda forward within a complex political environment. Its engagement in this programme has helped them build trust, credibility and relationships with a range of individuals and organisations across government and beyond. This is reflected in the fact that the Parliamentary Defence and Security Committee later asked ASDR to provide a series of seminars and training for parliamentarians.

Flexibility — The willingness to adapt to a changing environment and to take opportunities as they arose was crucial to the successes that were achieved through this initiative. Although the initial objective of supporting a significant enhancement in the capacity of the civilian wing was not fully realised, real progress was made in areas that were not originally envisaged, such as catalysing a public dialogue on security issues that in turn help catalyse broader reforms.

Build on ongoing initiatives and link to wider processes — Directly linking the initiative to the ongoing cross-government civil service strengthening programme was important in placing change within the MoD in the wider context of public sector reform and in broadening participation in the process to include those from outside the security system.

Impact

The Security Sector Governance and Management Course which is delivered by ASDR, Ghana University and the Ghana Institute for Management and Public Administration is now well established and provides an important forum for building understanding and promoting discussion on a range of security and justice issues. Enjoying high-level support and profile, the course is helping Ghanaians to lay the foundations for greater governance of their security system, and therefore in consolidating Ghana's democratic transition.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on fostering a supportive political environment for SSR; they have helped inform this section:

1. **Anderlini, Sanam Naraghi and Camile Pampell Conaway (2004), *Security Issues: Sector Reform in Inclusive Security,* Sustainable Peace: A Toolkit for Advocacy and Action,**
   http://www.huntalternatives.org/download/46_security_sector_reform.pdf
   Discusses security sector reform, the importance of women's participation and the inclusion of women's issues.

2. **DFID, *Understanding and Supporting Security Sector Reform*, London,**
   http://www.dfid.gov.uk/pubs
   Overview about important issues related to security system reform, such as the legal framework or the financial budgetary system.

3. **Giustozzi, Antonio (2004), *"Good" State vs. "Bad" Warlords? A Critique of State-Building Strategies in Afghanistan,* Working Paper No. 51, Crisis States Research Centre, LSE,**
   LSE http://www.crisisstates.com/download/wp/wp51.pdf
   Argues that rather than focusing on the role of warlords within the new state, the international community should be worried about the limited reform those achievements brought about in the Kabul ministries, especially in the Ministry of the Interior and on anti-corruption.

4. **Nathan, Laurie (2006), *Operationalising the Principle of Local Ownership in Security Sector Reform.***
   Document focuses on how to contribute to operationalising the donor commitment to local ownership of SSR. Provides useful planning and diagnostic tools that could be used by external actors supporting SSR as well as by local actors engaged in security sector reform. The document was central to the development of this section.

5. **Scheye, Eric and Gordon Peake (2005), "Unknotting Local Ownership", in Anja Ebnöther and Philipp Flüri (eds.), *After Intervention: Public Security Management in Post-Conflict Societies: From Intervention to Sustainable Local Ownership,* Geneva Centre for the Democratic Control of Armed Forces and Austrian National Defense Academy, Vienna,**
   http://www.dcaf.ch/_docs/after_intervention/psm_8.pdf
   Although local ownership is necessary in order to implement SSR successfully, it has to be managed carefully, as "local owners" risk being the source of the security problems in the first place.

6. **United Nations International Research and Training Institute for the Advancement of Women, *Gender and Security Sector Reform,***
   http://www.un-instraw.org/en/index.php?
   Provides a wide range of resources and information on gender and security sector reform, including an analytical framework that identifies the barriers to gendering security sector reform and other needed reforms.

7. **United Nations, Security Council, Resolution 1325 (2000) on *Women, Peace and Security,***
   www.un.org/events/res_1325e.pdf
   The resolution addresses the rights of those affected by conflict and recognises the disproportionate effect of conflict on women. It tasks the UN system and member states to ensure that gender considerations are thoroughly integrated into all aspects of peace and security work.

8. ***Conflict-sensitive Development Resource Pack (Saferworld),***
   www.saferworld.org.uk/en/conflict_tools.htm
   This training manual shows how to minimise the potential negative impact of development and humanitarian assistance on conflict dynamics, and how to enhance prospects for peace.

9. ***Preventing Conflict and Building Peace: A Manual of Issues and Entry Points (2006*),**
   www.oecd.org/dac/conflict
   Provides an overview of conflict management and peacebuilding issues to help those working in, and on, conflict-prone and conflict-affected countries to extend their understanding of the interrelationship between their activities and the dynamics of conflict and peace.

10. **OECD (2005), *The Paris Declaration on Aid Effectiveness,***
    www.oecd.org/dac/effectiveness/parisdeclaration
    This is an international agreement to which over one hundred ministers, heads of agencies and other senior officials adhered; they have committed their countries and organisations to continue to increase efforts in harmonisation, alignment and managing aid with a set of actions and indicators that can be monitored.

Footnotes:

[1] *The Paris Declaration on Aid Effectiveness —*
exercise effective leadership over their development policies and strategies and co-ordinate development actions", and commits donors to respecting partner country leadership and to helping strengthen their capacity to exercise it. Though this agreement was developed by the development community, the principles apply broadly to all areas of external support.

[2] Muggah, R. (2005), *Listening for a Change! Participatory Evaluations of DDR and Arms Reduction Schemes*, United Nations Institute for Disarmament Research, Geneva.

SECTION 3: UNDERTAKING SECURITY SYSTEM REFORM ASSESSMENTS

Objective of this section

This section outlines the core issues that international actors should address when conducting an SSR assessment. It suggests whom to consult and what to analyse in order to inform the design of international programmes to support security and justice development. The main issues addressed in this section are organised as follows:

1. Introduction

PART A: THE ASSESSMENT PROCESS

2. Planning assessments
3. Information gathering
4. Types of assessments
5. Key stakeholders to consult in SSR assessments

PART B: AN SSR ASSESSMENT METHODOLOGY

6. Developing an integrated approach
7. Four key analytical categories
8. Trade-offs between process and methodology

Key lessons learned

- Separate assessments are needed for different stages of programme development.
- Assessments carried out in partnership with local actors provide a chance to build trust and increase the ownership of assistance programmes.
- Joint assessments with other international actors provide opportunities for much-needed co-operation and co-ordination in programme design and implementation.
- To facilitate more effective programme design, assessments should address the security system as a whole to identify the sectors or problems where assistance is most needed and where progress is possible.
- To ensure more effective programming, assessments should identify whether the partner government is committed to reforms that both strengthen governance of security and justice institutions and improve service delivery.
- To get a comprehensive picture of the local context, it is important to conduct a conflict and political economy analysis, assess the governance and capacity of security and justice institutions, identify the needs of the public, and assess what other frameworks and programmes could be linked with SSR.

1. Introduction

International support for SSR should be based on a comprehensive understanding of local contexts, actors and priorities. Those involved in supporting security and justice development need to understand the opportunities for change, the constraints and any potential obstacles. It is also important to understand who drives change and who resists it, as well as the factors that may affect the receptiveness of external support for SSR reform processes. Because security and justice development programmes taking place in conflict-prone countries may impact on the balance of power, it is important to assess what the potential effect of international assistance will be on conflict dynamics and the security situation. An understanding of how poor and vulnerable people experience safety, security and justice is also required in order to determine priorities for external assistance aimed at helping countries improve safety and justice for their people, not just for states. Without such knowledge, external interventions are likely to be ineffectual or counterproductive.

This section treats an SSR assessment as a:

- Process of consultation, information gathering and analysis. The section examines options for conducting an assessment and asks who should be consulted.
- Methodology that involves gauging the local context and identifying priorities for support to security and justice development. The section highlights key issues to examine as part of an assessment.

PART A: THE ASSESSMENT PROCESS

2. Planning assessments

2.1 Pick the right assessment team

Having the right balance of people in an assessment team is critical to the longer-term success of international programmes of support to SSR. This means including experts on different issues (for example, security and justice, management, finance and governance) and ideally a combination of international and national experts. Consulting with a wide range of state and civil society stakeholders and seeking out views of people in rural areas as well as the capital will help provide a fuller picture of the local context. Ensuring that members of the team speak the local language and that good translators are available for those who do not is critical.

2.2 Conduct joint assessments

International co-operation to support SSR programmes is vital. However, this is often hampered by a lack of joint assessments. The Paris Declaration on Aid Effectiveness commits donors and international organisations to ensure that two-thirds of country analytic work is joint by 2010 (OECD, 2005, p.10). This handbook sets out common standards for SSR assessments and encourages joint assessments by groups of donors and international organisations, to encourage a more co-ordinated and coherent approach. Case Studies 1 and 2 at the end of this section highlight the benefits and lessons of joint donor assessments in Nigeria and Sudan.

2.3 Take a comprehensive and iterative approach

Many security and justice assessments are too narrow in scope and so fail to consider key issues that will impact on the success of the programme. Even if an SSR programme is focusing on work in one sector (for example, defence reform), it is important that this is informed by a broader assessment that looks at the governance and capacity of the security system as a whole, the country context, the needs of local people, the potential drivers of change and the possible spoilers or those actors who consider the transformation process as detrimental to their personal circumstances. It is also important to recognise that initial assessments only provide a snapshot of the situation and that interventions to support security and justice development take place in dynamic settings. Provisions for updating and follow-on assessments are important to ensure that programmes remain relevant to changing contexts.

2.4 Allocate enough time

Assessments are often too short and superficial due to pressure to quickly design and implement projects. There is often particular pressure in post-conflict settings, where political and security priorities mean that time to plan and prepare may seem a luxury. Thus insufficient attention may be paid to wider security and justice issues, consultation with partners, or building local ownership when conducting assessments. This often means that the quality of assistance programmes ultimately suffers. If time is too short to conduct a comprehensive assessment at the outset of a programme, then more detailed assessments should be built into its design, ideally in an inception phase (see Section 2).

2.5 Consult with partner governments

Getting the support of partner governments for assessments can facilitate the acceptance of the findings.The assessment serves two purposes — to gain clarity of the current situation and to enable the partner government to be aware of the benefits of the transformation process proposed — hence joint diagnosis makes developing a joint cure easier. For all assessments (except preliminary informal analysis; see below) there will be a need for initial talks between the international community and national actors about the scope and objectives of the assessment. These will be determined by a number of factors such as the openness, willingness and capacity of the key national actors and the degree of shared vision of the need for reform. Assessments can provide an important opportunity to build trust between international and local actors and to develop local ownership of assistance programmes. Consultation will most likely always be a sensitive political process; prioritising the building of trust and confidence between national and international actors may constrain the scope of the assessment.

2.6 Develop terms of reference

Once there is broad support for conducting an assessment, terms of reference need to be developed. These should be sufficiently broad to enable the team to conduct an overview of the security system, its strengths and weaknesses, and priority areas for support. They should include:

- Purpose and objectives of the assessment.
- Expected products and outcomes.
- Roles, responsibilities and team composition.
- Time frames.
- Budget.
- Methodology.
- A review of potential risks.

Developing terms of reference together with partners (or at least sharing them) can be a real step toward building trust and transparency.

3. Information gathering

The focus of this phase is on data collection (both quantitative and qualitative) and analysis. Combining research methods to give a range of perspectives can enable findings to be "triangulated" and more robust. Resources to turn to for further information about research methodologies are highlighted at the end of this section. It is often beneficial when designing an assessment to combine qualitative and quantitative research methods — for example, cross-checking the findings of perception surveys on rates of victimisation with official statistics on reported crimes. Different qualitative methods can also be used in tandem, *e.g.* organising focus groups after a public perception survey to gain more insight into the responses provided will enrich the assessment. The sources of information need to be varied in order to collect different types of data. These include:

- Desk research.
- Interviews with key national actors.
- National surveys of citizens' perceptions of safety, security and justice.
- Targeted focus groups.

3.1 Desk research

Before conducting an assessment, it is important to look at previous reports and assessments that have been conducted. Often other international actors will have conducted background assessments on similar issues that may be available. It is also valuable to collect available national policy documents, legislative frameworks and national budget data.

3.2 Key interviews with national actors

These can be conducted with a representative range of international, partner government and civil society actors whose opinions are critical to the assessments. They tend to be loosely structured, relying on a list of issues to be discussed. Interviewers frame questions spontaneously and sensitively probe for information. Conducting interviews with a range of actors allows information and opinions to be cross-checked.

3.4 Surveys of the needs of local people

People's perceptions of security and justice provide a baseline against which progress in a security and justice development programme can be measured. Public opinion surveys can therefore be valuable tools. In the Balkans, Kenya, Namibia, Tanzania, Congo-Brazzaville, Burundi and Uganda, nationwide opinion surveys have been undertaken of local people's perceptions of security and the spread of guns. These household surveys were used together with the findings of focus groups of government officials, law enforcement agencies and civil society organisations to inform the development of national action plans for small arms control management. In Kenya, Tanzania and Uganda these have been agreed at cabinet level.[1]

Box. 3.1. Generating baseline data as a precondition for effective SSR

Collecting and analysing key indicators of armed violence and insecurity are critical to the effective design, implementation, monitoring, review and evaluation of SSR programmes. Baseline data are especially important for planning and measuring the appropriateness and effectiveness of interventions to improve the delivery of security and justice.

Data collection is an essential part of the preparation of an SSR initiative. The data collection should be undertaken jointly by both international and domestic partners. Collaborative approaches ensure a high standard of reliability and transparency in the methodology, while simultaneously building and reinforcing local research capacity in affected countries.

Through a combination of household surveys, focus groups, structured interviews and data collection from healthcare (for example data on impact of armed violence) or security providers, such baseline surveys can potentially identify: gaps in existing SSR-related legislation and policies; the political context and appropriate entry points for undertaking SSR activities; the scale and distribution of victimisation; public perceptions of the security system; and appropriate violence reduction targets.

Surveys must be credible, reliable and verifiable in order to inform programme priorities, and be considered legitimate by national stakeholders. Transparent methodologies, quality control and implementation are as important as the findings themselves.

Surveys can then be repeated at key stages of the implementation of an assistance programme to help measure its impact.

The World Bank's "Voices of the Poor" report developed a comprehensive methodology for assessing the views and needs of local people in developing countries, which includes conducting Participatory Poverty Assessments. In the Solomon Islands, UNIFEM introduced gender-sensitive indicators to assess the perceptions of local women and men on a range of security issues (UNIFEM, 2005). Surveys collect gender-disaggregated data on perceptions such as those about "Safety for men to walk around the community" and "Safety for women to walk around the community", and include security issues likely to affect women particularly, including rape and domestic abuse.

3.5 Focus groups

Focus groups are a qualitative method of gathering information from a particular group of people. They can usefully be organised with actors from various sectors in the security system, for example law enforcement agencies or justice providers. They can be conducted on a geographic basis to identify the views of people living in a particular area. And they can be valuable tools for enabling marginalised groups to feel comfortable about sharing their opinions. For example, women might

form a separate focus group if the aim is to find out about their perceptions of insecurity. These groups usually use open-ended questions and encourage dialogue about an issue rather than a direct answer. This allows for qualitative interpretation of views and triangulation of different perspectives on the same issues.[2] The choice of the person/people conducting the focus group is very important. For example, many community representatives are likely to be wary of foreigners and unlikely to speak openly and honestly. Similarly, police officers are unlikely to be open if a more senior officer within their chain of command is present or is facilitating their focus group.

4. Types of assessments

The exact type of assessment conducted will have to be informed by the local context and the time and resources available. As a guide though, it may be helpful to think of a sequence of assessments that, combined, provide the information and analysis needed to decide whether to engage in support of SSR and, if so, the priority areas for assistance:

(i) Preliminary informal analysis.
(ii) Initial scoping study.
(iii) Full assessment.
(iv) Sector- or problem-specific assessments.

It is important to view assessments as iterative processes that involve decision points along the way about whether and how to engage in providing support for SSR processes. It is always beneficial to incorporate a review process into the design of assistance programmes, to ensure that the objectives and activities are still relevant to the changing contexts. These reviews or update assessments are covered in Section 4.

(i) Preliminary informal analysis conducted by international actors to understand context and needs.

This is largely an informal assessment of the major issues or problems with regard to security and justice. These soundings should aim to provide a broad overview of the local context and to help external actors understand the role of different stakeholders in the country. This preliminary analysis can form the basis of a decision as to whether support for security and justice system transformation should be provided and, if so, the type of assistance that can best help foster a conducive political environment. As this is a preliminary information analysis, it is likely to include a combination of officials from the donor government and national actors in the security and justice system who will probably be open to reform. These preliminary studies should be conducted very discreetly, not only given the sensitive and political nature of SSR in many countries, but also to avoid raising expectations, as there is no guarantee of external support at this stage.

Reader's Notes:

Table 3.1

Sequencing SSR Assessments

1 Preliminary informal analysis → 2 Scoping study → 3 Full assessment → 4 Sector and problem-specific assessments

STAGE	CONDUCTED BY	CONSULTING WITH	KEY ISSUES	OUTCOMES
1. Preliminary informal analysis	• Officials from international organisation or donor government and international consultants	• International actors • Trusted government partners • National civil society organisations	• General context • Identify key stakeholders • Highlight key security and justice issues • Identify early entry points for engagement • Assess potential impact of international engagement	• Either decide that there is no opportunity to engage in SSR; or • Identify early entry points to help foster a supportive political environment
2. Scoping study	• Multidisciplinary team of national and international experts	• International actors • Broad range of government actors • Broad range of civil society organisations	• Assess progress made in fostering a supportive political environment • Identify drivers and opponents of change and relevant incentives and disincentives • Highlight areas where more detailed assessment is needed • Assess if partner government is committed to strengthening governance and improving service delivery • Identify if there is added value in engagement • Propose initial activities for an inception phase	• Either decide not to proceed; or • Decide to develop an inception phase of an assistance programme and agree priority areas for support and further assessment
3. Full assessment	• Multidisciplinary team of national and international experts (where possible including members of team who conducted scoping study)	• International actors • Broad range of government actors • Broad range of civil society organisations	• Assess progress made in inception phase • Identify needs of local people and compare with government priorities • Confirm if partner government is committed to strengthening governance and improving service delivery • Confirm if there is value added in engagement • Identify if further sector- or problem-specific assessments are needed • Propose key issues and initial activities for full assistance programme	• Either decide not to proceed; or • Decide to develop full assistance programme and agree key issues to address
4. Sector- or problem-specific assessments	• Sectoral experts and analysts with overview of security system	• Government and civil stakeholders in that sector • Wider security system actors • International actors providing support in this sector	• Identify key issues to address • Assess priority needs for support • Ensure that activities help both strengthen governance and improve service delivery • Identify how progress will be measured and monitored	• Agree priority needs for support as part of overall assistance programme

(ii) Scoping study

Purpose: To assess if there is added value in developing an inception phase for an SSR assistance programme. These assessments should map the terrain by identifying any existing security and justice development initiatives, the main challenges and the key actors (international, state and civil society) with whom to engage. They should assess progress made in fostering a supportive political environment and if the partner government is committed to reforms that both strengthen governance of the security system and improve service delivery. The scoping study should also identify areas where more detailed assessment is needed and propose initial activities for an inception programme.

Outcome: Decision on whether to develop an inception phase for an SSR assistance programme and, if so, identification of possible areas for support and further assessment.

Who should carry out the assessment: Ideally, a small multidisciplinary team of national and international experts.

Who should be consulted: Main donors, international organisations and international NGOs and key officials in government ministries and officers in security and justice institutions. Range of civil society organisations including think tanks, the media, academia and community-based organisations.

Lessons learned: These scoping studies can provide a "snapshot" of the local context; however, the findings are often not comprehensive but incomplete and only tentative. They should not be treated as if they were strong, unambiguous and determinant. One of the most important issues for scoping studies is to identify where more detailed assessments are required.

(iii) Full assessments

Purpose: To provide an overview of the national context for SSR, the drivers and opponents of change and the needs of different stakeholders. This assessment should analyse progress made during the inception phase and confirm that the partner government is committed to reforms that both strengthen governance of the security system and improve service delivery. The assessment should propose areas where there is added value in international support for security and justice development and identify if more detailed sector-specific needs assessments are required (for example, on policing or prisons).

Outcome: Decision on whether to develop a full programme of support for SSR and, if so, the priority issues to address.

Who should carry out the assessment: A multidisciplinary team of international and national experts. As much as possible, some of the team members who conducted the initial scoping study should be involved to help assess progress.

Who should be consulted: Consulting the full range of international, government and civil society stakeholders is important to get a rounded picture of the local context, give the consultation process legitimacy, identify priority areas for assistance and build support for and ownership of the assistance programme.

Lessons learned: Consultation with other international actors is essential to identify opportunities for joint or complementary assistance programmes. A key point is to ensure that information is triangulated and that the assessment is based on balanced views. The lack of consultation with key local actors can unwittingly create spoilers and political challenges during implementation, so all stakeholders and their opinions should be taken into account. As noted above, assessments often create high expectations about the assistance that international actors may provide; it is important to be aware of this and to be clear about the purpose of the assessment and the parameters of support.

(iv) Sector- or problem-specific assessments

Purpose: These assessments aim to provide more in-depth analysis of the needs of a specific sector in the security system that has been identified as a priority in the overview assessment. Alternatively, they can address specific problems (for example, high levels of crime or lack of access to justice) that require combined action across different sectors. (Detailed issues to address when conducting an assessment in each sector of the security system are highlighted in Section 7.)

Outcome: Decision on priority areas for reform support in that sector.

Who should carry out the assessment: Sectoral experts as well as analysts with a broader overview of the security system.

Who should be consulted: Government and civil society stakeholders in that sector, as well as actors in related parts of the security system.

Lessons learned: It is important to examine the level and quality of security and justice services provided by state and non-state actors. Opportunities to increase the co-ordination between, and oversight of, different actors should be highlighted.

5. Key stakeholders to consult as part of an SSR assessment

When conducting the above types of assessments, there is a broad range of stakeholders who should be consulted. They include:

5.1 State justice and security providers

It is important to consult a wide range of security system actors beyond the narrow sector considered a priority. For example, if policing is a key issue to be explored, it will also be important to interview officials from military, justice and border institutions to look at potential linkages in reform programmes. Consultations should be held with officials in the government ministries responsible for policy making, as well as with the service providers themselves. Focus group discussions or targeted interviews are often good ways to gain an insight into justice and security policy and practice. As well as consulting the key officers and government officials involved in the operation and management of the justice and security sectors, it is important to meet senior ministers.

5.2 Non-state justice and security providers

The composition of the security system will differ from country to country, and it is very important for an assessment to include the full range of institutions and actors that provide security and justice services. In many developing countries, non-state actors are significant providers. These may include a broad range of different organisations including, for example, traditional courts, paralegal services, local defence units, home guards, private security companies and vigilante groups. It is important to assess their legitimacy, quality of service and oversight.

5.3 Actors who impact on security system governance

It is also important to include actors who may have a significant impact on security system governance. This includes parliamentarians, local elected bodies, politicians, ethnic leaders and other traditional structures. It could also include political groups, retired members of the security forces, veterans, dependants of serving and former members of the security forces, and business groups. It is also important that ministries of finance are consulted as part of the assessment process, given the need to ensure that reform programmes are fiscally sustainable.

5.4 Civil society actors including academics, research institutes, national NGOs and journalists

Civil society actors play an important role in representing the views of local people. Engaging with NGOs is vital, especially in assessment missions where time does not allow for direct community-level consultations. Care should be taken to gauge how different NGOs represent popular opinion. It is also important to meet a range of organisations rather than just rely on the views of one or two prominent ones. Civil society actors can provide analysis and insight into the informal practices of institutions and actors and how they work in reality, compared with their formal procedures. Such insights are essential if the aim is to improve governance, oversight and accountability of the security system. It is important to get independent assessments of the quality and accessibility of the services provided by security and justice institutions — public perceptions may be very different from what the institutions themselves think.

5.5 Community-based organisations and people from more marginalised and impoverished communities

It is important to seek the direct views of local people who are the consumers of justice and security services and who should be the ultimate beneficiaries of SSR programmes. The development of gender-specific indicators and the collection of gender-disaggregated data will allow for a more accurate understanding of how insecurity and the responses of security and justice institutions affect both men and women. It also provides baseline data needed to measure the equity of progress and the impact of SSR initiatives on women as well as men. Public perception surveys can be useful in providing baseline data on perceptions of security/insecurity within the community. Where community-level consultations are not possible in an initial assessment, perception surveys should be included in the design of assistance programmes to provide a means of tracking progress.

Box 3.2. Including a gender perspective in SSR assessments

1. *What are the barriers to a gendered assessment?*
   - Assessment materials and surveys that do not address the insecurities of women and girls and marginalised men and boys.
   - Assessment teams without gender expertise.
   - Cultural and logistical barriers that prevent the voices of women, girls and marginalised men and boys from being heard and taken into account.
2. *How to include women, girls and marginalised men and boys:*
   - Set up specific consultations with women, girls and marginalised men and boys.
   - Hold group meetings at times and places that are convenient for women, girls and marginalised men and boys (sex-segregated if needed).
   - Collect sex-disaggregated data.
   - Include women and marginalised men as part of the assessment team and as translators.

Source: http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211

5.6 Other international actors

It is important to find out about other existing SSR assistance programmes so that it is easier to determine what added value a new programme may have. Assessments should seek to identify gaps in donor support and identify areas for possible co-ordination and complementarities. This is where conducting joint assessments with other international actors has real benefits in encouraging a more joined-up approach. Joint assessments will also help mitigate against "assessment fatigue" in partner governments.

PART B: AN SSR ASSESSMENT METHODOLOGY

6. Developing an integrated approach

Understanding how security and justice relates to the broader socio-political environment is important for assessing how to support reform programmes. Likewise, assessments that narrowly focus on one security sector lack the understanding of how that sector impacts on and is affected by other parts of the security system and other political, social and economic processes. For example, an assessment of the policing sector (institutions, policy and practice) will need to be informed by an understanding of a range of issues, including: how the police relate to the military and justice institutions; how the police are perceived by communities; and whether they have been aligned with a certain conflict or ethnic faction in the country. An analysis of the political, economic, social and security factors and dynamics should inform strategies and plans aimed at SSR by identifying the main obstacles to, and opportunities for, positive change. Furthermore, given the importance of embedding reforms within a sustainable macroeconomic framework, it is vital that the fiscal implications of proposed reform are fully taken into account.

7. Four key analytical categories

There are four main groups of issues that are important to assess in order to give a comprehensive overview of the local context and help inform the design of international assistance programmes.

(i) Political economy and conflict analysis

The purpose of this category is to develop a profile of the country, the role of the security system within it and the conflict and security situation. That analysis will provide a broad picture of: the type of political system that exists; how the political system works (political relationships, power relationships), and the legitimacy of the state and specific institutions; the type of economic structure; the ethnic composition and demographics of the population. It maps the role of civil society and looks at the regional setting of the country. It also broadly outlines the role the security system has played in this context. For example, has it supported a minority regime? Has it been responsible for human rights abuses? Does it have a vested interest in illegal arms trafficking and proliferation? Has the security system been strong militarily but weak on policing? The political economy analysis should deepen understanding of the long-term factors that affect the political will and institutional capacity for reform and change.

The questions in this category also map trends in risks (social, political, economic, regional, international) to the stability and security of the country. This will help identify how these influence opportunities and threats for reform in the security system. In countries at risk of, or affected by, violent conflict, assessments should identify the root causes of tensions and potential triggers, and help ascertain how an SSR programme can avoid exacerbating tensions and maximise a positive impact on peacebuilding. In conflict-affected countries, the adoption of a regional dimension, while designing and implementing security and justice development programmes, is particularly important, given the general trend for conflicts to spill across borders.

Analysis should also focus on which of the security and justice actors are likely to be supportive of SSR and which are likely to resist change (and why). What incentives and/or disincentives are there for them to support reform? Who are the likely spoilers and how can their concerns be addressed? Such questions can only be fully answered in the context of examining possible SSR strategies, priorities and programmes. These would thus be the first analyses, to be re-examined in the context of programme design.

Questions should also be asked to assess the potential risks associated with the international actor engaging in support of security and justice reform. These should identify potential risk to reputation if reform processes are unsuccessful. They should also assess the potential impact (positive or negative) that external assistance will have on the prospects of reform. And the risks of engagement in support of SSR should be weighed against an assessment of the risks to local beneficiaries (in terms of

continued insecurity and injustice) if international actors do not engage to support reform. This analysis should expose long-term trends and trajectories of change.

(ii) Governance and capacity of security and justice institutions

The purpose of this category is to map and analyse all the security and justice institutions, the actors (both state and non-state security and justice providers), the capacity and quality of governance of institutions, and the history of security and justice provision in a country. It will provide information on: what role different institutions play; the size and structure of each institution; what resources they have; whom they protect; whom they serve; who controls them; to whom they are accountable; and how they relate to each other.

The assessment should focus on both the governance and capacity of the security system. It should examine the clarity, openness and responsiveness of relationships and oversight structures between security and justice actors, the wider government apparatus and the general public. It should assess the legislative and policy frameworks that regulate the security system. The assessment should also examine the effectiveness of security and justice institutions in delivering a service to local people — the human, financial and material resources, organisational structures and cultures, and operational capacities that underpin the functioning of the security system.

The management of security and justice policy processes should be included in the assessment. These will differ significantly from country to country. In most countries there is a complex array of procedures and interactions between the executive and the justice and security providers. While the nature of these relationships may be clearly stated in legislation, such as the constitution or a defence act, actual practice may follow quite different informal norms and standards that are closely shaped by national political, cultural and social circumstances. In assessing the respective roles of both the executive and the justice and security providers, it is important to analyse not only their mandates but also how they can implement their tasks in practice in terms of access to information and expertise and knowledge of the security system.

It is often valuable to survey the views of justice and security providers (state and non-state). They can help identify problems and solutions from an insider's perspective and highlight whether there is a constituency for change.

Another area important to assess is the quality and availability of official statistics (*e.g.* levels of crime, court records) and the capacity of the institutions that collect these. Assessments should also identify if there are civil society groups that play an oversight role in relation to security and justice institutions and whether they also gather performance-related data. Using such information to monitor the impact of a programme is an important management tool, and an assessment can help identify if assistance is needed to strengthen this capacity.

(iii) Security and justice needs of citizens

The purpose is to analyse the perceptions and experiences of local people, particularly poor and marginalised groups. Too often in the past, the views and perceptions of people and their experiences of security (and insecurity) have been ignored in SSR assistance programmes. Questions include: What are their security needs? What makes them feel most insecure? How do they relate to police and justice institutions and what is their vision of a safe community? What types of insecurity do they face in the home? How do they seek to access justice and what are the barriers to this? Whom do they see as the main actors that make them feel unsafe?

(iv) Other frameworks and programmes

The purpose of this category is to identify other national political and social programmes and processes that could provide linkages to SSR programmes, as well as to identify existing international SSR assistance programmes. There is a wide range of governance, development and peacebuilding programmes that could be usefully linked with action on SSR, for example government decentralisation

or civil service reform programmes. An assessment should examine whether such cross-linkages are possible and what potential starting points there are to engage in reform activities. These entry points should be assessed for their potential wider linkages — sometimes a smaller entry point may be used to start reform activities and as an opening for addressing other aspects. It is important to identify if there are national political and development frameworks — such as poverty reduction strategies — and if security and justice issues are integrated into these, or if there is any potential for doing so. The assessment should also highlight if there are other existing programmes of donor support to the security system, and the main issues that these address.

7.1. What to ask

The following table outlines the types of questions that can be asked under each of these four analytical categories. It aims to provide a broad overview, and a basis for questions for detailed sector assessments (see Section 7).

These questions are neither prescriptive nor exhaustive. Different types of questions may be emphasised over others, depending on the context. For example, in post-conflict settings, more questions will need to be asked about the nature and causes of the conflict and the details of any peace agreement, as well as national priorities for stabilisation, as noted above.

Table 3.2 **Illustrative questions to be used as part of an SSR assessment**

Analytical category	Key elements	Illustrative questions
Conflict & political economy analysis	*What kind of state:* • post-conflict, fragile, transitional • political system • corruption in government and security system • economic system, resources	What kind of state is it? What type of political system? Is there popular confidence in state institutions? Are essential public services being delivered, and to whom? Is there separation of powers between the legislature, executive and judiciary? Are ruling élites and state institutions fragmented? What are the "root/structural causes" of the conflict? How can programmes be sensitive to conflict dynamics (do no harm and ensure maximum good)? How does corruption affect the government? What is the state of the economy and do sharp changes in the macroeconomic climate lead to the growth of hidden economies, corruption and illicit transactions?
	Historical context of country • colonial rule, military dictatorship, long-standing democracy	What is the historical context of the country? What type of system dominated? Who was in power and where are they now?
	Political will/drivers of change • systems/institutions/ actors/ processes enabling change • factors underlying resistance to change	What are the policy trends? What is the role of power structures and relations? Is this due to historical causes? Structural causes? What is the role of informal policy processes? What is the role of international obligations/ treaties? What is the role of informal and formal structures and actors? Do they operate visibly or behind the scenes? What are the main interest lobbies? What are the different values, ideologies and perceptions (across players) regarding key policies and objectives? Do these conflict? Assess the role and positions of political parties, traditional authorities, state institutions etc. and determine how influential they are. What are the incentives and disincentives for these different actors to support reform?

>>> continued

Table 3.2 **Illustrative questions to be used as part of an SSR assessment**

Analytical category	Key elements	Illustrative questions
Conflict & political economy analysis (continued)	*Space and role of civil society* • legitimacy of state • human rights situation • structures and power of civil society in relation to the state	Is there sufficient space for civil society to freely exercise political rights and for the media to operate freely? Is there arbitrary application of legal, social or human rights, and so widespread abuse of those rights? Is the rule of law respected? What movements or civil society structures challenge or support the state? How do they do this?
	Demographics • livelihoods • displacement • population densities/rural and urban	Does high population density produce pressures relative to food supply and other life-sustaining resources? Do forced displacement or resettlement patterns or large communities cause larger humanitarian or security problems within the country or with neighbouring countries? Are people leaving the country through fear of persecution?
	Role of state in the region • stabilising, destabilising • role of regional organisations	Does the state play a stabilising or destabilising role in the region? How does the state interact with regional bodies or organisations? Are there any powerful regional influences over the state? Or over the ruling élite?
	Conflicts and threats to state security • external threats • internal conflict and underlying causes	What security threats does the state face (international war, civil war, insurgency, arms trafficking, etc.)? Is there an internal conflict, and what is its nature? What are the underlying causes of the conflict? Is conflict likely to re-emerge and/or are certain geographical areas not controlled by the state?
	Trends in risks to security and stability	What are the major threats to human security? Are there tensions between different social groups? What are the triggers that could inflame tensions? Is the security situation improving or worsening in the country? How will these factors affect an SSR programme? How can a programme be designed to support peacebuilding and mitigate against conflict risks?
	Risks of engaging or not engaging in support of security and justice reform	What are the potential risks to reputation of engaging in SSR? What impact (positive or negative) will international engagement have on the prospects for reform? What are the risks to local beneficiaries (in terms of continued insecurity and injustice) if international actors do not engage to support reform? How can any risks be mitigated in the design of assistance programmes?
Governance and capacity of security & justice institutions	*Map state institutions and actors* • executive • legislative • municipal government • security and justice providers: roles, mandates, functions	Which state institutions have a role in security and justice provision? How many uniformed forces exist and is there a hierarchy among them? Are the same security forces responsible for internal and external security? What is the level of political control of security and justice institutions? What is the relationship between the courts, prosecution services, police and prisons?

>>> continued

Table 3.2 Illustrative questions to be used as part of an SSR assessment

Analytical category	Key elements	Illustrative questions
Governance and capacity of security & justice institutions (continued)	*Map non-state institutions and actors* • other actors involved in security	What non-state security and justice actors are there? Are these sources of security and justice, or insecurity and injustice? What are their respective roles, missions and functions? How legitimate are they? Do they have control over populations, territories and resources? What is their relationship to the formal security system? What gaps do they fill and how?
	Role of civil society (as active participants and consumers of services)	Are there monitoring and oversight groups at the national or local levels? What is the role of universities, academia and religious groups? Do civil society organisations provide justice and security services in communities? How representative are they of local people?
	Relationship between state and non-state actors	How do state and non-state justice and security actors relate to one another? How do they interact? Are jurisdictions clear or overlapping? Is there any co-ordination or regulation?
	Governance and capacity of security system • accountability • responsiveness • transparency • legitimacy • capacity • authority	*Governance:* Is the current legal and constitutional framework for the security system adequate? Are the mandates, roles and responsibilities of different providers clear and distinct? Is there a national security and justice policy-making process? Is this formal policy-making process respected or is practice mainly informal? Are security and justice actors involved in politics? Are there adequate internal and external oversight mechanisms? Are these successfully applied? Has the country signed up to international treaties and conventions and are the various actors/sectors held accountable to these? Are there specific entry points for SSR programme design? *Capacity:* Is government-provided finance for these sectors/actors sufficient for the roles and capabilities that they are required to provide? Are the actors (officials, members of the executive, members of parliament) adequately equipped and/or trained for the roles and tasks assigned to them? Are there specific entry points for SSR programme design? What security and justice development activities are already under way? Are these supported by other international actors? What is the aid absorption capacity? What is the level of support in the government and in security and justice institutions for reform? Are partners committed to both strengthening the governance of the security system and improving service delivery? *Culture/norms:* How would you evaluate the culture within security and justice institutions? Do they see themselves as providing a service to the public? Do they have equal opportunity policies and what is the extent of participation of women and minority groups?

>>> continued

Table 3.2 Illustrative questions to be used as part of an SSR assessment

Analytical category	Key elements	Illustrative questions
Governance and capacity of security & justice institutions (continued)		What do security providers see as their role? Whom do they consider to be the beneficiaries of their work? What do they think the public want from them and how do they involve them in their work? How do institutions respond to the particular security needs of women, children and minority groups? What do they see as the major types of insecurity and injustice? Do they differentiate security threats for men and women?
	Quality and availability of information	What is the quality, reliability and availability of official statistics (*e.g.* levels of crime, court records)? What is the capacity of the institutions that collect these? Are there civil society groups that can hold security and justice institutions to account through the collection of performance data? How could the capacity of these institutions be developed to help monitor performance and track the impact of security and justice reforms?
Security and justice needs of people, including the poor	*Poor people's experience of insecurity and injustice* • types of insecurity and injustice • coping mechanisms/ informal responses	What are the most frequent and serious types of insecurity and injustice? Are certain groups more affected by them? Are women and men vulnerable to different types of insecurities or injustices? How do people cope with insecurity and injustice? What main problems should an SSR programme address?
	Interaction with security and justice institutions • main local service providers • access to justice • influence/control of people over security and justice providers	How do people rate these institutions in terms of trust, confidence and effectiveness? Do women and men rate these institutions differently? What different roles do state and non-state security and justice institutions have, and which are the main local service providers? What institutions do poor people have control/influence over? Are justice institutions accessible in terms of location, affordability and timeliness?
	Poor people's views of what makes them safe and secure • priority safety and justice concerns • types of security provision preferred	Are some people/groups more influential? What institutions do local people want to have more control/influence over? What are their hopes and fears for the future, and what do they rate as most important among these? Which problems can local people solve themselves and which require action by local government and federal government? Which problems would benefit from support from donors? Can entry points for SSR programme design be identified?
	Marginalised groups: gendered; ethnic; age; disaggregation of safety; justice and security needs • gender • ethnicity/religion • economically disempowered (poorest of poor) • other marginalised groupings	What are the specific security needs of women and girls? How do women and girls cope with their security needs? Are women and girls legally protected from domestic violence and rape? Are these laws enforced? What services are available for women and girls suffering from domestic violence? Are women vulnerable to trafficking and sexual exploitation? Do the police have particular services for victims of sexual violence? How are victims of sexual violence treated by their communities? Do women have freedom of movement, for example to leave the home or travel outside their district?

>>> continued

Table 3.2 **Illustrative questions to be used as part of an SSR assessment**

Analytical category	Key elements	Illustrative questions
Security and justice needs of people, including the poor (continued)		Specific security needs of men and boys: where and how are men and boys experiencing insecurity? What support is there for men to change violent patterns of behaviour and escape from violent environments? What economic and social opportunities do young men have?
Other frameworks and programmes	*Political programmes and initiatives*	What political programmes is the government involved in that could provide an entry point to SSR? Is there a programme of decentralisation or civil service reform? What initiatives are donors supporting to strengthen governance?
	Development frameworks	What development frameworks exist currently in the country? Is there a poverty reduction strategy or national development strategy? How do these relate to security and justice?
	International assistance programmes	Are there existing areas of international support (for example, governance) that could provide an entry point to engaging in SSR? Are any international actors already providing support for SSR? If so, is this provided by development agencies, embassies or security agencies? Which are the main partner security and justice institutions? Are there any gaps in the current support and how co-ordinated are the efforts of international actors? Is there scope for working together to develop joint assistance programmes? What added value is there in another international actor becoming engaged?

8. Trade-offs between process and methodology

There is a danger of a trade-off being made between the comprehensiveness of an assessment and the degree of local ownership of it. For example, it may be difficult to address openly all the political challenges that an SSR process would face in an assessment that is conducted in partnership with the government, particularly when these have to do with balances of power or even the roles of individual ministers and local security actors. However, the benefits of developing local ownership by having full government participation in the assessment process may outweigh the benefits of addressing all of the most sensitive issues upfront. As confidence builds through the reform process, there may be a greater willingness to tackle sensitive or political issues.

When discussing findings, it is important to predict which ones will be sensitive to certain stakeholders. If possible, meetings should be held with those stakeholders first to ensure that findings are clearly explained and not misinterpreted. It is better to compromise and use terminology that is more acceptable to stakeholders than to fight to retain terms that are too sensitive. This process will require time, sensitivity, an ability to listen and an eye kept on the bigger picture, *i.e.* what is most beneficial to ensuring progress in security and justice development.

Reader's Notes:

Checklist: Useful questions when designing and conducting an SSR assessment

- Have you explored opportunities for joint assessments with other international actors?
- Have you involved the partner government in the design and conduct of the assessment?
- Are the agreed terms of reference for the assessment broad enough to enable the team to assess the priority areas in the security system and to address and look for linkages between institutions?
- Will the assessment give you information about the political economy and conflict issues, the governance and capacity of the security system, and the needs of local people?
- If the assessment is very quick, can you ensure that provision for more detailed subsequent assessments is included in the programme design (*e.g.* in an inception phase)?
- Are you combining different research methods to ensure that your findings are robust?
- Have you deployed a multidisciplinary team for the assessment(s)?

How this section links with the rest of the handbook

This section has highlighted core processes, methods and tools for conducting an SSR assessment. The following section examines how the findings of analysis can be used to inform the design of SSR assistance programmes and looks at the principles and approaches that should underlie them.

Case Study 3.1
Lessons from conducting a joint Strategic Conflict Assessment (SCA) in Nigeria

Context

Nigeria returned to democracy in 1999. The country still has a legacy of conflict — six successful and numerous failed military coups, a civil war that cost well over a million lives, three inconclusive transitions to democracy and recurrent factional violence. Widespread corruption and persistent electoral malpractice continue to undermine politics as a whole. Military rule has cast a long shadow, and Nigeria remains dangerously reliant on oil revenues and patron-client networks. New challenges have arisen, with inter-communal clashes across the country causing more than 14 000 deaths since 1999 and displacing more than 3 million people. Militias have sprung up, notably in the oil-rich Niger Delta, where growing tensions are a direct result of decades of environmental harm and political neglect.

Entry point

In May 2001 DFID, the World Bank, USAID and UNDP, supported by President Obasanjo, agreed that there was a need for a national strategic conflict assessment (SCA). This was the first time globally that a national conflict assessment had ever been supported by a group of donors — usually assessments are done by individual donors who often do not share findings because of their sensitive nature. The Nigeria assessment was also significant because it was led by the Institute for Peace and Conflict Resolution (IPCR). IPCR staff and consultants from Nigerian civil society and academia were responsible for leading research teams, conducting research and producing the assessment reports. The decision to conduct the SCA in this way was made in recognition of the considerable potential benefits of a shared and nationally owned assessment, and the constraints of acting without donor co-operation and without the participation and ownership of the Nigerian government.

Lessons learned

Effective donor co-ordination requires commitment and mechanisms — This type of multi-donor approach requires a high level of co-ordination and trust, which may take some time to establish. The assessment was jointly funded, and donors used their separate funding regulations and procedures. Co-ordinating and accounting for the various sums through different donor mechanisms was a complex undertaking. Harmonising disbursement, accounting and reporting requirements is a challenge for more effective co-ordination.

Accept that working together may take longer — The task of managing and co-ordinating the process was a very big undertaking that should not be underestimated. The numbers of partners involved and the complexity of the study often meant that much time was spent negotiating terms between partners. The ambitious nature of the assessment meant that considerable time had to go into designing and planning each stage of the assessment. This often ran counter to a demand for quick results. Such an assessment is labour-intensive and often takes longer than anticipated.

International actors need to leave room for local ownership — Committed donor engagement was important to the process, but the experience showed the need to leave room for ownership by in-country partners. There should have been a longer process of negotiation with the government partner, including a capacity assessment of the lead organisation, at the start of the endeavour. Technical assistance from donors in conducting assessments can carry the process forward and build the capacity of partner organisations, but this assistance needs to support rather than lead the process. The superior knowledge that national partners have of the country context should be recognised. Local protocol must be respected and donors should take care to offer support and advice rather than imposing externally conceived structures and models.

Jacob Silberberg/Panos Pictures

Impact

The assessment was successful in terms of developing donor co-ordination and encouraging government ownership and direction. The assessment process was therefore valuable in itself. Conflict and instability are still significant threats in Nigeria though, and more remains to be done to put a conflict-sensitive approach into practice in government and donor programmes.

NIGERIA, Warri, Delta State: A small boy from a remote village near Warri speaks to soldiers standing guard at an oil flow station. Oil production in the area is frequently interrupted because of ethnic and political unrest and had yet to resume.

Case Study 3.2
Lessons from the Joint Assessment Mission in Darfur (DJAM)

Context

The May 2006 Darfur Peace Agreement (DPA) mandated that a Joint Assessment Mission identify and quantify post-conflict economic recovery, development and poverty eradication needs. The key issues identified were: to restore peace, security and social stability; to establish the physical, institutional and social infrastructure required by Internally Displaced Persons (IDPs), refugees and conflict-affected citizens to re-establish their livelihoods; and to strengthen civil administration so it could perform its basic functions.

The parties to the DPA agreed to adopt a two-track approach to the DJAM and its financing. A first track, led by the UN (Early Recovery or Track I), would focus on the normalisation of life in war-affected communities and lay the foundation for the transition to reconstruction and development. The Early Recovery Programme focuses on the first 18-24 months and proposes initiatives to support peace efforts that set the stage for development. A concurrent second track (Track II), led by the World Bank, has focused on post-conflict economic recovery, reconstruction and development needs, with the eventual aim of reaching the Millennium Development Goals.

Pep Bonet/Panos Pictures

SUDAN, Zalingei, West Darfur: Tents in the Zalingei camp for internally displaced persons (IDPs). Up to two million people have fled their homes in Darfur following violent attacks by government-backed Janjaweed Arab militants.

Entry point

The peace agreement and high-level international engagement provided the entry point for the DJAM. The 30-person assessment team included Sudanese and international experts gathered in six main clusters to address three cross-cutting issues. The clusters were: basic social services (healthcare, water and sanitation, education); war-affected communities (food security and livelihoods, basic infrastructure, resource and livestock management); rule of law (police, judiciary, corrections, access to justice, and sexual and gender-based violence); governance and capacity building (policy planning, civil service); peace and security (land and conflict, reconciliation) and returns (protection, logistics). The cross-cutting issues focused on gender, the environment and HIV/AIDS.

Due to the deteriorating security situation in Darfur during the two-month field mission, access to certain various groups, IDP camps, and aspects of Darfurian society (particularly those of the non-signatory rebel groups) was limited. Nevertheless, the DJAM team members were able to meet formally and informally with a representative sampling of government, civil society, IDPs, and war-affected villagers, and relied on limited secondary data.

The findings of the rule of law cluster were quite sobering. Notwithstanding the signing of the peace agreement, the continued armed conflict has led to repeated violations of human rights and humanitarian law and a significant deterioration in safety and security where women and children in particular are especially vulnerable to physical harm and sexual abuse. The restoration of credible rule of law institutions is crucial to the success of any peace initiative and early recovery programme. Trust between IDP communities and the government of Sudan remains extremely low. Much work needs to be done to bridge this impasse, rebuild a sense of community and trust, and to establish credible and transparent institutions that provide a tradition of service. Official actors or representatives of rule of law institutions are simply overburdened and unable to cope with the demands placed on them. The traditional and informal dispute mechanisms appear to be politicised, minimising their effectiveness and viability as an alternative to an overwhelmed and under-performing justice system. The police have little or no access to, or working relationships with, IDP communities.

Lessons learned

While the DJAM is at the time of writing a work-in-progress, several initial lessons can be drawn from this experience:

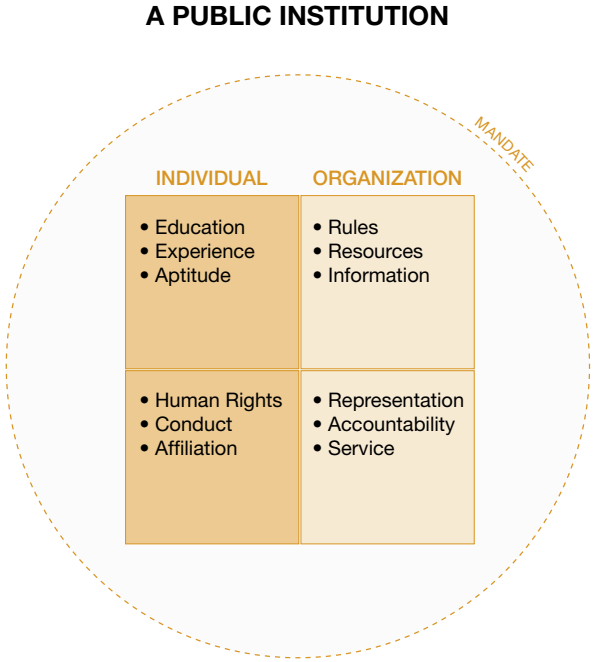
- The challenges of ensuring a nationally owned JAM process. Broad-based consultations and a concerted effort are often needed to build local ownership.
- The need for an overarching strategic framework to guide priorities, set targets and monitor progress.
- The need for a nationally driven JAM process to link with national budgets and local systems — without this, sustainability is difficult.

Case Study 3.3
Institutional analysis in a post-conflict context: Utilising a Capacity and Integrity Framework (CIF) in Bosnia and Herzegovina

The Capacity and Integrity Framework (CIF) provides a simple methodological tool to assess institutional reform needs in post-conflict contexts and to develop realistic programmes. The CIF identifies two fundamental dimensions of public institutions, the individual and the organisational, and focuses on two central reform areas of public institutions in post-conflict contexts: capacity and integrity.

A public institution has an individual and an organisational dimension. On the one hand, it consists of individual employees; on the other, an institution has an organisational structure, policies and procedures to implement its mandate. Capacity refers to the resources that enable the institution to implement its mandate. Capacity is critical to ensuring the sustainability of a reform effort. Integrity relates to the means employed and the ends pursued in the use of the institution's resources. Integrity enables the institution to fulfil its mandate in accordance with fundamental professional, good governance and human rights standards.

Figure 3.1 Capacity and Integrity Framework: a simple tool to assess and plan



The two vertical columns represent the individual and the organisational dimensions. The horizontal rows correspond to the two basic qualities of capacity and integrity. The resulting four fields represent a basic framework to comprehensively assess the status of an institution in a post-conflict context:

Individual capacity relates to an employee's education and professional training, professional experience and competence, as well as her or his physical and mental aptitude.

Individual integrity refers to an employee's adherence to international standards of human rights and professional conduct, including a person's financial propriety.

Organisational capacity refers to institutional qualities such as the number of staff, the organisational structure, resources, infrastructure and information systems.

Organisational integrity relates to procedures employed to establish the principles and values of an institution, including disciplinary and complaint procedures, oversight mechanisms, ethical guidelines, codes of conduct and representation (gender, ethnicity, geographic origin and religion).

The circle around the rectangle signifies the mandate of the institution: defining the tasks and responsibilities of the institution, the mandate provides the substantive parameters for the organisational structure, as well as for the terms of reference of each individual position.

Institutional reform in post-conflict contexts requires rapid intervention. At the same time, effective reform has to take a comprehensive and long-term perspective. The CIF is a useful diagnostic tool to analyse quickly the current status of the public institution in question, to identify and understand critical reform needs, and to design the necessary measures for an effective reform programme. The CIF can also help measure progress in the implementation of the reform programme. In its simplicity and clarity, the CIF can facilitate the communication among all stakeholders, including members of the public institution, political actors, civil society actors, representatives of international organisations and donor representatives. While the CIF is simple, it applies a coherent approach ensuring that institutional reform is not narrowly technical and one-dimensional but is widened to the broad range of good governance principles. Nevertheless, the CIF cannot provide a complete analysis and should be complemented by surveys and assessments in other areas — for example public needs, the social and historical context, the broader public system, the connections and interrelations with other public institutions and the legal framework.

Applying the CIF in post-conflict settings requires a two-step approach. First, the CIF can help to assess, in each of the four fields (individual capacity, individual integrity, organisational capacity and organisational integrity), the current status of the public institution and identify the critical reform needs. Second, the CIF can serve to develop, in each of the four fields, the crucial reform measures and design reform projects that specify implementation responsibilities, resource requirements, time lines, and implementation indicators.

The CIF was first used by the United Nations Mission in Bosnia and Herzegovina in 1999 to develop its mandate implementation plan, and has since been used by several other United Nations peace operations. [See R. Monk, T.T. Holm and S. Rumin (2001), "OHR Report on a Police Follow-On Mission to UNMBIH and the UN International Police Task Forces".]

Additional Resources

The following are recommended resources for further information on undertaking assessments that have helped inform this section:

1. ***Conflict-sensitive Development Resource Pack*** **(Saferworld) — "Conflict-sensitive Approaches to Development, Humanitarian Assistance and Peace Building" (Section 2),**
   http://www.saferworld.org.uk/en/conflict_tools.htm
   This training manual shows how to minimise the potential negative impact of development and humanitarian assistance on conflict dynamics and how to enhance prospects for peace.

2. **Kievelitz, Uwe et al. (2004),** ***Practical Guide to Multilateral Needs Assessments in Post-Conflict Situations,***
   http://www2.gtz.de/dokumente/bib/05-0172.pdf
   Aims at giving practical guidance to country teams carrying out a post-conflict needs assessment (PCNA).

3. **Hahn, Herwig and Manuela Leonhardt (2004),** ***Review and Analysis: Needs Assessments in Post-conflict Situations,***
   http://www2.gtz.de/dokumente/bib/06-1014.pdf
   Aims to contribute to efforts to systemise and standardise PCNA, building on case studies.

4. **Information on Gender and SSR (INSTRAW — United Nations International Research and Training Institute for the Advancement of Women),**
   http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211

5. **Leonhardt, Manuela (2001),** ***Conflict Impact Assessment for Development Projects: A Practical Guideline,***
   http://www2.gtz.de/dokumente/bib/01-0650.pdf
   Promotes understanding of the correlations between development projects and the conflict situation in the country, and outlines how this understanding can be applied in the project work.

6. **Muggah, Robert (2005),** ***Listening for a Change! Participatory Evaluations of DDR and Arms Reduction Schemes*****, United Nations Institute for Disarmament Research, Geneva,**
   Provides a review of participatory approaches to focus groups and monitoring and evaluation of DDR and small arms reduction programmes.

7. **UNIFEM (2005),** ***Monitoring Peace and Conflict in the Solomon Islands: Gendered Early Warning Report No. 2,***
   http://www.womenwarpeace.org/solomon_islands/solomon_islands.htm

8. **World Bank (2002),** ***Voices of the Poor,***
   www1.worldbank.org/prem/poverty/voices/report.htm
   This study brings together the experience of 60 000 poor people and details the results of participatory poverty assessments.

Reader's Notes:

Footnotes:

[1] *Experiences and Lessons Learned in Developing National Action Plans,* Saferworld and SaferAfrica. See also SEESAC and Small Arms Survey at www.smallarmssurvey.org for findings from surveys in 15 countries and protocols for baseline assessments.

[2] See http://www.soc.surrey.ac.uk/sru/SRU19.htm for more information. See Muggah, R. (2005), *Listening for a Change! Participatory Evaluations of DDR and Arms Reduction Schemes*, United Nations Institute for Disarmament Research, Geneva for a review of participatory approaches to focus groups and monitoring and evaluation of DDR and small arms reduction programmes.

The OECD DAC Handbook on Security System Reform – 978-92-64-022287 – © OECD 2007

SECTION 4: DESIGNING SUPPORT PROGRAMMES FOR SSR PROCESSES

Objective of this section

This section examines how findings of the assessments (Section 3) and experience gained in fostering a supportive political environment (Section 2) can inform the design of SSR assistance programmes. This section will cover:

1. Principles for designing SSR assistance programmes
2. Approaches for supporting partner countries' SSR processes
3. Setting objectives and developing an effective system of review and evaluation
4. Selecting the appropriate resources and funding mechanisms

Key lessons learned

- Seek a balance in strengthening both service delivery and governance.
- Adopt a multi-layered strategy that engages a wide range of state and civil society stakeholders. Work with state and non-state actors — civil society organisations have a vital role in service delivery, public education and oversight.
- Take a problem-solving approach that addresses pressing local needs in an integrated manner, *i.e.* that combines action in different sectors of the security system.
- Focus on sustainability, adapting programming to local resources, values and capacities.
- Set cascading objectives and plan in a manner that facilitates monitoring, review and evaluation.
- Support and build local constituencies that can lead change initiatives while addressing issues raised by opponents of change.
- Co-ordinate with other international actors and maximise coherence, within OECD governments, among government departments involved in SSR processes.

1. Principles for designing SSR assistance programmes

Four key principles should underpin programme design:

- Improve the delivery of professional security and justice services to local communities.
- Strengthen the governance and oversight of justice and security institutions to ensure that service providers are accountable, human rights are respected, and the rule of law is upheld.
- Enhance local ownership of SSR processes and assistance programmes through increasing government leadership and widespread civil society participation.
- Increase the sustainability of justice and security service delivery through developing human capacity and strengthening budgetary processes and financial management.

Within each assistance programme, these broad principles will need to be crystallised into specific objectives to address local problems. Systems will then need to be developed to assess progress made towards the objectives throughout the programme's implementation.

1.1 Seek a balance in strengthening both service delivery and governance

Experience shows that effective justice and security development programmes balance support for service delivery (addressing immediate safety, security and justice needs) with strengthening state governance capacities and civil society engagement. The degree of support allocated to each component depends on the needs in each context; the resources and capacities that already exist; and what is politically feasible.

In some post-conflict and fragile state situations, the immediate priority is to address the physical needs of communities for safety and security (Section 6). Successfully meeting this requirement can secure support for the SSR process at the national and local levels. A recent assessment of progress on SSR in Afghanistan suggests that governance and accountability issues have been displaced by a focus on increasing the operational capability of security forces; this threatens the underlying goals of the SSR process. The challenge in SSR programme design is to balance both short- and long-term objectives.

1.2 Local ownership

Local ownership of national SSR processes and international assistance programmes is essential if justice and security development is to be sustainable. Encouraging the participation of government and civil society stakeholders in programme design should increase their support, ensure that assistance addresses local needs, and increase the likelihood that the programme will be effective.

Achieving local ownership begins with effective consultation and participation. Ownership may follow when stakeholders have evidence that they are being heard and their views are reflected. Ownership, therefore, is more than mere participation. It is the belief that participation is effective, producing tangible results that reflect the needs and wishes of those consulted. It cannot be taken for granted, particularly in post-conflict situations during the early days of international engagement. In these cases, ownership should be understood as a process, part of the progressive handover of leadership to local actors.

Designing and implementing programmes to enhance local ownership and measuring their impact are often challenging for international actors — again, particularly in post-conflict and fragile states where justice and security institutions may be weak and capacities limited. Too often this issue is given insufficient attention in SSR programmes because of the difficulty and the time and patience it requires. Pressures of tight programme time frames and budget cycles often mean that local ownership may be seen as a luxury that cannot be afforded. This is a very short-sighted approach. Ownership is an important precondition for sustainability. The objective should be to foster a critical mass of local constituents supporting the process, who have the capacity to drive it forward and hold each other accountable for their actions.

Suggestions as to how to increase local ownership in the design of SSR programmes include the following.

Make increasing local ownership a specific objective, output and outcome of assistance programmes: What gets measured gets done. It is therefore crucial to establish specific methods and objectives to measure local ownership as a tangible output in programme design and logical frameworks (see Additional Resource 2 at the end of this chapter). The first step is to lay out a specific plan, with clear time lines and success indicators, that identifies the various local actors who will be involved in programme design and implementation, their roles and responsibilities, how they will be engaged, and what will be achieved through their engagement.

Build on what exists and support ongoing local initiatives: Do not waste effort duplicating what already exists. There may be numerous justice and security development efforts under way, seeking to strengthen state and non-state justice and security systems. It may take time and careful analysis to uncover these initiatives, but they should be built upon, supported and, if necessary, adapted whenever feasible.

Be patient: International personnel often become frustrated by the pace of reforms, and consequently attempt to design and implement programmes themselves. The benefits of this approach are limited. Investing time in involving local actors and building ownership will pay dividends in the end. This implies that external actors may need to take a longer-term and more flexible view of SSR, especially when it is part of larger processes of change in society, such as democratisation or post-conflict reconstruction.

Seek out and accept different views: Local owners may have competing views that are difficult to accommodate. Justice and security reform, as outlined in Section 2, is a political process and consensus may not always be politically possible or desirable. Debate and disagreement is a healthy and normal part of democracy and does not necessarily signal a lack of commitment to development. Nevertheless, it is important to attempt to reconcile stakeholder views to obtain a win-win situation as often as possible.

Identify the key stakeholders on different issues: Different issues require different coalitions of local actors, and it is important for programme design decisions to reflect that. Assessments should ask: Who are the key stakeholders for which reforms? At what stage of the reform process do they come in? What are the likely sources of support and resistance? Ensuring the inclusion of key stakeholders will increase the chances of support and mitigate potential opposition to the reform process. A wide range of actors should be involved, but their degree of participation may vary, depending upon:

- The type of development activity undertaken (*e.g.* policy and budget formulation, enhanced service delivery, strengthening accountability mechanisms).
- The phase of programming (*e.g.* creating a supportive political environment, inception, design, implementation and evaluation).

1.3 Sustainability

Experience suggests that SSR programmes achieve results if they address local needs and are sustainable. Unfortunately, many justice and security programmes to date have been unsustainable in the long term. In addition to local ownership, long-term sustainability has four key components:

- Human capital and capacities.
- Financing.
- Cultural appropriateness.
- Institutional structures, systems and capacities.

Human capital and capacities

The design of sustainable SSR programmes must take into account basic issues such as the number of qualified judicial and police personnel and their skill levels. For example, in Malawi in 2000 only nine of the country's magistrates had professional training[1]. Such a massive deficit in human capacity cannot be overcome quickly, but there are approaches that can make a difference in the short term. One mechanism is to work with non-state or traditional justice providers and look at how they can work together with state systems to help deliver accessible justice.

Formal justice and security institutions' lack of capacity to respond to local problems is another issue that has a significant impact on programme design. In some states in Nigeria, up to 16 different types of informal policing structures have been established by local communities to deal with crime because the police are not able to provide security. In such cases, programme design may need to adopt a multi-layered approach that explicitly develops partnerships between state and non-state justice and security actors to enhance basic service delivery, while working to increase the governance and regulatory capacities of the state. Capacity development is often an essential component of SSR programmes (Section 5).

Financing

Given limited resources and the necessity to prioritise government expenditures, the financial sustainability of SSR programming is crucial and must be taken into account in design decisions. The key issue here is whether SSR programmes and institutions can be financially sustained by public revenues once donor funds have been exhausted. The potential problems are demonstrated in Afghanistan, where the medium- to long-term cost implications of short-term security decisions undertaken in isolation from the national budget have undermined the capacity of the government to maintain core operational and capital costs. This is impeding the country's ability to fund health,

education, agriculture, and other important areas of national development. With security sector spending equalling 23% of Afghanistan's GDP in 2005, the eventual reduction in external funding will have profound implications for the sustainability of service delivery.[2] Case Study 3 at the end of this section examines the impact of expenditure and funding allocations in Afghanistan in greater detail. These issues are also explored in Box 4.6 below on "Right-financing the Security Sector".

This experience suggests that SSR programmes should be budgeted according to the recipient country's expected public revenues and economic development over a period of five or more years, with special care taken to consider the implications for longer-term recurrent and capital costs. Reform entails a number of transitional costs that can be funded by external assistance; the key is to distinguish between these short-term costs and the overall sustainability of the reformed system.

Cultural appropriateness

To be sustainable, justice and security development must be culturally appropriate for the context in which it takes place. One question is whether the provision of security and justice is in line with how the community thinks crime should be handled. What constitutes a crime, how the alleged perpetrator is to be punished, and at what age an individual is legally culpable depend on local contexts, values, customs and traditions. The perception of what is criminal can also vary — among social classes, between men and women, and depending on other factors such as religion or education.

In Timor-Leste, for example, many of the development and SSR programmes initiated by United Nations intervention have been circumvented and undermined because the Timorese reverted to their traditional means of solving conflict based on local structures.[3] Justice and security development programme design must respect local context and value systems and seek to engage with them. To do so may require developing methods of co-ordinating and establishing partnerships between state and non-state justice systems. This is especially the case in post-conflict and fragile states, where the vast majority of justice and security providers are likely to be non-state systems and the cultural context may support notions of collective responsibility and social reparations rather than individual rights.

While it is important for international actors to understand and respect local cultures, in many contexts it is important to look for opportunities to engage with cultural values to promote issues such as human rights and gender equality (Box 4.1). Cultural values are not set in stone and can evolve dynamically.

Box 4.1. Gender equality

Men are often over-represented in the security system, and many issues that directly affect women, girls and marginalised men and boys are often neglected in SSR reforms. These issues can include the threat posed to the security of women and marginalised groups by the security forces, violence against women, and the recruitment of child soldiers in conflict zones. The following types of initiatives can help encourage gender equality and women's empowerment in SSR programming:

- Include gender and women's issues in SSR planning and policies. Violence against women is one of the largest threats to human security,[4] and a participatory approach to SSR can help ensure that the security needs of women and other marginalised groups are incorporated into reforms. Gendered initiatives should be developed to meet these needs — such as establishing special units or desks within the police and justice services to deal with female and juvenile victims of violence, as has been done in Sierra Leone and elsewhere.
- Address the barriers to equal participation in SSR. In many cases this will require structural and policy reforms, as well as changes in personnel practices (recruitment, retention, promotion) to embed a systematic approach to the participation of women. Other reforms can include gender-specific budgeting, zero-tolerance policies for discrimination and relevant gender training. Empowering women to undertake positions of authority and supervision will change the dynamics of the reform process as well as the institutional culture within the security and justice sectors.

Institutional structures, systems and capacities

The design of justice and security programming needs to focus on the organisational structures and management processes within the security system. SSR programmes will be ineffective and unsustainable if they merely train and equip judges, prosecutors, prison wardens, soldiers and police officers. Justice, for example, cannot be provided without a reasonably managed court administration. In Guatemala, the impact of international assistance on the police reform process has been limited because it did not focus on managing organisational change and concentrated on "primarily imparting technical skills that, although 'learned,' are rarely 'used' in police operations".[5]

Managerial systems and planning capacities need to be developed and supported at the various levels of government — national, provincial, and local — and need to correspond closely to local capabilities. They should also be integrated within the national public administration reform process. (The issue of strengthening national management and planning capacity is addressed in more detail in Section 5).

2. Approaches for supporting partner countries' SSR processes

SSR strategies and programmes to support partner country-led processes are most effective when the international community matches their design instruments and approaches to each specific context, building linkages between and within the justice and security systems where and whenever possible. Examples of different approaches used in different contexts include the following.

2.1 A strategically integrated approach

Ideally, strategic SSR frameworks should be multi-sectoral, combining a broad range of diplomatic, legal, social, economic, security and political instruments. However, a comprehensive system-wide approach may not be feasible from the outset. In many cases, given the broad definition of SSR and the scarce resources and capacities of both national actors and international donors, it may well be impractical. What is often most effective is a gradual reform process that takes a comprehensive and long-term approach to the progressive rehabilitation or improvement of different sectors.

Such integrated justice and security programmes are often focused at the sub-system level — for example, at the police, courts and prisons or the military, and intelligence services. The terms holistic, comprehensive and integrated are frequently used interchangeably, but it is important to be clear about the core objective. If not carefully designed, implemented and monitored, efforts for an apparent comprehensive reform can in practice result in a "stovepiped" approach, with separate projects developed for different institutions and sectors. A strategically integrated approach based on a clear understanding of these interrelationships is more likely to lead to successful outcomes and focus reform activities where they are most needed and desired.

2.2 A multi-layered approach

In designing an SSR assistance programme, state delivery of security and justice services is normally the "first best" solution. However, an approach that focuses solely on strengthening state capacities is unlikely to be sustainable or effective in many developing countries or fragile states. There, the state often has significant capacity deficits (financial, personnel and infrastructure), may not be viewed as legitimate by significant proportions of the population, and historically may have never exercised full sovereign authority over its territory. As a result, justice and security are often delivered by a large number of actors. Some are state agencies and services, but the majority are likely to be non-state systems.[6] Research suggests that, in fragile states, non-state actors provide up to 80-90% of the delivery of all justice services and a large proportion of security services as well.[7]

Even in these contexts, the state still has an irreducible role in the delivery and accountability of justice and security. At the very least, this role includes establishing the contours of justice and security service delivery by setting minimum standards, formulating policy and legal frameworks, developing varying accountability and budgetary mechanisms, upholding the principles of human rights, and

establishing networks and partnerships among the various service providers. The precise role the state does, can, and should adopt will vary from context to context, although the long-term goal of building state capacity remains constant throughout.

Box 4.2. Supporting a multi-layered approach to justice and security delivery

A multi-layered approach to justice and security divides international assistance between:

- The state, at its various levels, as one of many providers of justice and security service delivery.
- The state, in its role of regulator, to establish the parameters for justice and security service delivery and ensure accountability of providers.
- Non-state justice and security service providers, given their position as the primary purveyors of day-to-day service delivery.
- The users and recipients, state and non-state, of justice and security services, to increase their voice and hold providers accountable.

In many developing and fragile states, the design of justice and security development indeed requires a multi-layered approach that provides assistance to a range of legitimate state and non-state providers at the multiple points at which actual day-to-day service delivery occurs. For example, this could entail supporting civil society organisations that are providing legal aid services, while simultaneously supporting the state to regulate this provision. The objective is to make the delivery of justice and security services more accessible, effective, accountable, and rights respecting.

This approach seeks to develop and strengthen the relationship between the already existing range of service providers (state and non-state) and the users of those services in the marketplaces where they work, in the neighbourhoods in which they live, and on the roads they travel. At the same time, a multi-layered approach seeks to strengthen governance and state structures and systems at the local, provincial, and national levels. The aim is to build on and reinforce the state's capacities to engage in productive partnerships with non-state providers and to formulate the necessary policies, frameworks, and minimum standards by which the environment for service delivery is established.

2.3 A problem-solving approach

Focusing on one significant, locally identified justice and security system issue as an entry point to the wider security system may enable linkages to be developed organically and over time. Programmes can be designed to address key needs (*e.g.* crime prevention, armed violence and small arms reduction, prison overcrowding) identified by local stakeholders and then seek to develop outwards to address linkages to other aspects of the security system. Resolving a specific local problem can help increase support for, and the credibility of, the reform process. This approach was taken in designing the Multi-Ethnic Policing Element in south Serbia in 2001: the initiative began by addressing basic security concerns in a multi-ethnic, conflict-prone environment. It eventually expanded into broader police reform and finally a security and justice development programme.

2.4 An institutional approach

When an existing local constituency is organised to advocate, design and implement a reform programme, an institutional approach can be a good starting point for reforms. In adopting this methodology, it is important to actively seek out and support ways of strengthening linkages between the institution being developed and other security and justice institutions. Because institutions in the security system are interrelated, an intervention in one of them will necessarily have an impact on the others, often provoking a chain reaction. Lessons learned and best practices stress the failings of programmes targeted at single institutions, such as the (national) police reform initiatives in Haiti and the Solomon Islands that led to overcrowded prisons and overloaded judiciaries. The transition from an institutional approach to a sector-wide approach needs to be managed carefully, as highlighted in Case Study 4.2 on Sierra Leone at the end of this section.

2.5 Supporting government-initiated reviews

Support should be provided to a national government when it seeks to initiate an SSR review and develop a national security strategy. These strategic processes can provide an important platform from which to launch systemic and co-ordinated justice and security development. Guidance on how to support the development of a national security strategy is provided in Section 5.

2.6 A two-phased approach from stabilisation to development

In post-conflict situations it is important to differentiate between stabilisation and development initiatives, but also to ensure clear linkages between them. A short-term response — such as international peacekeeping, DDR or small arms control — may be necessary to address immediate safety and security concerns to stabilise the situation. However, it is important that these activities help pave the way for longer-term reform processes, and that decisions made during the stabilisation period do not undermine long-term sustainable development. Security imperatives in a post-conflict situation can justify an initially disproportionate allocation of resources to the justice and security sector but, unless carefully designed, subsequent cutbacks can themselves be a source of insecurity, as occurred in Bosnia and Herzegovina and Kosovo. In both peace operations the government, employing short-term strategies, increased the numbers of state-employed police officers, only to be compelled to make institutional cuts a few years later once the costs of expanded payrolls and associated expenditures became apparent.[8] Effective linking of SSR engagement post-conflict to longer-term development initiatives is dealt with in more detail in Section 6.

3. Setting objectives and developing an effective system of review and evaluation

Section 2 covers in more detail the process of fostering political-level support for SSR and how to ensure that different perspectives regarding reform needs are articulated through a national dialogue process. These views, coupled with the findings of an SSR assessment (Section 3), should help partner governments better define their needs and a donor programme better identify its programme objectives.

3.1 Setting objectives for assistance programmes

Security system reform is a broad area, and setting clear programme objectives is critical. If the objectives are not defined clearly, then reform efforts will lack direction and cohesion. Objectives should be determined by the local context. It is important to ensure that there is a common understanding of what SSR is and what the priority objectives of programmes are.

Comprehensive programmes should have objectives in each of the four key principles/goals of SSR assistance that are discussed in Section 4.1. A system of monitoring, review and evaluation should be established to track progress towards these objectives throughout the implementation of the assistance programme. For this purpose, care should be taken that all objectives are SMART, that is:

- Specific.
- Measurable.
- Achievable.
- Realistic (in terms of resources available).
- Time-bound.

3.2 Ensuring objectives are aligned with national priorities

It is important to understand the national context within which assistance programmes operate and to ensure that their objectives are in line with national priorities. Box 4.3 provides an example, from the defence transformation process in post-apartheid South Africa, of “cascading objectives”. These highlight the need for a logical political and organisational flow from the national level down to the programme and project levels. National goals and priorities need to be translated into practicable programme and project objectives, and SSR programme and project objectives should be based on

national objectives and priorities. Wherever possible the objectives of a donor programme should be in line with government priorities, apart from those situations where the partner government lacks the political will for reforms. Box 4.3 shows how an area of reform can have constitutional, legislative, policy and organisational dimensions.

Box 4.3 An example of cascading objectives for SSR in South Africa

- *National priority:* the state must respect, protect, promote and fulfil the rights outlined in the Bill of Rights, which binds the legislature, the executive, the judiciary and all organs of state [sections 7(2) and 8(1) of the Constitution of 1996].
- *National security injunction:* the security services must act, and must teach and require their members to act, in accordance with the Constitution and the law [section 199(5) of the Constitution of 1996].
- *Legislative provision:* the Chief of the Defence Force shall ensure that all members of the Defence Force are trained in law, including international law, to the required level, and shall be responsible to the Minister of Defence for the performance of this function [section 7 of the Defence Amendment Act, no. 4 of 1997].
- *Departmental objective:* to design and implement a civic education programme that promotes throughout the Defence Force an understanding of, and respect for, the Constitution, the Geneva Conventions and the precepts of civil-military relations and military professionalism in a democracy (Ministerial Directive).
- *Civic education programme objectives:* to establish a civic education monitoring and advisory committee that includes military officers, civilian experts and parliamentarians; to identify key themes and topics; to design curricula for different levels in the Defence Force; to train trainers to deliver the curricula; to develop a monitoring and evaluation system; and to prepare reports for the Minister of Defence and the parliamentary defence committee; etc.
- *Code of conduct project objectives:* to develop a code of conduct based on the civic education curricula; and to devise ways of disseminating and promoting the code.

3.3 Building flexibility into programme design

Often there is too little flexibility in the design of SSR programmes to allow adaptation to a changing local environment. International actors are often cautious about taking risks, and therefore may miss chances for reform. Programme design needs to maintain as much flexibility as possible during the implementation phase. The progress and impact of programmes should be assessed so that they are able to adapt and respond to emerging challenges and opportunities. The objectives and activities that seemed appropriate at the outset of a programme may lose their relevance as dynamics evolve. All of this highlights the importance of good programme management.

3.4 Mitigating risks

There will always be a level of risk attached to supporting security and justice development because of the political nature of the issues and the concern about not providing support to institutions that violate human rights. Sections 2 and 3 highlighted how to identify potential risks at the early stages of engagement and when conducting an assessment. If these risks have been weighed up and the decision taken to proceed, there is much that can be done to target assistance programmes to help address and mitigate them.

Reader's Notes:

Table 4.1 Designing SSR support programmes to address specific risks

Potential risk	Mitigating action
Political risk from donor government engaging in support of SSR.	Develop inception phase to help assess level of local commitment. Ensure clear objective for supporting SSR. Ensure whole-of-government coherence. Make case for engagement to parliament and public in donor country.
Police utilise undue force when dealing with public demonstrations.	Provide training in crowd control and proportionate use of force. Support human rights groups and bodies that can provide oversight.
Lack of overall strategy means reforms could be piecemeal.	Support development of national security and justice strategy to guide reform process.
Partner government has requested training on specialised issues but lacks organisational structures to ensure this will be used.	Make support for training conditional on engaging in management reforms that address systemic problems.
Support for SSR is driven by a few political figures.	Encourage development of a national dialogue on security and justice issues to broaden political support for reform and engage the public.
State security and justice institutions have limited outreach in rural areas.	Assess the non-state security and justice providers in these areas. Target support to increase their accountability and develop partnerships with state bodies and communities for service delivery.
A large number of international actors means parallel assistance projects with same partners.	Develop joint multi-donor assistance programme to co-ordinate support.
Lack of public engagement in the issue.	Support public education campaign and local consultations to engage communities.

3.5 Monitoring progress and reviewing implementation

Monitoring, review and evaluation are the bedrocks of sound SSR programme management. They are tools to appraise and adjust processes, and to actively determine whether programmes are achieving designated objectives. If a programme is not achieving desired changes, then these tools should be able to provide a clear sense of what is needed in order to achieve change. It is important to include monitoring, review and evaluation in the design of assistance programmes and allocate sufficient resources to them.

Box 4.4. Tools for directing and measuring the effectiveness of programmes

Assessment: Prior to programme development, an assessment analyses the context, determines programme objectives, and creates baselines for future monitoring and evaluation.

Monitoring: Ongoing monitoring tracks progress according to defined programme indicators — qualitative and quantitative — and helps the process of evaluation and review.

Review: Conducted at discrete stages through a programme's life cycle, a review assesses programme performance and suggests adjustments and refinements necessary to achieve programme goals.

Evaluation: Evaluations take place at the end of a programme and identify broad lessons learned for the organisation. Evaluations should be used to inform the development of subsequent programming.

3.6 Tracking progress along the results chain

It is normally relatively straightforward to monitor the activities and outputs of an assistance programme; the challenge is to assess progress in terms of outcomes and impacts. UNDP refers to the "results chain" that can be depicted as a flow chart (Figure 4.1) illustrating the causal sequence for an intervention that begins with inputs and activities and moves through processes, outputs, outcomes and impacts that could extend into the long term.

Figure 4.1 **Results chain**

Inputs	Processes	Outputs	Outcomes	Impacts
Measures the resources a programme uses: • Personnel • Equipment • Funds	Measures the activities a programme undertakes: • Public education • Training programmes • Institutional dialogue	Measures the result of the activities: • Police trained • Paralegal support established • Court user committees established	Measures the consequences of the programme: • Improved police performance • Availability of legal advice • Reduced prison overcrowding	The ultimate achievement for the wider community: • More effective and responsive security system that delivers justice and safety to local people

Source: Adapted from *"The Monitoring and Evaluation Framework"*, Evaluation Office, UNDP, 2002.

3.7 Developing indicators to track progress towards programme objectives

Programme progress along this results chain can be measured in terms of indicators. The World Bank defines an indicator as "...information [that] can be used...to assess performance and assist in planning for the future." USAID defines an indicator as a measure that helps "...answer the question of how much, or whether, progress is being made toward a certain objective."

Deciding which indicators to use to measure the progress and impact of SSR assistance programmes is a challenge. They need to be context-specific, unambiguous, realistic and measurable. It is important to consider them not in isolation but in conjunction and to use a mixture of qualitative and quantitative measurements that can be cross-referenced for accuracy. A large number of indicators can be cumbersome, and so it is vital to select the right ones for the job.

To help measure progress towards programme objectives, it can be valuable to break down each of the four key goals of SSR into its different aspects and develop indicators that will track progress towards them throughout each stage of the results chain. While all indicators will be specific to the particular context in which the reforms are occurring, the table below provides an illustrative example of how this could be done.

Reader's Notes:

Table 4.2 Measuring progress toward programme objectives

Objectives	Criteria	**Indicators** (Indicators are context-specific — examples below are for illustrative purposes only)
Local ownership	• Political support • Changes in government policy and practice • Civil society engagement and initiatives (important distinction between government ownership and true national ownership)	• Clear statement from the government on their leadership of/support for the reform process • New government initiatives established to improve security and justice delivery • Establishment of dialogue process on security and justice needs that engages both state and civil society stakeholders
Democratic governance	• Accountability and transparency • Legitimacy (confidence and trust) • Checks and balances • Independence • Professionalism • Voice and participation	• Increased parliamentary debate of security and justice issues and strengthened procedures for oversight • Increased percentage of population in target areas have confidence in security and justice providers • Transparent process established for development of national budget for security and justice institutions • Security and justice institutions are more representative of different social groups
Service delivery	• Access • Effectiveness and responsiveness • Due process • Accountability and oversight • Legitimacy	• Increased percentage of population have access to justice services • Increased percentage of population feel they have a say in how justice and security services are delivered • Effective public complaints process established for security forces • Establishment of local community policing forums that bring together police and citizens to discuss priorities
Management and sustainability	• Financial sustainability - Human capacity - Cultural appropriateness • Management • Information management and monitoring capacity	• Security and justice funding decisions made through the national budgetary process • Transparent human resource policy established for recruitment and promotion • Training programmes established linked to strengthened management capacity to ensure new approaches are implemented • Establishment of national system to track and monitor progress of reforms and service delivery

3.8 Challenges with indicators

What gets measured tends to get done, so it is important not to inadvertently create perverse incentives with indicators. For example, where the number of arrests has been used as a yardstick of police performance in some countries, this has led to a sudden roundup of vagrants that increases prison overcrowding and does nothing to achieve increased safety and security. Likewise, if the number of arrests is linked to the number of successful prosecutions, it is important to be careful that this does not encourage corruption and financial inducements between police officers and magistrates.

Quantitative indicators on their own can be poor measurements of the impact of SSR programmes. This is partly because of the unreliability of official statistics and data sources in many countries, but

also because there are a number of factors that can account for variations in statistics. For example, crime statistics may go up due to increased trust by the public in the police and increased reporting of crime, improved logging of reports by the police, an actual rise in crime, or any combination of these. Reports of sexual assault almost always increase when the environment becomes more conducive to women reporting; such an increase is not a definitive indicator that rates of sexual assault have increased.

Human security is about how people feel, and so using qualitative indicators that assess local perceptions of safety, security and access to justice is often the most accurate way of measuring the progress and impact of SSR programmes. Surveys do not necessarily have to be expensive and can range in scale from large, representative samples of public opinion to inexpensive soundings of a small number of people. Getting women's opinions and perspectives will often require extra effort in the form of female-only focus groups or direct one-to-one interviewing. Case Study 4.1 on South Africa at the end of this section highlights some of the challenges of using indicators to track performance. Box 4.5 presents a number of useful considerations to bear in mind when developing indicators.

Box 4.5. Checklist for developing indicators

Validity

- Are your indicators likely to record progress toward your objective?
- Are you measuring outcomes, not simply activity?
- Would different people taking the same measure get the same results?

Balance

- Do you have a balanced basket of indicators that measures progress toward a single aim?
- Is the ambiguity inherent in each single indicator reduced by the presence of the other indicators?

Sensitivity

- Are all of your indicators sensitive enough to record the kinds of changes likely to occur from one period to the next?
- Are your indicators sensitive to the changes your interventions are most likely to produce?

Equality

- Do your indicators specifically capture the experience of people in poverty and of women?
- Can your indicators that capture general experience be disaggregated to isolate the experience of particular groups?

Motivation

- Can you identify the ways in which the introduction of your indicators may change the incentives guiding the behaviour of officials or citizens?
- Can you minimise any danger that your indicators will create perverse incentives that could undermine your aims?

Practicality

- Can you afford to collect the necessary data on a regular, continuing basis, and are simpler, less expensive ways to collect data available?
- Will the data collected specifically for your indicators be reliably accurate?

Ownership

- Have all those whose progress will be measured contributed to the development of the indicators?
- Do those whose performance will be judged by the indicators have confidence in them?

Clarity

- Do the measures make sense to all of your audiences, including people in poverty?
- Are your measures expressed in units that are clear?

Source: Vera Institute of Justice, *"Global Guide to Performance Indicators"*, 2003, p. 16.

3.9 Criteria for measuring progress

The OECD DAC has developed "Criteria for Evaluating Development Assistance". Five in number, these criteria for measuring progress should be kept in mind when designing an SSR assistance programme:

- Relevance.
- Effectiveness.
- Efficiency.
- Impact.
- Sustainability.

Section 7 addresses ways the criteria can be used to review and evaluate SSR support programmes. Coverage, coherence and co-ordination are three other criteria identified for humanitarian assistance activities and complex emergencies, according to the DAC Guidance for Evaluating Humanitarian Assistance in Complex Emergencies. These may also be helpful in evaluating conflict prevention and peacebuilding activities, including SSR.

4. Selecting the appropriate resources and funding mechanisms

Adequate funding, effective financial management and timely disbursement of resources are fundamental to effective justice and security system development. Once a programme is agreed, international actors have a responsibility to ensure that there are adequate, well-distributed and predictable financial, human and technical resources mobilised to help achieve the stated objectives over the entire length of the programme. Predictability is essential to long-term planning. (See Case Study 4.3 on Afghanistan and Sierra Leone at the end of this section.)

Optimising funding policies and decisions is of particular importance in weak and fragile states. Doing so avoids the imbalance of public spending on security at the expense of other development sectors, decreases long-term dependencies on financial assistance from the international community, and strengthens the security sector so as to minimise the risk of the country slipping back into conflict.

Box 4.6. "Right-financing" the security sector

To ensure that support to SSR in a given country is fiscally sustainable over the medium to longer term, it is essential to design a programme that: i) minimises the risks associated with under-provision of security due to the overly stringent application of fiscal policies; and ii) limits the development of expansionary security policies that dominate public spending, thereby pushing back opportunities for early exit by the international community. The concept of right-financing for the security sector "involves the determination of sustainable policies and strategies, institutions and service delivery capacities that balance security, governance, service quality and fiscal sustainability concerns in weak and fragile states". Right-financing is therefore essentially about determining an acceptable trade-off between "right-sizing" security forces and higher-quality and more equitable security services over time.

Making the right policy, institutional and staffing decisions (i.e. right-financing) early on in the design phase is also essential to establishing accountability and transparency in the security sector. Moving this approach forward is of particular relevance in countries such as Afghanistan and Sierra Leone. Those countries struggle to meet the fiscal demands of unsustainable security expenditures that necessitate long-term subventions from the international community and still do not meet the minimum security and justice aspirations of their own citizens.

For more on the concept of "right-financing" see Additional Resource 14 at the end of this section.

The large number of international partners with different funding and reporting mechanisms is also sometimes an impediment to progress. Streamlining funding mechanisms and correlating procedures should help increase donor co-ordination and may help strengthen local ownership as well. In Indone-

sia for example, the World Bank, Asian Development Bank and UNDP are jointly providing support to the multi-stakeholder Partnership for Governance Reform, in an attempt to fund Indonesian initiatives that clearly display national ownership in place of bilateral funding. Such harmonisation of procedures is a requirement of the Paris Declaration on Aid Effectiveness.

While funding is clearly important, justice and security development is not all about financial resources. Professional, technical assistance through the provision of experienced experts to support, mentor, guide and advise in the development of local capacity is often more valuable than a cash injection.

Depending on the adequacy of the partner country's financial accountability and management systems, funding mechanisms used by development agencies can include general budget support; sector-wide approaches (SWAps); programme or project funding; and small grants and social funds for justice. Each of these mechanisms is explained in more detail below.

Jacob Silberberg/Panos Pictures

NIGERIA: Improving security and justice service delivery is often about making services more accessible — as is the case with this mobile court in Nigeria

4.1 General budget support

General budget support refers to financial inputs, but also to conditionality, dialogue and alignment linked to partner government objectives. It is part of the Poverty Reduction Strategy Paper (PRSP) approach, which embodies a doctrine of partnership, ownership and empowerment. In cases where security system issues are explicitly set out in PRSPs, or in similar national development plans, general budget support has been a useful tool to support SSR. Case Study 5.1 in Section 5 provides examples.

In cases where security objectives do not feature explicitly in national development plans, general budget support may still be a valuable lever for SSR practitioners and policy makers. This is because evidence (see Evaluation of General Budget Support, IDD and Associates, May 2006) suggests that general budget support can:

- Increase the scope of partner government discretion, both by increasing the total of on-budget aid and by reducing the scope of earmarking within the budget. An important part of this effect is that sector ministries, including those within the security system, engage directly in the national budget process.

- Improve the comprehensiveness and transparency of partner government public finance management, thus strengthening the basis for accountability. This can generate pressure for security spending to be brought on-budget, with enhanced parliamentary accountability through the budget approval process. International involvement in these issues has provided important entry points for undertaking public expenditure reviews (see Case Study 4.3 at the end of this section), which provide valuable insights into security system financing issues.
- Increase awareness within partner governments of the total level of on- and off-budget spending within the security system, and thus provide a clearer evidence base for the inevitable trade-offs between operational capability and affordability/sustainability that will be needed once initial stabilisation has been secured.
- Facilitate greater coherence between sectors, and provide an incentive for policy formulation at sector level.

General budget support is not a panacea. Its use for SSR will always require investing in the capacity of the partner government to manage its financial resources. In fact, a variety of complementary tools and instruments can also be considered to support capacity development. This highlights the need in all cases to have the right international personnel on the ground to provide tailored support and advice on a flexible basis.

A further challenge for supporting SSR through general budget support is the issue of budget fungibility. One aspect is that general budget support can be politically vulnerable when donors are identified with everything the partner government does — including, for example, increasing military expenditure. A second aspect is whether budget support funds qualify as Official Development Assistance in cases where there are security objectives set out in national development plans. Further guidance on this issue is provided in Section 8.

4.2 Sector-wide approaches (SWAps)

SWAps are programme aid directed to a particular sector. Within a SWAp, government and donor funding aim to achieve a sectoral strategy, in line with available resources and implementation capacity. A single SWAp can incorporate a variety of different funding mechanisms, such as sector budget support, off-budget pooled funds, and projects. To qualify as a SWAp, the approach should meet all the following criteria:

- A comprehensive sector policy and strategy.
- An annual sector expenditure programme and a medium-term sectoral expenditure framework.
- Government-led donor co-ordination.
- The support of major donors within the agreed framework.
- The commitment of a significant number of donors to work towards greater reliance on government financial and accountability systems.
- A common approach by donors to implementation and management.

Research into the SWAp developed in support of the Ugandan government's medium-term reform plan for its justice, law and order sector found that, despite challenges:

- A simplified partnership structure with donors, involving a unified group and information mechanisms, has improved reporting and evaluation processes and reduced conflicting pressures on the Ugandan government.
- Co-ordination among donors, as well as between them and the sector, has led to a more rational and effective use of resources and has supported the improved functioning of the court system, for example.[9]

4.3 Programme or project funding

Support for the security system can also be provided in the form of project or programme support — or, more directly, in the form of professional, technical assistance. This form of more "earmarked" support may be appropriate where the levels of consensus between the government and international partners, and/or the mechanisms for budgetary accountability, are not sufficient to allow general budgetary support. While such programme support provides more transparent accountability for donor funds, there is a risk that this may be at the expense of an integrated approach to programme design and implementation. That risk can be reduced when programme design points to linkages between justice and security institutions, governance issues, and development of policy frameworks that are politically feasible. Another drawback with programme funding is that it may reduce the partner government's ownership of the process.

4.4 Small grant facilities and social funds for justice

There is a trend in development of providing large-scale assistance to a limited number of actors in order to try and reduce transaction costs and the need for detailed oversight. This approach can have benefits in terms of increasing ownership by the recipient governments, but it often prevents the provision of smaller, more targeted resources to a broader range of actors, especially organisations advocating and supporting marginalised, excluded, and vulnerable social groups. Small civil society organisations (CSOs) often have a low absorptive capacity. Nevertheless, they play an important role in representing beneficiaries, highlighting local needs and viewpoints, raising awareness, increasing participation, and making the activities and operations of the justice and security system more accountable. It is important that international actors have the flexibility to provide smaller-scale funding to a wider range of justice and security stakeholders and projects. Such projects can help test hypotheses as to the type of approach(es) needed, build partnerships, conduct detailed assessments, and develop local constituencies for further reform.

The challenge for donors, however, is that this funding mechanism implies increased management and oversight. In the context of designing justice and development programming, this is a small investment for a potentially large pay-off, especially in fragile states. Illustrative of the World Bank "venture capital" model of social development funds as part of a multi-layered approach, social funds for justice can provide an invaluable means of disbursing resources to multiple state and non-state service providers and client groups at the point where service delivery takes place. The disbursement of funds could involve the provision of block grants to communities to be spent on micro projects selected by the community. However, they can also be scaled up to a provincial, regional, or national level, linking and building local and provincial capacity and governance structures in conjunction with existing community, village, and neighbourhood institutions. In fragile states, social funds for justice would foster a decentralised approach highly responsive to local needs and adhering very closely to the dictum of local ownership.

There is a strong argument for "letting a hundred flowers bloom" and encouraging the "venture capital" disbursement of funds for state and non-state services to marginalised, excluded and vulnerable social groups. As a recent report argues, "In assessing the applications [for funds by CSOs], donors should not set the bar too high. It is not essential that every successful application has a dramatic or long-lasting impact. In the early stages of a new democracy, it is not even essential that all the applications are of a high quality. What is important is that there are a multitude of constructive civil society initiatives on security. The cumulative effect is a significant contribution to democracy and SSR."[10]

Checklist: Useful questions when designing SSR programmes

- How can the programme address both immediate needs for security and justice and longer-term governance issues?
- Are the objectives SMART?
- Are the entry points identified encouraging buy-in by the beneficiaries through quick wins?
- How does the programme build local ownership?
- How are gender issues addressed?
- Have you looked at the role of state and non-state actors in service delivery?
- Is capacity building a central element of the programme, and is there a sufficient focus on strengthening management capacity?
- Have you thought about the financial sustainability of the programme and its cultural appropriateness?
- What indicators will you use to monitor and evaluate progress?
- Is there flexibility to enable the programme to adapt to the changing context?
- Are the risks and the measures for mitigating them identified?
- Are you rewarding innovation and providing incentives for identifying and learning lessons?
- Is the time frame realistic?
- Have you selected the right mix of funding instruments?

How this section links with the rest of the handbook

This section has highlighted the issues to consider when designing effective SSR assistance programmes. The following section examines how an assistance programme can help build national capacity to lead SSR processes. Section 6 outlines specific programmatic advice for undertaking SSR reforms in post-conflict contexts. Section 7 examines key issues for implementation in different sectors and Section 8 addresses how to strengthen the management, review and evaluation of programmes.

Reader's Notes:

Case Study 4.1

Police reform and the use of performance indicators in South Africa

Context

During the transition to democracy in South Africa, the nature of police institutions and the process of policing itself were dramatically reformed. At an institutional level, the South African Police Service (SAPS) was created as a result of the integration of the former South African Police and the ten "homeland" police agencies. Considerable work was required to align and integrate these structures and their various procedures, ranks and administrative systems. In terms of delivery of policing itself, there were also significant reforms, including a focus on improving relations between police and community; redesigning systems for selection and training; preventing and actively responding to torture or other human rights abuses; and inculcating a culture of service delivery into police work. The complexity and multi-faceted nature of the reform process, along with the requirement for police, policy makers and the newly created civilian secretariats at national and provincial level to manage and monitor the process more effectively, led to the establishment of a performance management system based on indicators.

Morris Carpenter/Panos Pictures

SOUTH AFRICA, Johannesburg: Badges and epaulettes of a police sergeant from Johannesburg's flying squad.

Entry point

The critical entry point for establishing the system was the desire of the new political leadership to track the impact of the police reform process, including on the level of security experienced by local people. On an annual basis, the police, the civilian secretariat and elected policy makers set the overall performance targets. Detailed performance indicators were agreed with civilian policy makers (at both national and provincial level) and then published. The police established a data management system to record and report on performance. Finally, levels of performance were evaluated by the civilian secretariats.

Lessons learned

Too many indicators — Given the number of issues requiring monitoring, the early years of the process focused on an excessive quantity of indicators, numbering well over 100. This required a significant bureaucratic effort to collect data and resulted in the presentation of detailed tables of numbers that were difficult to interpret. The indicators also held data on widely varying topics, from levels of reported crime to the percentage of formally disadvantaged officers receiving promotion. That made it difficult to provide clear answers as to how well overall reform efforts were proceeding. Many of the indicators were also difficult to verify independently (for example the number of patrols conducted or meetings held), leading to suspicions from civilians and operational police alike that the reporting system lacked integrity. Fewer, more focused and clearly verifiable indicators would have simplified and increased the influence of the system.

Difficulty of analysis — The civilian secretariats responsible for the analysis of the data at both national and provincial level were short of skilled human resources and ill-equipped for the task. While some progress was made at national level in producing reports on police performance, this was seldom replicated further down the system at the level of provincial secretariats. The analysis produced was also heavily data-driven (reflecting the statistical inputs provided by the police), and given the complexity of the task it was difficult to produce information that policy makers could use effectively. Indicators that measured activities (patrols or meetings) were impossible to reconcile with those that measured outputs (reducing crime) in a way that produced useful analytical outcomes. In combination with a simplified set of indicators, greater investment in analytical capacity would have significantly enhanced the quality of the reporting, and thereby the impact.

Weakness of the feedback loop to policy makers — Analysis of police performance in relation to the indicators was seldom made public, reducing the pressure to use the system as a management tool. While the minister for safety and security was briefed quarterly on the results by the national secretariat, given the challenges spelled out above it was difficult to integrate findings directly into a set of formal policy directives. Nevertheless such briefings, as well as those to parliament and provincial legislatures, contributed to an understanding of the complexity, challenges and overall progress of the reform effort. A more clearly established and widely recognised reporting process in which the findings were presented and debated and decisions taken could have strengthened the link to national policy making.

Impact

While the system suffered from clear weaknesses, it provided the only country-wide data-driven system to determine overall progress with regard to police reform. Indeed, the system of indicators was often taken much more seriously at the level of local and area police, several of whom established a dedicated and often very sophisticated monitoring capacity. In the longer term the use of indicators during the transition inculcated a much stronger culture of measuring performance in the SAPS than would otherwise have been the case.

An overview of the current process of using indicators for measuring police performance in South Africa, as well as its links to the system of police oversight, can be found in "The Police We Want: A Handbook for Oversight of the Police in South Africa", Open Society Justice Initiative, 2005, http://www.justiceinitiative.org.

Case Study 4.2
Managing the transition from police support to a sector-wide approach in Sierra Leone

Context

Following agreement in 2005, DFID was faced with the challenge of successfully managing the transition in Sierra Leone from a programme of support primarily focused on the police to a broader approach engaging other government departments, the judiciary, and non-state actors in the informal justice sector. This significant challenge was not managed particularly well, which impacted negatively on progress made in sensitising the police to the change in approach to justice sector development.

Entry point

The entry point should have been the finalisation of the Justice Sector Development Programme documentation itself (the planning for a system-wide reform programme). Those engaged in the established Commonwealth Safety and Security Programme (CSSP — the programme focused on police reform) should have been tasked with developing an exit strategy complementary to the inception phase of the Justice Sector Development Programme. While the latter programme produced a "migration document" to manage the transition from their perspective, none was forthcoming from the CSSP management. The Sierra Leone Police were thus only provided with limited support to assist them in the change of thinking required for a sector-wide approach.

Lessons learned

Effective management of change is vital within donor agencies — The challenges outlined occurred during DFID's devolution process from London to Freetown. Given large staff turnover and the challenges of office transition, a short-term approach to programmatic transition occurred. Before embarking on any change to the status quo, it is important to identify the risks such a change poses, as well as mitigating measures to reduce the impacts of spoilers. That did not occur in this instance, though the error was rectified upon devolution through ensuring that both the security and justice programmes were brought under the authority of one programme manager.

The importance of effective communication — In any environment unused to enacting change, effective communication to all stakeholders at each stage of the change process is critical. Broadening any programme from a focus on one institution to an entire sector is bound to entail shifts in approach, and there will be some perceived winners and losers. Informing all stakeholders of the need for this change — and of their role in relation to it — at an early stage is vital, if local ownership is to occur and other donors are to be able to factor the step change into their own programmatic processes.

Impact

The failure to address the difficulties of transition led to significant differences within DFID and within the international community more broadly as to the role of the police in Sierra Leone. Entrenched positions developed as to whether the police should be viewed as having primary responsibility for security, or whether they should be embraced as part of the justice community. The answer is both, but a weak migration plan between two discrete programmes encouraged these conceptual differences to take root.

Reader's Notes:

Case Study 4.3

Expenditure management reviews of the security system in Afghanistan and Sierra Leone

Context

In 2003, the government of Afghanistan requested support from the World Bank and DFID to conduct a review of public finance in the security system. The review followed concerns of the minister of finance that the entire security system was rapidly becoming fiscally unsustainable, mainly due to large off-budget transfers that had direct impact on government on-budget spending. In 2006, DFID commissioned a similar review of public expenditures in Sierra Leone to gauge the overall effectiveness, efficiency and sustainability of the security system. The main objectives of both reviews from a public financial management (PFM) and development perspective were to:

- Gain as complete an understanding as possible of the current level and structure of security expenditures, recent trends, and likely future expenditure requirements based on current plans.
- Assess the extent to which the strategies that are used are coherent and the government institutions guide public expenditure allocations.
- Review processes for determining funding levels, expenditure allocations, budget execution and post-execution functions, and assess the extent to which they follow sound PFM principles.
- Describe the institutional framework for the security system and ascertain the extent to which it embeds or is conducive to sound PFM.

Jeroen Oerlemans/Panos Pictures

AFGHANISTAN, Kabul: Watched by a senior police officer, recruits take exams at the Kabul Police Academy. Lessons at the academy are given by German military police officers.

Entry point

In both cases the reviews were conducted with and for national authorities in order to strengthen national analytical capacities in policy making, planning and budgeting. The reviews were able to consolidate lessons learned across a wide range of stakeholders, and the various findings strengthened reform-related decision making with regard to institutional mandates, staffing and policy management issues. In Afghanistan, the review allowed the ministry of finance to engage in discussions with the National Security Council, as well as international partners funding the military and police reform programmes. In the case of Sierra Leone, the review has provided a platform for costing the entire five-year security sector reform programme.

Lessons learned

PFM principles are applicable — The reviews have demonstrated that standard PFM reviews can be applied to the security system just as they can to any other sector, such as education and health.

PFM reviews are valuable to assess sustainability — The reviews have allowed national governments and their international supporters to rapidly assess the extent to which national authorities will be able to take control of functions that are currently funded externally, off-budget or through grants.

Support for SSR should be consistent with PFM principles — Continued off-budget financing of security sector reform programmes undermines national ownership, co-ordination, and potentially long-term fiscal discipline.

Impact

The failure to address the difficulties of transition led to significant differences within DFID and within the international community more broadly as to the role of the police in Sierra Leone. Entrenched positions developed as to whether the police should be viewed as having primary responsibility for security, or whether they should be embraced as part of the justice community. The answer is both, but a weak migration plan between two discrete programmes encouraged these conceptual differences to take root.

Additional Resources

The following are recommended resources for further information on SSR programming that have helped inform this section:

1. **Center for Democracy and Governance (1998), *Handbook of Democracy and Governance Program Indicators*, USAID, Washington, DC,**
   www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacc390.pdf
   Helps strategic objective teams — those responsible for programme management — develop indicators that are useful for management decisions.

2. **Nathan, Laurie (2006), *Operationalising the Principle of Local Ownership in Security Sector Reform*.**
   http://www.crisisstates.com/download/others/SSR%20Reform.pdf
   Document focuses on how to contribute to operationalising the donor commitment to local ownership of SSR. Provides useful planning and diagnostic tools that could be used by external actors supporting SSR as well as by local actors engaged in security sector reform. This document was central to the development of this section.

3. **Partnership for Governance Reform in Indonesia website,**
   http://www.kemitraan.or.id
   This initiative brings together the Indonesian government, legislature, judiciary, civil society and corporate sector with the support of the international community in initiating a long-term process to improve governance in Indonesia in a durable way. The website presents the projects, lessons learned and publications.

4. **The Governance and Social Development Resource Centre website,**
   www.grc-exchange.org
   The centre supports the knowledge needs of the international development community in relation to governance, conflict and social development. It aims to help reduce poverty by informing policy making and enhancing professional knowledge and competencies.

5. **Judicial Sector Indicators (JSI), World Bank Information System,**
   http://www4.worldbank.org/legal/legop_judicial/whatisjsi.html

6. **OECD (1991), The DAC Principles for the Evaluation of Development Assistance,**
http://www.oecd.org/dataoecd/31/12/2755284.pdf
The principles bring together the results of work done under DAC auspices on essential aspects of the aid planning process. They are seen not only as guidance, but also as a basis for dialogue and co-operation with developing countries.

7. **OECD (1986), "Glossary of Terms Used in Evaluation", Methods and Procedures in Aid Evaluation Glossary, OECD, Paris.**

8. **OECD (2002), Glossary of Key Terms in Evaluation and Results Based Management**
http://www.oecd.org/dataoecd/29/21/2754804.pdf

9. **WBI (The World Bank Institute) (2006), A Decade of Measuring the Quality of Governance Indicators: Governance Matters 2006, Worldwide Governance Indicators, Washington, DC,**
www.worldbank.org/wbi/governance
The Worldwide Governance Indicators measure the quality of governance in well over 200 countries, based on 31 data sources produced by 25 different organisations worldwide since 1996. The six dimensions of governance covered include: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption.

10. **OECD (2005), The Challenge of Capacity Development: Working Towards Good Practice,**
www.oecd.org/dac/govnet
Adequate country capacity is one of the critical missing factors in current efforts to meet the Millennium Development Goals (MDGs). This OECD DAC report on capacity-building provides some international good practice in capacity development efforts.

11. **OECD (2005), Preventing Conflict and Building Peace: A Manual of Issues and Entry Points,**
www.oecd.org/dac/conflict/www.dcaf.ch/_docs/WP143.pdf
Aims to show that despite some important advances made in the two years that have elapsed since the Afghan SSR process was launched, the programme lacks the necessary tools to achieve its aims.

13. **United Nations INSTRAW Framework for Security Sector Reform,**
http://www.un-instraw.org/en/index.php?option=content&task=view&id=954&Itemid=209
The website is intended as an introduction to the topic of gender and security sector reform as well as a source of up-to-date information for researchers, activists, policy makers, and practitioners.

14. **Middlebrook, P. (2006), Right-financing Security Forces: Innovative Solutions for Weak and Fragile States, Centre on International Cooperation, New York University.**

15. **OECD (1999), DAC Guidance for Evaluating Humanitarian Assistance in Complex Emergencies, p. 23,**
http://www.oecd.org/dataoecd/9/50/2667294.pdf
This text provides an explanation on the applicability of DAC criteria to humanitarian assistance activities and complex emergencies and proposes three additional criteria. This information can be illustrative for SSR and is being used in the development of DAC guidance for evaluating conflict prevention and peacebuilding activities (forthcoming).

Footnotes:

[1] Wilfred Schärf, "Non-state Justice Systems in Southern Africa: How Should Government Respond", paper prepared for the UK Department for International Development, 2003.

[2] See also P. Middlebrook, R. Simpson and K. Melloul (2006), "Post-Conflict Security Sector and Public Finance Management: Lessons from Afghanistan", *Social Development Notes*, Conflict Prevention and Reconstruction, World Bank. The authors argue that the weak fiduciary capacities in all justice and security ministries suggest that reconstituting an accountable PFM system, in line with international best practice, ought to be a major element in the establishment of a sustainable security structure by key national actors and the international community.

[3] Hohe and Nixon (2003), Report on Reconciling Justice 'Traditional' Law and State Judiciary in East Timor, p. 2. USIP. See also Kirsti Samuels (2006), *Rule of Law Reform in Post-Conflict Countries: Operational Initiatives & Lessons Learned*, World Bank, Washington, DC, in which it is argued that "in East Timor… even five years after independence, the formal legal system has close to no capacity and does not function. This is the result of the very low capacity (prior to independence all judges and prosecutors were part of the Indonesian occupation, thus there was no local capacity), destroyed infrastructure, and a lack of strategy and funding for the rebuilding of the justice sector. Nevertheless, in East Timor, village chiefs traditionally performed a strong conflict mediation role, and yet this mechanism was not considered as part of the law and order strategy." (p. 24).

[4] The WHO estimates that violence is the leading cause of death for women aged 15-44— more than cancer, traffic accidents and malaria combined. See further www.who.int/gender/violence/en.

[5] Eric Scheye (2005), *Reflections on Community-Based Policing Programming in Guatemala*, USAID, Washington, DC, p. 2.

[6] "Non-state system" refers to all systems of justice and security operating alongside formal state institutions "that exercise some form of … authority in providing safety, security and access to justice."
This includes, for example, traditional courts, mediation processes, civic and trade organisations, neighbourhood groups, ethnic/clan police, etc. See Schärf, Note 2, pp. 1-3.

[7] See Chirayath, Sage and Woolcock (2005), "Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems", prepared as a background paper to the World Development Report 2005. See further http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Customary_Law_and_Policy_Reform.pdf.

[8] See for example International Crisis Group (2005), "Bosnia's Stalled Police Reform: No Progress, No EU", 6 September.

[9] Sserumaga, A. (2003), "Sector-Wide Approaches in the Administration of Justice and Promoting the Rule of Law: the Ugandan Experience", Seminar on the Rule of Law, European Initiative for Democracy and Human Rights, 3-4 July, Brussels.

[10] Nathan (2006), p. 26.

SECTION 5: STRENGTHENING NATIONAL CAPACITY

Objective of this section

This section highlights the core areas where external assistance is often required to help strengthen national capacity to develop, manage and implement SSR processes. It covers:

1. The challenge of capacity development.
2. Legal frameworks.
3. Strategic planning and policy making.
4. Budgetary processes.
5. Developing national capacity to manage change.
6. Building national capacity to monitor, review and evaluate.

Key lessons learned

- Integrate security and justice issues into national development frameworks.
- Support the establishment of a national co-ordinating body to lead the reform process.
- Support the development of a national security and justice reform strategy.
- Ensure that national bodies and national strategies are inclusive and involve civil society and non-state actors.
- Build national capacity for financial management and budgeting.
- Strengthen management systems.
- Build the capacity of government and independent bodies for monitoring, review and evaluation.

1. The challenge of capacity development

Capacity development is a major and complex challenge. Despite substantial donor funds dedicated to building capacity over the past decades, the lack of sustainable country capacity remains one of the main reasons why many developing countries are failing to meet their development goals. Capacity development refers to the ability of people and organisations to define strategies, set priorities, solve problems and achieve results. It is therefore a much broader concept than the training and technical assistance approaches that are often put forward as answers to the capacity problem. Capacity development requires an approach that not only addresses obvious capacity gaps, but also pays attention to the enabling environment. It is closely linked with the governance agenda and efforts to improve institutions, laws, incentives, transparency and leadership. The international development community has consistently overestimated its ability to build capacity in the absence of national commitment and reasonably good governance. One particularly important lesson is the need to avoid supply-driven technical assistance.

Strengthening the capacity in partner governments and civil society to develop, manage and implement SSR should be a central aspect of all security and justice development programmes. Capacity needs are present throughout the security and justice system, and not just within state institutions (Those relating to parliament, civil society and the media are covered in more detail in Section 7). The focus in this section is on the need to strengthen the institutions and processes through which policy on security and justice issues is made, and financial and human resources are managed. Unless capacity is developed in these areas, initiatives in any of the main sectors of the security system will be undermined. In the past, many capacity development interventions have failed because the wider governance constraints (*e.g.* systematic corruption) have not been understood. For this reason the handbook places an emphasis on undertaking a thorough assessment — see Section 3.

Box 5.1. The challenge of capacity development

"Capacity" is the ability of people, organisations and society to manage their affairs successfully and depends on more than the experience, knowledge and technical skills of individuals. Although clearly important, capacity development at the individual level depends crucially on the organisations in which people work. In turn, the operation of particular organisations is influenced by the enabling environment — including the institutional framework and the structures of power and influence in which those organisations are embedded. Power structures and institutions (regular patterns of behaviour governed by social norms, or "the formal and informal rules of the game in a society") shape and constrain the functioning of particular organisations. In the words of the World Bank Task Force on Capacity Development in Africa, the capacity challenge is fundamentally a governance challenge. There are therefore three levels on which capacity development objectives need to be pursued:

- Individual
- Organisational
- The enabling environment

There is growing evidence that many capacity-building approaches not only fail to develop capacity but may in fact drain it away. This has led to a broad re-examination of donor and country practices. The Paris Declaration, signed in March 2005, defines several areas of donor practice deemed to have an impact on capacity development; the World Bank is among the signatories who agreed to monitor how the Declaration fulfils an important set of commitments aimed at donor and country behaviour.

Source: OECD DAC, *The Challenge of Capacity Development: Working Towards Good Practice,* http://www.oecd.org/dataoecd/4/36/36326495.pdf

2. Legal frameworks

Ensuring that the security and justice sectors operate within a clear and unambiguous legislative and legal framework is essential. That framework defines the parameters within which institutions operate, the checks and balances within the system, and the relationship between — and independence of — the various arms of government.

Most countries have a written constitution that defines the role of the parliament regarding the passing of legislation, the approval and oversight of the executive and the national budget, and the rights of citizens. All legislation derives its legitimacy from the constitution and the structure of governance that it establishes. At times it may be necessary to change key parts of the constitution before substantial legal reform can occur. In Chile for instance, defence reform depended on successive revisions of the 1980 constitution in 1989 and 2005, and so came in stages (Montes and Vial, 2006).

In many countries the legislative framework for the security system may be outdated; in countries emerging from repressive regimes legislation may be in place that restricts people's rights and undermines the accountability and democratic oversight of security and justice institutions. A review of the legal and legislative framework is therefore essential, as it goes to the heart of ensuring effective and accountable security and justice services. Maintaining the balance between what should be legislated and what should be regulated is important. Regulations tell people how to comply with the law and define how state institutions will implement it. They tend to be more flexible instruments for adapting to changing contexts, as developing and passing new legislation is often a lengthy process. Developing the capacity of parliament to pass effective legislation — especially to support the development and oversight of government, its effectiveness and its responsiveness to the needs of the people — is an essential part of any development, and SSR, process.

3. Strategic planning and policy making

3.1 An integrated approach to security, justice and development

Ensuring that SSR assistance programmes are in line with national strategic objectives and development plans is vital, as it increases political support for programme objectives and access to resources. Many countries with security and justice development needs have poverty reduction strategies or long-term national development plans. These are the main vehicles for setting government objectives and the priorities for national and donor expenditure. Integrating security and justice issues in these plans can help ensure that SSR serves the country's long-term development needs and that security and justice remain government priorities. This places a premium on strengthening intra-governmental planning processes.

The integration process is often greatly assisted by engaging the ministry of finance in SSR planning, as this is often the ministry through which support programme funding may be channeled. Making the ministry a more important partner in programme design and capacity building will increase its awareness of security and justice needs, support integration, lead to a more comprehensive budget and result in more performance-driven and outcome-oriented policy making. Case Study 5.1 at the end of this section highlights how security and justice issues have been integrated into national development frameworks in Burundi, Uganda and Sierra Leone.

Sven Torfinn/Panos Pictures

LIBERIA, Monrovia: Police Training run by UNMIL, the United Nations Mission in Liberia.

3.2 Supporting the establishment of a national co-ordinating and planning body

From the outset, external assistance programmes should support national structures that can manage the implementation of SSR, since national ownership and leadership are essential for effective security and justice development. What should be avoided is an SSR process made up of, and implemented as, stand-alone projects with little or no co-ordination or consideration of larger national frameworks. Strategic co-ordination is time-consuming, often frustrating, and hindered by possible differences in political and bureaucratic agendas, but it is fundamental if the reform process is to succeed. It is important to remember that the extent of national government control and delivery of justice and security services varies significantly in many countries and that often in fragile states the majority of services are provided by non-state actors. This does not negate the value of national co-ordination bodies, but it does have significant implications for how they work and are structured. If the

reality of service provision is that it is decentralised, and the state is only one of a number of providers, then top-down bodies will only have limited impact unless appropriately designed.

In new and emerging democracies, there is often no civilian office and little civilian capacity to lead national strategic policy making, planning or budgetary processes. As a result, policy making on security issues may be led by uniformed organisations whose capacity is also often very limited, which can lead to security being perceived as state-centric rather than a people-centred issue. Investing to support the development of that capacity and providing training in skills such as strategic analysis, policy formulation, strategic planning, organisational design, change management, evaluation and budgeting are important priorities. This capacity development will have a significant impact on local ownership throughout the reform process. In addition to supporting a central co-ordinating body, it is important to ensure that there are policy and planning units in each government department and agencies where reforms are to be implemented. Such preparation for national policy development and planning is often critical to the sustainability of reform processes.

The exact nature and structure of a national co-ordination and planning office will vary according to the local context, the governance structures that already exist, and the breadth of the SSR process. A strong office of national security or a national security council is often a key element in supporting national strategic planning on security issues, including assessment, policy making, planning and budget setting. While their mandates and powers vary greatly, examples of such mechanisms include the Office of National Security (Sierra Leone), the National Security Council for SSR (Afghanistan) and the Office for Public Safety (Kosovo). In order to be effective, an office of national security will require a broad security remit and high-level political buy-in. It must also be seen to be playing an objective role if it is to effectively integrate the competing interests of security system actors and different ministries. The authority of an office of national security should usually be underpinned by legislation establishing its responsibilities, powers, and relationship to parliamentary oversight.

In many contexts though, SSR processes will include important reforms in the justice sector; the need to preserve the independence of the judiciary means that different co-ordination structures may be required. For example, the Kenyan government's Governance, Justice and Law and Order Sector Programme (GJLOS) is co-ordinated by a cabinet-level steering committee chaired by the vice president that brings together key figures including the minister of internal security, minister of justice, and the attorney-general. This committee provides policy and strategic leadership for the programme; its day-to-day implementation is co-ordinated by a technical committee, chaired by a justice of the court of appeal, that oversees co-ordination across the sector institutions and liaises with international partners.

In countries where a wide range of state and non-state bodies are involved in the provision of security and justice, the role of national co-ordinating bodies in developing partnerships between different providers becomes critical. In such a multi-layered approach (see Section 4), initiatives to strengthen the governance and capacity of a national co-ordinating agency would focus on developing its roles in standard setting, co-ordination, regulation, enforcement and delineation of jurisdictions. This agency would bring together the range of stakeholders and seek to heighten co-operation between different service providers, increasing their accountability, responsiveness and accessibility. Engaging representatives of civil society organisations and traditional justice bodies that play a critical role in the delivery and accountability of services, and inviting them to join the membership of these bodies, can help increase ownership and ensure that any approach or strategy is national and not just governmental in nature.

3.3 Developing local structures to manage implementation

Important as the national level is, security and justice needs are often most acute at the provincial or community level. Yet, equally if not more often, programmes are designed in capitals without the involvement of those actors across the country who will implement them in areas affected by acute armed violence. In Tanzania and Uganda for example, provincial task forces have been established

that bring together law enforcement agencies and civil society organisations to tackle the spread of small arms. In Kenya, an implementation plan for community-based policing is being developed that will establish policing forums at the community, provincial and national levels, bringing together local government officials, the police and community leaders.

3.4 Supporting the development of a national SSR strategy

The development of a national security and justice strategy can provide a clear vision for reform efforts. This process is best led by a national co-ordinating body (see above) and provides a good opportunity to stimulate an inclusive public debate on justice and security issues. An overall strategy is needed to give a clear sense of direction and to build stakeholder commitment to the main thrust of the reform efforts. Operational plans for each sector of the security system (for example defence, policing, justice and prisons) should also be developed; these would outline how the strategy will be implemented over time and link proposed activities with the national and sectoral budgets. The SSR strategy should also ideally outline cross-cutting themes that will be addressed across the different security and justice sectors; these will help focus attention on the important linkages between different institutions.

Box 5.2. Basic elements of an SSR strategy

Shared long-term vision: agreement on the fundamental purpose of reform and the type of security and justice institutions most appropriate for that society, while planning an integrated approach in the strategy.

Objectives: statements about what the SSR programme aims to achieve in a given time frame, supported by verifiable and measurable outcome indicators.

Institutional co-ordination: a clear outline of the roles and responsibilities of different security and justice institutions (state and non-state) and important linkages with other government departments and civil society groups.

Activities: descriptions of how human and financial resources will be applied to achieve the stated objectives.

Communication: a strategy to communicate to the public the SSR vision of security and justice reform and to encourage buy-in from all stakeholders.

Monitoring, review and evaluation: the means of assessing progress and the feedback loop that informs stakeholders of the programme's delivery and impact. Moving towards a performance-driven and outcome-based system will be vital to understand the actual impact of policy on justice and security.

There are five important steps that can be followed as a guide to developing a national strategy. These are summarised below and explained in more detail in Figure 5.1:

- Conduct a strategic environmental analysis and identify "National Vision" for the country and its people (political, economic, social, environmental). Where does the country want to be in ten years' time (often national development planning organisations will already have undertaken work in this area).
- Analyse and prioritise current and future threats to achieving National Vision.
- Determine (and prioritise) national capabilities required within the security and justice sectors to successfully address key threats and be responsive in delivering key services to citizens.
- Undertake a gap analysis to assess the current capability of national security and justice institutions to address threats and deliver key services, compared with the capabilities required. In relevant environments this should include an assessment of the role, capacity and effectiveness of non-state institutions.
- Determine lead responsibility for developing required capacity and delivering identified capacity related to security and justice institutions plus supporting agencies/institutions, and establish the means for ensuring effective co-ordination, accountability and oversight.

- Establish a prioritised and budgeted National Strategy to deliver improved security and justice in support of broader national development objectives.

International actors can play a valuable role in supporting the development of national justice and security strategies; experiences from Jamaica and Uganda are highlighted in this section. It is important to remember that the more these assessments involve broad-based consultation, the more likely the outcome will reflect national needs and priorities and be locally owned. A rigorous methodology can help ensure that there is a clear audit trail to support findings, and that the assessment is perceived as well-designed and (hence) legitimate by national stakeholders. Trade-offs may sometimes be necessary, however, between process and methodology. Achieving an assessment that is nationally led and that meets donor standards may not always be possible. This is especially the case where national capacity to conduct a review at either the pace or level of complexity pushed by international actors is lacking. In these circumstances, allowing a review process to be more closely shaped by national institutional and political dynamics may increase the chances that the outcome is accepted by the national government, as well as the prospects for implementation.

Box 5.3. Development of a National Security Strategy in Jamaica

In 2003, the cabinet of the government of Jamaica decided to launch a process to develop the country's first comprehensive, whole-of-government National Security Strategy (NSS). This was developed during 2004-05 through a sustained process involving all potentially relevant branches of government and state agencies (many of which had not previously considered their role in promoting security), and consultations with civil society. The process was supported by a facilitator and a joint Canadian, UK and US advisory team. The draft of the Jamaica National Security Strategy was presented to parliament in January 2006.

The government initially planned to conduct a defence review but realised that the wide range of potential threats to Jamaica's national security — including organised crime, gang violence, socioeconomic problems and environmental disaster — required a broader approach. The NSS development process was carefully managed to ensure that: a comprehensive approach was maintained; NSS strategic goals and priorities were developed according to all key threats, vulnerabilities and overall national priorities; and a detailed plan for implementation was developed. The NSS includes: a comprehensive range of reform programmes, including changes in the division of responsibilities between the Jamaican police and defence forces; a review of the criminal justice and law-making systems; reviews of several specific institutions, including the police and defence forces; major reform of intelligence systems; improved environmental and planning regulation; dismantling of organised crime groups; local crime prevention; and community development projects in target neighbourhoods. To ensure inter-agency co-ordination and high-level political will, an Implementation Unit was established that reports to the National Security Council.

4. Budgetary processes

Sound financial management is important because:

- Security bodies that are not fiscally accountable to democratic civil governments tend to exert a negative influence over the quality of governance throughout the public sector.
- Security bodies that are not accountable are also generally highly cost-ineffective and impinge on the ability of governments to promote poverty reduction and sustainable economic and social development.
- The opportunities for corruption are particularly great where the security bodies can act with impunity, *e.g.* where they fund themselves.

4.1 Applying principles of public expenditure management to the security system

Box 5.4 Principles of sound budgeting and financial management

The World Bank Public Expenditure Management Handbook identifies ten widely accepted principles of sound budgeting and financial management.

Comprehensiveness: The budget must encompass all fiscal operations of government.

Discipline: Decision making must be restrained by resource realities over the medium term; the budget should absorb only those resources necessary to implement government policies; and budget allocations should be adhered to.

Legitimacy: Policy makers who can change policies during implementation must take part in and agree to the original policy.

Flexibility: Decisions should be pushed to the point where all relevant information is available.

Predictability: There must be stability in macro and strategic policy and in the funding of existing policy.

Contestability: All sectors must compete on an equal footing for funding during budget planning and formulation.

Honesty: The budget must be derived from unbiased projections of revenue and expenditure.

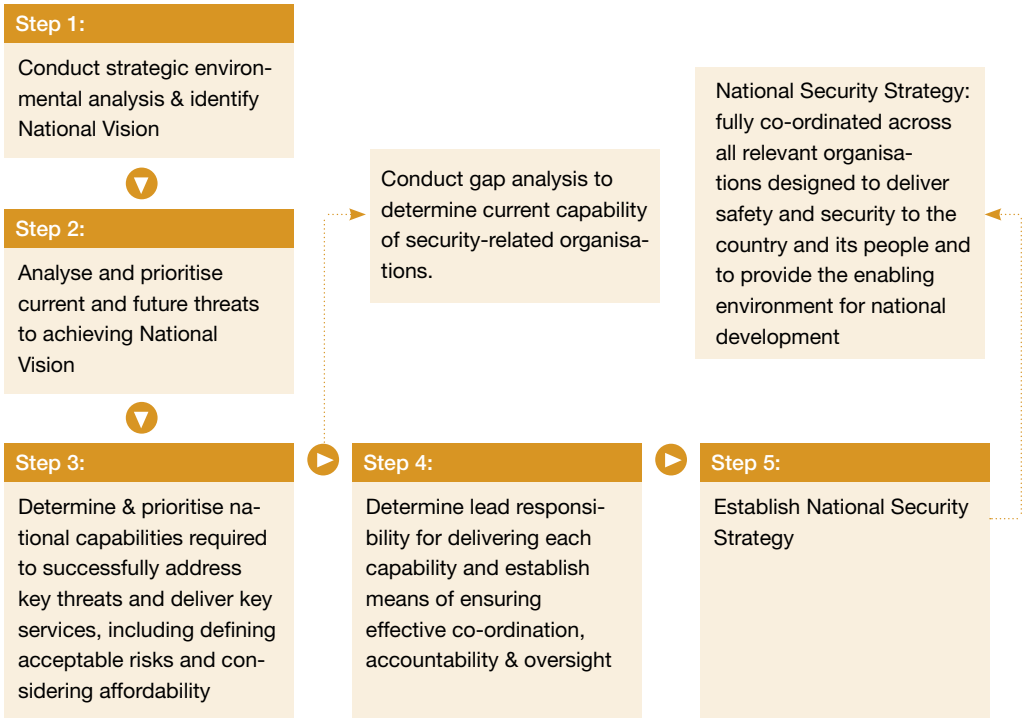
Information: A medium-term aggregate expenditure baseline against which the budgetary impact of policy changes can be measured should be available, as should accurate information on costs, outputs and outcomes.

Transparency: Decision makers should have all relevant issues and information before them when they make decisions, and these decisions and their basis should be communicated to the public.

Accountability: Decision makers are responsible for the exercise of authority accorded them.

Source: World Bank (1998).

Figure 5.1 **Methodology for National Security Strategy development**



In order for strategic plans and priorities to be translated into practice, effective financial management, oversight and audit are needed. Where ministries are able to exceed their allocated budgets with impunity (as is often the case with the most powerful elements of the security system), national SSR strategies are undermined. If civil society organisations and parliaments are unable to monitor whether strategies are being implemented, the value and credibility of their engagements in strategic planning processes are significantly reduced. Experience has indicated that issues of fiscal sustainability tend to be ignored, and standard public finance management approaches are rarely included in SSR programmes. Security and justice institutions are often seen as separate from the public sector with different pay scales applied to different sectors, undermining core principles of civil service reform. The judicial reforms that Guatemala has been undertaking for the past six years with extensive donor involvement have suffered severe budgetary cutbacks that call into question the appropriateness of their original design (Hessbruegge and García, pp. 29-30). In Bosnia and Herzegovina and Kosovo, UN peace operations increased the numbers of state-employed police officers, only to be compelled to "re-engineer" the institutions a few years later once the costs of expanded payrolls and associated expenditures became apparent. Security imperatives in a post-conflict situation may justify an initially disproportionate allocation of resources to the justice and security sector but, unless carefully designed, subsequent cutbacks can themselves be a source of insecurity.

4.2 Strengthening the national budget formulation and management process

The budget should be the central tool of national policy through which government executes justice and security policy decisions. Official budgetary systems may in practice often be bypassed in many countries, but working to strengthen these processes is an important means of increasing transparency and ownership of decision making. If external funds cannot be sufficiently controlled through the national budget system, it is still important that international programming be conducted as part of the national budget planning and formulation process. That principle holds even if funds remain outside government expenditure systems, because of the need to enhance alignment with government policy.

4.3 Ensuring transparency in procurement processes

Establishing an appropriate control framework for security and justice-related expenditures is central to effective and efficient use of national resources. In post-conflict settings in particular, where national revenue collection is weak, it is important to ensure that national resources are efficiently spent, both for reasons of fiscal sustainability and to maximise the outreach of security and justice services. As a result, in all country contexts, the objective of the national public procurement system is to deliver efficiency and value for money in the use of public funds while adhering to the core principles of non-discrimination, equal treatment, competitiveness and transparency. In certain cases, however (notably defence and intelligence), exceptions may occur in relation to: i) bid acceptance; ii) confidentiality; iii) complexity; and iv) supporting compliance with international treaties. However, in all cases the core principles of public financial management — including efficiency, transparency, and accountability — should be observed. Systematic evaluation of all major procurement transactions for all forms of SSR procurement is essential, and ideally should be conducted as part of the assessment review process.

As procurement systems should be standardised at the national level, there is normally no need to develop new systems as part of the SSR process; the aim would be to adapt arrangements or strengthen existing ones as long as they respect the principles outlined above. Institutions such as the World Bank conduct Country Procurement Assessment Reviews (CPAR) and Public Finance Management (PFM) reviews, guidelines for which can be downloaded from the Internet. However, given the complexity of undertaking such reviews, the involvement of competent institutions in supporting any procurement reforms is essential.

5. Developing national capacity to manage change

The focus of training programmes generally tend to be on providing visible skills (*e.g.* crime scene investigation). Often however, such skills are learned but rarely used. It is important to develop a programme that focuses on culture change, and which addresses the behaviour and attitudes of personnel in security and justice institutions, based on a thorough context and needs analyses. Training often is aimed at either senior managers or new recruits (who are important), but middle managers can be the key to sustainable success and are an important target. Middle managers need the capacity to manage processes of change and steer through reforms. Investment here is an important priority for SSR programmes.

5.1 Strengthening personnel management

Security and justice institutions often face personnel shortages, but they also make poor use of the human resources they have. Overhauling the selection, appraisal and supervision of officers and officials can be central to effective and sustainable reform programmes. Poor personnel management can result in low morale among officers and mean that police services do not make the best use of their existing staff. Providing assistance to security and justice institutions to move towards a merit-based system of appointment and promotion is often necessary. Of course, establishing a system is one thing and ensuring it is implemented in practice is another. This highlights the importance of supporting long-term processes of institutional change that are focused on developing a new service-oriented culture within security and justice institutions.

5.2 Encouraging continuity of staff

The frequent rotation of government officials in key positions in security and justice institutions has proved a challenge in the implementation of many reform programmes. Officers will often be trained to play a role in the reform process, only to be transferred to other duties. This is particularly damaging in a context where human and financial resources are overstretched. Addressing this issue should be a policy priority.

5.3 Refraining from poaching staff

Experienced local staff are often in high demand, and international organisations are often tempted to poach them from partner governments and NGOs. This can weaken the capacity of important local institutions. Guidelines should be put in place for the hiring of local staff, and programmes should focus on strengthening local capacity.

5.4 Building the capacity to undertake audits

An important element of security system reform concerns provisions on public financial management, especially on audit procedures. This is to ensure some transparency and democratic control in the sensitive domain of security expenditure.

Audits of the security system need to encompass both internal and external mechanisms. The respective ministries must establish internal audit units that are, to the extent possible, independent. The internal auditor should, for instance, report directly to the minister and not be part of a division. The independence of internal auditors is limited by definition, so establishing external audit mechanisms is imperative. In order to ensure the independence of such an audit office, it should be appointed by parliament, have a clear term of office, have the legal, financial and human resources to perform its mission, and be able to report to parliament on any matter and at any time it considers appropriate. It should report to a special parliament committee distinct from the budget committee.

6. Building national capacity to monitor, review and evaluate

Supporting a culture of monitoring, assessment, review and evaluation within national governments, parliaments, security and justice institutions, and civil society organisations is a crucial challenge for SSR assistance. This is important to help ensure accountability, enhance oversight and inform policy development.

This can be a difficult task. Ownership and voice — core characteristics of a monitoring and evaluation culture — are often weak and sometimes missing altogether in national institutions. Moreover, as security and justice providers tend to be conservative institutions, processes of national monitoring and evaluation may lack the political support to negotiate possible resistance.
Although difficult, creating or nurturing national capacity for monitoring, review and evaluation provides the best chance for the four goals of SSR to be achieved:

- Service delivery — monitoring and evaluation can help ensure that security and justice providers address public needs.
- Democratic governance — monitoring, review and evaluation can support transparent, accountable processes of decision making and programme adjustment.
- Local ownership — nationally conducted and led monitoring and evaluation can enable stakeholders to take the lead in shaping programme design and direction.
- Sustainability — nationally owned processes of monitoring and evaluation can continue once donor assistance ends and help ensure the continued development of the security system.

6.1 Different roles for different institutions or actors

Although some form of monitoring and evaluation capacity may exist within national institutions and civil society, it may often not be used for a common purpose. Encouraging systematic use of monitoring and evaluation may meet with resistance due to scepticism and the difficulties in changing ingrained attitudes. There may be little tradition of working with other government sectors either to collect reliable information on crime and violence or to use that information to change policy or the practice of service delivery providers. Management structures may be weak and institutions may not have the necessary human resources with the capacity to collect, analyse and interpret data on issues such as crime. Basic hardware to run monitoring systems, such as computers and printers, may not exist in sufficient quantities and could be supplied as part of the overall programme strategy. Donor support to building national monitoring and evaluation capacity needs to combine political support for monitoring and evaluation with capacity building in terms of resources and skill sets.

The executive needs to have the capacity to monitor and evaluate progress towards the implementation of agreed government objectives. In addition, it need to provide the political support to reinforce a culture of monitoring and evaluation across security and justice institutions. Evaluations will often be the main generators of information, for example through crime statistics and court records. Support to develop the quality of the data and make the link between data, analysis and policy development is critical. In some countries there is a national statistics office that, given the required capacity, could play an important role in data gathering. It is often necessary to create incentives for the provision of information. In many contexts, people may be nervous about providing information if they do not know how it will be used. Mandatory reporting requirements established by the executive are very helpful to facilitate the flow of information through the system. Establishing such requirements also provides an entry point to help develop capacity.

The auditor or inspector general is usually an independent national-level institution with specific responsibility for monitoring and evaluation. Having such institutions independent of the government is essential to de-politicise issues such as financial accountability, policy coherence and evaluation of the government administration's ability to provide services in line with an agreed policy framework. The main challenge for this type of institution is often to build their analytical capacity, credibility and the political space to operate effectively.

Parliaments are generally weak when it comes to monitoring and evaluation, either because the executive tries to limit their power of scrutiny or because there is a lack of capacity to fulfil their oversight function. The parliament has a pivotal role to play in holding the executive and security and justice service providers to account. The development of parliamentary and committee procedures that

Jacob Silberberg/Panos Pictures

NIGERIA, Katsina State: Court in session.

promote parliament's role in monitoring and evaluation needs to be balanced with the resources to carry out this task. Support to enhance the capacity of committees for research and to review a national budget is often valuable. For more guidance on supporting the role of parliament and oversight bodies, see Section 7.

Civil society can play a key role in monitoring the ongoing activities of the security system. It can do this by ensuring the accountability of the government and service providers, and can advocate a change in policy or practice. Civil society organisations can also play an important role in information collection and analysis. International actors can help to strengthen this capacity while also seeking to ensure that civil society initiatives receive political protection. Independent oversight of the security system may not be welcomed, and it is important to be aware of any potential risks. For more guidance on supporting civil society to engage in SSR, see Section 7.

6.2 Involving national actors in the review and evaluation of assistance programmes

International actors can help develop national capacity for monitoring and evaluation by encouraging partner governments and civil society stakeholders to participate in the review of donor assistance programmes. Being seen to open up assistance programmes to evaluation helps promote a culture of monitoring and review. Development agencies might also co-locate personnel within government ministries, to help develop capacity.

Checklist: Useful questions when strengthening national capacity

- What existing capacity is there for national co-ordination and planning on security and justice issues?
- Can existing structures be strengthened or are new ones needed?
- Is there an existing national security or justice strategy and are these issues addressed in other national development frameworks or strategies?
- How can national structures be developed that are inclusive and open to the involvement of non-state justice and security actors?
- What entry points are there for applying public financial management principles to the security system?
- How can an assistance programme strengthen the management capacity of security and justice institutions?
- What existing capacity and processes for monitoring, review and evaluation exist in government and non-state bodies, and how can these be enhanced?

How this section links with the rest of the handbook

This section has highlighted how to strengthen core national policy making, co-ordination, planning, budgeting, and monitoring and evaluation capacities. Section 6 outlines specific programmatic advise for undertaking SSR reforms in post-conflict contexts. Section 7 goes into more detail about how to develop capacity and implement reforms in each sector of the security system. Section 8 addresses how to strengthen the management, review and evaluation of international assistance programmes.

Case Study 5.1
Integrating SSR into development frameworks: Uganda, Burundi and Sierra Leone

Context

Security system reform issues have been integrated into national development frameworks in Burundi, Sierra Leone and Uganda. In Uganda, armed violence and insecurity — particularly in the north and northeast — were identified as primary contributors to structural poverty and inequality. The result was that the Ugandan Poverty Eradication Action Plan (PEAP) (2004-08) highlighted existing commitments to regional agreements on security promotion, including small arms control. In Burundi, the government's 2005 Strategic Framework to Combat Poverty (CSLP) was a deliberate effort to promote post-conflict recovery and was based on a multi-stakeholder and multi-sector dialogue of 145 community-based and non-governmental organisations. In Sierra Leone, the recently agreed PRSP (2005-07) shifted planning and programming from direct post-conflict concerns to a more development-oriented agenda designed to promote inclusive civil society participation.

Entry point

In all three cases, the real and perceived threat of escalating armed violence in the so-called post-conflict period, and earlier positive experience with small arms control, catalysed a commitment to investing in accountable and responsible security sectors. In Uganda for example, the PEAP was purposefully designed to increase awareness of the costs of armed violence, but awareness also of the positive dividends of military and police reform in relation to the enhanced safety of communities. The Burundi CSLP addresses the need for a permanent ceasefire with all remaining armed groups, the demobilisation, disarmament and reintegration (DDR) of ex-combatants, the professionalisation of the security forces, and civilian disarmament. The PRSP in Sierra Leone sought to build on previous successes in relation to DDR and small arms control, and to define the appropriate size, shape and structure of a reformed security sector.

Lessons learned

Ensure a multi-stakeholder and multi-sector dialogue — The PRSP, PEAP and CSLP were forged after extensive and inclusive dialogue processes that emphasised the inclusion of SSR priorities in development frameworks. For example, the PEAP focuses specifically on enhancing the justice, law and order sector to improve the security of persons and property, law enforcement, and access to justice. Moreover, it emphasises disarmament and arms control as major contributors to security promotion and development.

Use an international agency to co-ordinate a multi-stakeholder and multi-sector dialogue — International agencies had the necessary distance from local politics, legitimacy in the eyes of the governments and populations, and resources to foster successful outcomes of the dialogue processes.

Seek to include SSR in development frameworks to enhance commitment — The PRSP, PEAP and CSLP each include concrete commitments and strategies for managing public expenditures to meet poverty reduction and SSR-enhancing goals. This is valued by donors, who provide direct budgetary support.

Impact

The introduction of SSR as a priority issue in national development frameworks raised its profile among partner governments and donors. It also provided an opportunity to stimulate a more inclusive public debate on security issues. While progress has been made in some areas, there is still much to be done. Including security issues in development frameworks is an important step, but government and donors then need to ensure that commitments are financed and implemented.

Case Study 5.2
Capacity development for a national defence review in Uganda

Context

The government of Uganda carried out a defence review with UK assistance from 2002 to 2004. The comprehensive review was the first in Uganda's history and a politically sensitive and risky undertaking for both countries. The review sought to lay the groundwork for changes in how Uganda formulates and delivers defence and wider security policy, by attempting to anchor this process more firmly in wider governmental planning and budgeting processes. It was undertaken at a time when Uganda was facing a number of serious security problems, both in the north and along its border with the Congo.

This marked the first time that the United Kingdom had supported a review process of such scope and complexity. Like Uganda's other development partners, the United Kingdom was particularly concerned about rising levels of defence spending. The methodology drew upon both the United Kingdom's own experience with a strategic defence review in the 1990s and current SSR thinking in order to develop a more holistic and developmentally sensitive approach to analysing defence requirements. Close collaboration was required at both political and technical levels in order to manage the immense expectations generated by the review process.

Entry point

Both the government and its development partners believed that the defence sector offered the most promising entry point for addressing the country's security problems. Priority was placed on developing an understanding of the role of defence in relation to other security actors, a clear description of the defence forces needed to fulfil this role effectively, and a plan for defence transformation set within the context of competing needs and resource constraints across the public sector.

Lessons learned

Agree objectives at the outset — A clear and shared understanding of the rationale for and objectives of a defence review process should be developed by the government and its development partners before the actual review exercise is launched. Where views differ as to the objectives of a review or how it should be carried out, careful attention should be paid to managing the diverse expectations of stakeholders as to the concrete outcomes the process will deliver.

Ensure methodologies are appropriate to the local context — Experiences can be drawn on from other countries but should be carefully adapted to the local context before being applied, and adequate training for national staff should be provided.

Develop national ownership throughout the process — Where conditions for strong national ownership are not in place from the outset, a strong partnership between a government and its development partners is necessary. A successful partnership implies commitments and responsibilities on both sides, including the need for assistance to be provided in ways that enhance national leadership and political responsibility for the process.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on strengthening national capacity for SSR that have helped inform this section:

1. **Ball, Nicole and Dylan Hendrickson (2002), "Off-Budget Military Expenditure and Revenue: Issues and Policy Perspective for Donors", CSDG Occasional Paper No. 1,**
   www.dfid.gov.uk/pubs/files/offbudget-military-exp.pdf
   Building on case studies, the report analyses the prevalence and impact of off-budget military expenditure as well as the challenges facing donors.

2. **Bearne, Susanna *et al.* (2005), "National Security Decision-Making Structures and Security System Reform", Technical Report prepared for the UK's Security Sector Development Advisory Team, Rand,**
   http://www.dfid.gov.uk/pubs/files/security-decision-making.pdf
   Outlines the choices that need to be made when creating or reforming a national security decision-making system.

3. **DFID (2000), "Security Sector Reform and the Management of Military Expenditure: High Risks for Donors, High Returns for Development",**
   http://www.cidcm.umd.edu/library/papers/nball/Ssrfinal.pdf
   Outlines how development co-operation policies and programmes can become more sensitive to the importance of balanced military spending and constructive civil-military relations as part of security sector reform efforts.

4. **DFID (2002), "Safety, Security and Accessible Justice",**
   http://www.dfid.gov.uk/pubs/files/safesecureaccjustice.pdf
   Provides practical guidance on how to put SSAJ policy into practice.

5. **GTZ (2003), Workshop on Monitoring and Evaluation and Management Information Systems in Disarmament, Demobilization and Reintegration Programs, Multi-Country Demobilization and Reintegration Program (MDRP),**
   http://www2.gtz.de/dokumente/bib/06-0159.pdf
   Draws conclusions on M&E and MIS from different case studies.

6. **Hannah, Greg *et al.* (2005), "Intelligence and Security Legislation for Security Sector Reform", Technical Report prepared for the UK's Security Sector Development Advisory Team, Rand,**
   http://www.dfid.gov.uk/pubs/files/intelligence-security-reform.pdf
   Outlines the choices that need to be made when designing or implementing legislative oversight on intelligence and security services.

7. **Hessbruegge, J.A. and C.F.O.García, "Mayan Law in Post-Conflict Guatemala",**
   http://www.pasoc.org.gt/
   Provides a comparative assessment of access to justice for minority groups in post-conflict Guatemala.

8. **Information on basic CPAR guidelines,**
   http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/PROCUREMENT0,,contentMDK:20108359~menuPK:84285~pagePK:84269~piPK:60001558~theSitePK:84266,00.html

9. **Information on basic guidelines in expenditure management,**
   http://www1.worldbank.org/publicsector/pe/perguidelines3701.doc

10. **Montes, J.E. and T. Vial (2006), *The Role of Constitution Building Processes in Democratization*: *Case Study Chile*, International IDEA, Stockholm,**
    http://www.idea.int/conflict/cbp/upload/CBP-Chile.pdf
    Describes Chile's constitutional changes and how these paved the way for defence reform.

11. **Nathan, Laurie (2006), *Operationalising the Principle of Local Ownership in Security Sector Reform*, DFID,**
    http://www.crisisstates.com/download/others/SSR%20Reform.pdf
    Provides useful planning and diagnostic tools that could be used by external actors supporting SSR as well as by local actors engaged in security sector reform. The document was central to the development of this section.

12. **OECD DAC (2006), *The Challenge of Capacity Development: Working Towards Good Practice*,**
    http://www.oecd.org/dataoecd/4/36/36326495.pdf
    Offers a framework for thinking about capacity development, based on the main lessons of experiences.

13. **World Bank Task Force on Capacity Development in Africa (2005), *Building Effective States, Forging Engaged Societies,* World Bank, Washington, DC.**
    http://siteresources.worldbank.org/EXTAFRDEVOPRTSK/Resources/acdtf_report.pdf
    Analyses four decades of capacity development experience in Africa and offers key messages for African countries and their international partners that should underpin a renewed effort to develop, use and retain capacity for development in sub-Saharan Africa.

SECTION 6: DEVELOPING AN INTEGRATED APPROACH TO SSR IN POST-CONFLICT SITUATIONS

Objective of this section

This section explores how to develop an integrated approach to SSR in countries emerging from conflict and complements other sections where peacebuilding and conflict prevention issues, such as conflict analysis, are covered (see Sections 2, 3 and 7). It examines important linkages with peace support operations and other post-conflict activities such as small arms programming and transitional justice. Guidance on specific post-conflict challenges in different areas of SSR such as defence and police reform is provided in Section 7. This section covers:

1. Challenges and opportunities in post-conflict situations.
2. Disarmament, demobilisation and reintegration (DDR).
3. Small arms control.
4. Transitional justice.

Key lessons learned

- Peace agreements provide effective entry points for SSR, helping build consensus around reform objectives and fostering processes that support populations to discuss their own security and justice needs.
- Establishing integrated missions can help smooth the transition from crisis management to longer-term development needs.
- Ensuring SSR considerations are integrated into DDR programming can prevent a security vacuum and ensure that demobilised forces that are integrated into existing security structures have the proper training.
- Transitional justice and small arms, light weapons programmes are examples of effective entry-points for security and justice reform.
- Considering financial sustainability issues at the early stages of SSR programmes in post-conflict environments can build lasting security and justice.
- Understanding the linkages between SSR and other peacebuilding and development processes and objectives can also help avoid piecemeal approaches.
- Reinforcing capacities of regional organisations to advise on peace, security and justice issues is critical to sustainable reforms.

1. Challenges and opportunities in post-conflict situations

Massive savings are derived from conflict prevention and peacebuilding efforts, such as SSR, or from early intervention, such as work done to stabilise countries in the aftermath of conflict. It is estimated that the cost of an internal conflict is somewhere between USD 4 billion and USD 54 billion.[1] The cost of conflict to both the poor of a country and a country's infrastructure can be devastating. Security system reform has a significant role to play in creating a conducive environment in which long-term sustainable development can occur.

Developing responsive, effective and accountable security and justice institutions is often a key priority in countries emerging from conflict. Security and justice reform can help support peacebuilding and reconstruction, and prevent a slide back into violence. Even when conflicts are settled, they have a disturbingly high risk of repetition: they are most likely to recur within five years of a settlement.

There is often considerable public demand for change in these countries, and by supporting security and justice reform transitional governments can help signal a break from the past. Indeed lack of access to justice and a breakdown in the legitimacy of traditional conflict resolution mechanisms can

be two of the root causes of conflict. International actors are well placed to support reform processes in these contexts in a number of ways, including through development assistance and peace support operations.

In these environments, the theoretical links between development and security must be translated into greater co-operation and an analysis of potentials for coherence between security, diplomacy and development policy communities. This interrelationship of security and development priorities should not mean that any of the actors — *e.g.* defence or development agencies — abandon their own objectives, disciplines and accountability, which are rightly focused on the overriding goal of poverty reduction.

The foundations of the concept of SSR were derived from work in conflict-affected countries in particular. However, in addition to being applicable in post-conflict and peacebuilding settings, SSR applies to a range of contexts. Therefore, most of the guidance in this handbook should be equally useful to more stable environments. In post-conflict environments, the high level of international engagement and the large number of security-related interventions mean that taking an integrated approach to SSR is vital. There are often important opportunities to link SSR with the negotiation of peace agreements; the demobilisation, disarmament and reintegration of ex-combatants; transitional justice; and small arms control. These initiatives must be designed and delivered in a coherent and co-ordinated manner, with each informing and supporting the other. This section focuses on how to develop such an approach.

1.1 Peace agreements

Peace agreements provide an important opportunity to establish useful frameworks and mandates for SSR, and yet often this opportunity is not fully exploited. If the goals and principles of security and justice reform can be agreed in these documents, that can help create the political space within which difficult reform decisions, such as restructuring and increasing the accountability of security and justice providers, can be implemented.

While peace agreements provide important entry points, in practice the inclusion of SSR related issues is often limited to the military (disarmament, demobilisation and reintegration of ex-combatants, the creation of a new integrated army, structural reorganising) or training for police units. Rarely is SSR, in its full sense, included. Exceptions were the peace agreements in El Salvador and Guatemala in the 1990s which not only included specific provisions on SSR but also linked security and justice reforms to broader social and economic transformations. The final peace agreement between the Guatemalan government and the *Unidad Revolucionaria National Guatemalteca* (URNG) signed in 1996 comprised eleven accords that were signed on a range of substantive issues related to SSR, including human rights, indigenous groups, social and economic reforms, land reforms, a commission to document war crimes, a new role for the army, and demobilisation and reintegration. As evidenced by both of these cases, it is equally important that the international community remain engaged and commit resources to monitoring and, where appropriate, support the implementation of the peace agreements in the years following the end of the conflict.

Peace agreements are often complex and overly detailed, and due to time pressures and political necessities they do not offer sufficient space for broader public participation in their negotiation. A good approach can therefore be for a peace agreement to establish a mechanism or a process through which the population can discuss and identify their security and justice needs, and to provide the means for doing so. The Dayton Peace Accord that ended the conflict in Bosnia and Herzegovina provides a good example of how immediate stabilisation efforts (which included establishing rotating presidents, separate police, and government forces within the three republics) can be linked to longer-term reform processes. Ten years later, this process led to the Bosnian parliament voting to create a single, unified army and defence ministry and setting a target for reforming the police to meet European Union standards.

Sven Torfinn/Panos Pictures

THE DEMOCRATIC REPUBLIC OF CONGO, Ituri Province: Power and insecurity in the DRC.

International actors can support the inclusion of SSR into peace agreements by providing a security adviser for the peace talks who can proffer impartial advice, based on experience, to both sides. Another important priority is to increase the capacity of regional organisations to provide this technical support. Regional organisations (such as ECOWAS and the African Union) are playing an increasingly prominent role in conflict resolution and would often benefit from having increased capacity to advise on security and justice reform issues.

1.2 Moving from stabilisation to development, Peace Support Operation (PSO) mandates and integrated missions

Often the immediate priority in a post-conflict environment is to provide physical security to local communities. Stabilisation is vital. But it is important to develop a strategy to move from there towards a post-conflict development phase. Stabilisation activities can be designed to lay the groundwork for security and justice development over the long term. Viewing SSR as an integral part of the planning process for immediate post-conflict situations and for PSOs and peacebuilding in general enables a more strategic and long-term approach to building sustainable peace.

It is important that PSOs are designed in a way that facilitates the transition from short-term crisis management to longer-term development programmes. The presence of a well-established PSO, in the form of a UN-mandated or other multilateral force, offers important opportunities for SSR. Depending on the mandate — whether its orientation is more peacekeeping, peacebuilding or both — the PSO can have wide-ranging responsibilities, including providing or supporting policing, correctional services and the judicial system. Examples of such wide-ranging mandates include the Regional Assistance Mission to Solomon Islands (RAMSI) established in 2003 and the current mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) established in 2006. Experience shows that PSOs are most effective at supporting SSR when they do not focus too narrowly on their own role of service provision. Building the capacity of local security and justice institutions to play that role is vital for sustainable progress.

Decisions made in the early planning and operation stages of a PSO can have an impact on the long-term development of the security and justice system. “Both the Kosovo Police Service (KOS) and the *Policia Nacional de Timor Leste* (PNTL) have experienced developmental problems due to expedient choices made in the first 12 months of their creations. In both cases, the decision to create and engage with political mechanisms for the management and oversight of the police was postponed

until well into the missions' mandates." Such decisions have hampered these and other missions, preventing them from creating the proper conditions for reform. The short time lines of many PSOs can increase the likelihood of an expedient, externally imposed solution rather than the development of dialogue around nationally led and sustainable reform. This is because "SSR is all too often viewed as part of a peace operation's exit strategy rather than an entrance strategy" (both quotations from page 10 of Rees, Additional Resource 9 at the end of this chapter).

Recent PSOs have been effective in providing basic training and equipment to personnel in the newly established police or military forces, as highlighted by recent engagement in DRC, Kosovo and Timor-Leste. PSOs have been less successful, however, in building management structures and institutions. This could be due to their limited mandate, the lack of adequately qualified personnel and/or the lack of a long-term vision. Promoting an integrated approach, the inclusion of 'police institution building' within the mandate of the RAMSI mission to the Solomon Islands, together with its long-term (ten-year) perspective, in large measure accounts for that mission's success.

The development of integrated UN missions, such as those in Sierra Leone and Burundi, helps balance contending demands: UN in-country activities have political, security, developmental and humanitarian objectives. Integrated missions can help ensure a smooth transition from crisis management to longer-term development planning. They can also ensure a more coherent approach over time and allow for the multidisciplinary balance of personnel required to undertake SSR assessment, design and implementation.

Post-conflict Needs Assessments (PCNAs) are often used to improve co-ordination in strategy development and programme planning. They aim in many cases to identify immediate post-conflict needs in the gap between the signing of a peace agreement, the cessation of hostilities and the rollout of support from the international community. While there is a danger in overloading PCNA frameworks, the need for such assessment to include a security component is clear. Section 3 of this handbook provides a comprehensive list of assessment issues and questions. The most relevant ones to include in the PCNA would relate to: the security context; who provides security and justice; and a consideration of the basic security and justice service delivery needs.

1.3 Working with transitional governments

Peace agreements that end internal armed conflicts frequently provide for complex power-sharing arrangements between the former warring factions. These arrangements lead to the establishment of a transitional government to administer the country until national elections can be organised. This was the case in the Democratic Republic of Congo, where the 2002 Pretoria Accord established a transitional government until the 2006 presidential and parliamentary elections. Transitional governments usually reflect a delicate balance of power between the former warring factions and lack broad public legitimacy.

Former warring factions are often more interested in maintaining the status quo than in moving the reform process forward. In addition, the demands of a politically challenging and resource-intensive electoral process may compete with the demands of an SSR programme and create irreconcilable tensions. Reconfiguring the composition of the security system might upset the balance of power on which a transitional government is based. The implementation of an SSR process might diminish the influence of certain political actors and reduce their prospects of electoral success. Election preparations might draw away resources and political attention that are necessary to move the SSR process forward. Those in a transitional government who commit to an SSR framework might not be those responsible for its implementation after the elections.

When developing an SSR programme during the period of a transitional government, international actors should carefully assess the scope of action available. Certain components of an SSR programme might have to wait until an elected and broadly legitimised government is in place; it is important to work with a holistic vision of SSR. The challenge is to try to support initiatives to meet immediate local security and justice needs, and put in place some of the building blocks for longer-

term change that can then be built upon after the election and that can support local ownership of SSR programmes. Examples include building strategic management capacity within key institutions, supporting the development of basic skills (*e.g.* literacy within the police) and fostering the inclusion of civil society through supporting their capacity to advocate for their security and justice needs to be addressed. Other activities include registration of police and military personnel and the preparation of an effective payroll system (perhaps supported by the issuing of identity cards), undertaking public perception surveys and identifying their priority security and justice needs, and establishing a transparent system of vetting for members of the security and justice system.

1.4 Engaging a wide range of security and justice providers

In post-conflict environments, the capacity of the state to fulfil its basic role as provider of justice and security is often very weak. A vital first step is to assess which actors are delivering security and justice in different parts of the country, their legitimacy, and their level of service provision. In some cases, the major providers can be non-state actors who are more effective, more accessible, fairer, quicker, cheaper, and more in tune with people's values. Non-state providers may also be purveyors of insecurity and injustice and present other challenges in terms of corruption, manipulation by local élites, and discrimination against disadvantaged groups. However, the challenges in connection with non-state justice and security systems are often no more severe than those linked to the state system. In fact, they often mirror each other.

International actors can help create conditions in which coalitions of stakeholders (state and non-state actors) can be brought together to strengthen service delivery in the short term, while developing longer-term SSR initiatives. Working with non-state providers may expose international actors to a degree of risk, and may also be highly charged politically for the partner government. Developing an inception phase as highlighted in Section 2 provides the opportunity to test approaches.

1.5 Establishing reliable data in post-conflict situations

Conflicts often cause a breakdown of institutions. Records are not properly maintained or are manipulated or destroyed, and decisions are made informally without official notification. As a result, post-conflict situations are often characterised by a high level of uncertainty and a lack of reliable information about the condition of the security system. For example, the number, size and organisational structure of the military, police, intelligence services, private security actors and illegal armed groups are often unknown. The composition (gender, education level etc), employment status and skill level of security personnel are generally unidentified, as are the conditions of the infrastructure, resources and equipment. This was the case throughout the Balkans following the break-up of Yugoslavia.

Establishing critical baseline data is an important starting point for SSR post-conflict, because reform presupposes a clear understanding of the conditions of the security system. An effective programme will initially assess if the available data on the security system are reliable and sufficient to design a reform programme and, if this is not the case, undertake specific activities to obtain such data. These activities also provide natural and fairly uncontroversial entry points that can help launch an SSR programme.

1.6 Financing SSR programmes

Financing of SSR programmes in post-conflict environments, in which a government's ability to collect revenue is often severely limited, needs to be thought through as part of efforts to achieve stabilisation. Past experience has demonstrated that the need to address a range of security challenges has led to the development of security sector institutions that the national budget cannot sustain. The financial implications of post-conflict stabilisation and SSR programmes need to be considered at the earliest possible stage. Resources for SSR may be limited and should be used as efficiently and effectively as possible, underlining the importance of co-ordination across the range of SSR programmes rather than developing institutions in isolation. It is also important to involve the ministry of finance as early as possible when considering the resource implications of decisions on

the development of the security system, not least as donor funding is often channelled through these ministries. Where the stabilisation phase necessities dictate the growth of a security sector beyond local affordability thresholds, ongoing financial support from the international community is critical if the structures developed are to be sustained by being assumed locally. Without it, medium- and longer-term security and justice sector development is not affordable. Moreover, those reforms must be aligned to wider civil service reform initiatives and adhere to the same financial management standards as all of the public sector (see Section 8).

As noted above, given the shortage of national revenues available in many post-conflict settings, external financing may be required for the delivery of core justice and security services, as in Sierra Leone and Afghanistan. However, great care should be taken to ensure that such assistance is eventually assimilated into government budgets and revenue streams so as to minimise the risks of creating fiscally unsustainable services. To facilitate this transition, there should be full transparency in terms of all off-budget support for the security sector from the international community.

2. Disarmament, demobilisation and reintegration (DDR)

It is often assumed that SSR will follow a DDR programme, but decisions on the appropriate levels of security forces and the number and type of ex-combatants to be integrated into them should be taken prior to demobilisation. This means that the two issues are often best considered together as part of a comprehensive security and justice development programme. Important issues for maximising the linkages include the following.

2.1 Sequencing

There is a clear need to consider the impact that incentives offered for demobilisation will have on the ability of security institutions to reform. The kind of measures needed for a community to be willing to accept ex-combatants back into society and for ex-combatants to lay down their arms and demobilise will all impact on the SSR process. A dialogue on DDR and transitional justice could be co-ordinated, with due consideration given to the concerns of individuals and communities regarding safety, security and access to justice (see Section 7 on justice reform). Though immediate stabilisation priorities may make it particularly hard to tackle a full range of reforms at once, this does not mean that the longer-term efforts involved in SSR, such as work on parliamentary or judicial reform, are any less critical to security and justice development.

2.2 Restructuring security forces and clarifying roles

Restructuring security forces is a central element of both SSR and DDR in post-conflict settings. This usually involves a substantial downsizing of armed forces. Integration of some of these former combatants into the police or private security companies may sometimes be considered, although soldiering and policing involve very different training, skills and outlooks. Clear criteria should be developed for entry into the security system prior to announcing the scope of a DDR programme, and all applicants should be carefully vetted. The roles of the police and military may have become blurred during a conflict. An important part of the link between DDR and SSR programmes is to clearly distinguish these roles, codify the distinction in legislation, and raise awareness on this issue. Representation within the restructured security forces is important in terms of gender as well as regional balance.

2.3 Preventing a security vacuum

SSR and DDR programmes need to be implemented in close alignment to prevent the creation of a security vacuum. It is important that state law enforcement agencies or legitimate non-state actors are able to provide security for local communities when the military and armed groups are demobilised. Often, however, this is not possible, as spoilers at all levels try to profit from the confusion. A security vacuum arising from poor management could jeopardise the transition process and lead to a return to conflict. Managing the risk of a security vacuum is also highly relevant for community disarmament programmes. The safety and security of a community can be placed in jeopardy when it

is disarmed while other traditionally rival communities are not. Experience in contexts such as urban Port au Prince in Haiti and rural southern Sudan demonstrate the consequences of disarming communities in isolation and underline the importance of developing a fully co-ordinated approach to community disarmament aligned, where possible, to police development programmes.

2.4 Census and identification of security personnel

In post-conflict settings, the organisational structure of the security system and its agencies is frequently in disarray. Personnel records are incomplete or destroyed. The number and functions of personnel are often unknown, and personnel may informally join and depart from security agencies. As a result, the state is unable to exercise institutional control over security actors and the arbitrary use of force regularly continues. A census and identification programme addresses these problems by providing reliable baseline data on security personnel, in effect registering, verifying, and issuing identification cards to all members of security agencies.

An effective census and identification programme of security agents helps to (re-)establish democratic governance and build civic trust. Furnishing this baseline data enables the public to identify who is authorised to use force, and who is not and subject to sanctioning should they attempt to do so. Such a census was carried out in Montenegro in 2002-03. During the break-up of the former Yugoslavia, the perceived threat to Montenegro led to a large increase in the size of the national police service. Few records were kept of the qualifications, background or training of the new recruits, to the extent that the ministry of the interior was not able to identify the total number of police officers in the country. A national census of police personnel helped establish a database of officers and their qualifications. This enabled the ministry to have greater control over its human and financial resources, and was the first step in a wider reform process.

3. Small arms control

Programmes to control the spread of small arms can play an important role in peacebuilding and in reducing insecurity and armed violence, in both post-conflict countries and other developing and transitional societies. Most of these programmes involve working with different actors in the security system and focus on strengthening governance and capacity. However, links to SSR programmes are rarely made in practice. Small arms and light weapons (SALW) programmes provide important potential entry points for work on SSR (and vice versa). Important linkages include the following.

Tim A Hetherington/Panos Pictures

LIBERIA, Tubmanberg: An ex-combatant from the Liberians United for Reconciliation and Democracy (LURD) rebel group brings weapons into a disarmament point set up by the United Nations Mission in Liberia (UNMIL).

3.1 Sequencing

The timing of programmes to reduce the number of weapons in civilian hands needs to be closely linked to how well DDR and SSR initiatives are progressing. People will be unwilling to surrender their weapons while they are still in danger from armed groups and in the absence of effective provision of security. Visible progress on police reform is often vital to increase the public's perceptions of security as a precursor to weapons collection programmes. Too often though, these programmes are pursued in isolation. There is now significant experience in designing and implementing weapons collection programmes that are closely linked with development programmes and other community benefits. For example, communities that take part in weapons collection programmes

have been offered water wells, the building of schools, agricultural tools and other development aid. This can contribute to confidence building and community mobilisation, and reinforce links with wider development and peacebuilding processes.

3.2 Stockpile management

A large percentage of weapons in the illicit market in many countries were stolen or sold from police and military stockpiles. Conducting inventories of weapons stockpiles, ensuring they are secure, and destroying surplus stocks are important linkages between SSR and small arms control. These should be included as measures in both types of programmes and can serve as mutual entry points.

4. Transitional justice

Transitional justice is an important issue in all societies with a legacy of human rights abuses, and a critical one when countries are emerging from conflict. The main approaches to transitional justice include criminal prosecutions of perpetrators, truth-seeking efforts to determine the extent and nature of past abuses, reparations for victims, reconciliation programmes within divided communities, and institutional reform to prevent the recurrence of abuses. A justice-sensitive approach to SSR that aims to transform an abusive security system into one that respects and protects human rights is, therefore, a central concern of transitional justice. Measures to prevent the recurrence of abuses should concentrate in particular on the following three areas of reform.

4.1 Integrity

The integrity dimension refers to the means employed and ends pursued in providing security. Efforts to prevent the recurrence of abuse should not be limited to developing a security system's capacities, but should aim above all at building its integrity. Integrity-building measures include structural reforms that discourage abuses (*e.g.* vetting, building institutional accountability, strengthening institutional independence, advancing adequate representation) and increase the responsiveness of the security system (*e.g.* promoting community-based policing).

4.2 Legitimacy

The legitimacy dimension refers to the level of civic trust enjoyed by a security system. A legacy of serious abuse fundamentally undermines the legitimacy of that system. The integrity-building measures referred to above promote legitimacy in such settings, but may not be sufficient to overcome the fundamental crisis of trust. Additional efforts can include verbal or symbolic measures such as memorials, apologies and changing insignia that reaffirm a commitment to overcoming the legacy of abuse and endorse democratic norms and values. Ensuring appropriate representation of different elements of society is also important in building legitimacy. Security institutions should reflect the society that they are mandated to serve.

4.3 Empowerment

The empowerment dimension means enabling citizens to consider their role as an integral component of the justice system, with rights, responsibilities and needs that public institutions are called upon to serve. Measures to help victims of state oppression and of violence recognise their rights as citizens can include public information campaigns, citizens' surveys to identify security and justice needs, training civil society organisations to monitor the security system, and media training on security in democracy.

Checklist: Useful questions when working on SSR in a post-conflict situation

- Does the peace agreement provide some basis on which to direct or engage in SSR?
- Have the objectives and outcomes of DDR and SSR programmes been developed in tandem?
- Is it possible to develop an integrated team at the beginning of a peace support operation (PSO) to facilitate the transition from the stabilisation phase to the development phase?
- When the PSO mission was established, what type of baseline data/analysis was gathered on the justice and security situation?
- What activities can be launched in the immediate post-conflict phase and serve as the basis for a future SSR programme?
- Have you considered the entry-points for SSR that are possible through ongoing armed violence or transitional justice programmes?

How this section links with the rest of the handbook

This section has highlighted issues to be aware of when working on SSR in post-conflict situations, and how to better link SSR to DDR, armed violence and transitional justice programmes. This should be taken into account when fostering political support for SSR (Section 2) or during the design of an SSR programme (Section 4).

Case Study 6.1

Disarmament, demobilisation and reintegration (DDR), security system reform (SSR) and small arms control in Liberia

Context

In 2003, following the end of the war in Liberia, a comprehensive process of disarmament, demobilisation and reintegration of ex-combatants was begun. DDR was followed by limited SSR in 2004 and small arms and light weapons (SALW) control in 2005.

Entry point

DDR, small arms control and SSR are related if distinct categories of intervention in post-conflict contexts. In Liberia, DDR provided a platform for intervention in the immediate post-conflict environment, and small arms control and SSR were integrated at a later stage. Baseline assessments and studies undertaken to shape DDR — including a review to determine appropriate levels of security services for meeting national needs and the availability of small arms — proved crucial for the small arms and SSR programmes that followed.

Lessons learned

DDR, SSR and SALW control should be integrated — The integration of DDR, SSR and SALW control initiatives prior to and during the post-conflict recovery process increases the sustainability of peace-building.

Poor performance in one component of DDR can undermine SSR and SALW control — unrealistic expectations in disarmament initiatives led to riots in Monrovia after ex-combatants received mixed messages concerning cash payments for weapons surrender. Moreover, weak entry criteria and a shortage of qualified personnel staffing the screening process contributed to the admission of too many ex-combatants, leading to funding shortfalls.

Regional approaches to DDR, SSR and SALW control are essential to increasing programme performance — During the disarmament phase only 27,000 weapons were collected. This was partly attributed to weapons collection programmes in Cote d'Ivoire. Perceived higher compensation for weapons in that country led to their being trafficked there from Liberia. Regional approaches could increase the effectiveness of disarmament by avoiding false economies and falsely raised expectations.

Impact

It is too early to assess the overall impact of DDR and related SSR activities in Liberia. However, DDR contributed to a reduction in violence and increased stability for the 2006 elections and subsequent SSR. By early 2006, recruitment and training of the new armed forces started with plans to create a 2,000-strong army. Future challenges include ensuring parliamentary oversight and civilian control over all security forces; developing a comprehensive and inclusive national security policy; and securing stable donor support.

Case Study 6.2
Vetting judges, police and prosecutors in Bosnia and Herzegovina

Context

Vetting to ensure minimum standards of integrity in public service is widely recognised as an important SSR measure. Between 1999 and 2002, the United Nations Mission in Bosnia and Herzegovina (UNMIBH) vetted all law enforcement personnel in the country. Of the total of 23,751 personnel registered, 16,803 were provisionally authorised to exercise police powers (those not authorised were mainly administrative support personnel working at local ministries of the interior); of those, 15,786 were certified as police officers. Three High Judicial and Prosecutorial Councils (HJPC), made up of international and national personnel, restructured the court system and reappointed all judges and prosecutors between 2002 and 2004. Almost 1,000 posts were declared vacant and there was open competition to fill them.

Entry point

The Dayton Agreement stipulated that police officers and civil servants responsible for serious violations of minority rights should face "prosecution, dismissal or transfer". The presence of the UN Mission facilitated the process of vetting.

Lessons learned

Review or reappointment? UNMIBH applied a review model to vet the police: serving police officers were screened to determine their suitability for continued service. Shortcomings in this process were caused by a failure to ensure basic standards of due process. The HJPC, on the other hand, applied a reappointment model to vet judges and prosecutors: all posts were declared vacant and serving judges and prosecutors also had to apply. Applicants in the reappointment process had no right to a hearing or to judicial appeal if they were not selected and the burden of proof was shifted onto them. These procedural simplifications streamline a vetting process significantly and provide a better opportunity for broader SSR measures. A reappointment process, however, represents a risk of arbitrary interference in otherwise independently operating sectors. It should therefore only be established when the institution is fundamentally dysfunctional; it should be implemented by an independent body that follows fair procedures; and it should be put in place as early as possible to avoid protracted periods of legal uncertainty.

Linking vetting to other reforms — Both the UNMIBH and HJPC processes pursued broader SSR goals. In particular, both led to a reduction in the overall personnel size and an increased representation of minorities. Vetting will normally have to be accompanied by other SSR measures to ensure an effective reform process.

The role of international organisations — Vetting processes under domestic leadership preclude resentment against external imposition and ensure the application of local know-how. Vetting processes are, however, often contested as they affect access to power, and considerable international involvement might be required. When an internationalised process is established, every effort should be made to broadly involve domestic actors and to guarantee a seamless changeover to regular domestic procedures. In this regard, the shortcomings of the UNMIBH process were significant. The HJPC process, on the other hand, was integrated into the domestic legal system and ensured a smooth transfer to a domestic follow-on mechanism.

Teun Voeten/Panos Pictures

BOSNIA HERZEGOVINA: Bosnian Serb soldier accused of war crimes, flanked by posters of Radovan Karadiz and Biljana Plavaic, also accused of war crimes.

Impact

The UNMIBH police review process resulted in the removal of personnel who did not meet established criteria, a reduction in overall personnel numbers, and an improvement in the ethnic and gender composition of the police. The HJPC reappointment process resulted in the closure of several courts, about 30% of the incumbent applicants not being reappointed, and the pre-war ethnic balance being largely restored. At the completion of the reappointment process, the HJPC turned into a permanent appointment and disciplinary body.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on SSR in post-conflict contexts that have helped inform this section:

1. **Giustozzi, Antonio (2004), "'Good' State vs. 'Bad' Warlords? A Critique of State-Building Strategies in Afghanistan", Working Paper No. 51, Crisis States Research Centre, LSE,**
   http://www.crisisstates.com/download/wp/wp51.pdf
   Argues that rather than focusing on the role of warlords within the new state, the international community should be worried about the limited reform achievements made in the Kabul ministries, especially in the ministry of the interior and on anti-corruption.

2. **Office of the UNHCHR (2006), *Rule-of-Law Tools for Post-Conflict States — Vetting: An Operational Guideline*,**
   http://www.ohchr.org/english/about/publications/docs/ruleoflaw-Vetting_en.pdf
   Besides proposing guidelines, the document defines vetting and analyses the political conditions of post-conflict reform.

3. **Office of the UNHCHR (2006), *Rule-of-Law Tools for Post-Conflict States — Truth Commissions*,**
   http://www.ohchr.org/english/about/publications/docs/ruleoflaw-TruthCommissions_en.pdf
   Gives guidance on all the stages of a truth commission, from its establishment to the follow-up, and also looks into the interrelationships with other institutions and the role of other actors.

4. **Sedra, Mark (2004), "Security Sector Transformation in Afghanistan", Geneva Centre for the Democratic Control of Armed Forces Working Paper No. 143,**
   www.dcaf.ch/_docs/WP143.pdf
   Argues that the conventional SSR programme employed in Afghanistan is insufficient for the complex post-conflict, non-western environment, and gives recommendations on how the process could be put on the right path.

5. **UN Instraw (2005), "Securing Equality, Engendering Peace: A Guide to Policy and Planning on Peace, Women and Security",**
   http://www.peacewomen.org/resources/1325/1325ActionPlans.pdf#search=%22security%20equality%2C%20engendering%20peace%22
   Guide to action plans on issues of women, peace and security.

6. ***DAC Guidelines on Helping Prevent Violent Conflict,***
   www.oecd.org/dac/conflict/preventionguidelines
   This publication explores ways for donor governments to help prevent conflict and promote peace. It looks primarily at collective conflict among groups within or across nations. It also covers state violence against groups and individuals.

7. **International Centre for Transitional Justice, *Seeking Truth in the DRC*,**
   http://www.ictj.org/images/content/1/1/115.pdf
   Identifies the numerous challenges to seeking truth in the DRC and explores four potential forums for prosecution: domestic courts, the ICC, an international tribunal, and a hybrid tribunal.

8. **Grossmann, Georg S. and Hildegard Lingnau (2003), *Addressing the Past — Fostering Reconciliation: How TC Can Help Societies Come to Terms with a Past Burdened by Violent Conflict*, GTZ,**
   http://www2.gtz.de/dokumente/bib/03-5330.pdf
   Emphasis here is on improving framework conditions, because ownership of processes to address the past and foster reconciliation actually rests with the actors concerned.

9. **Rees, Edward (2006), *Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field,* United Nations Department of Peacekeeping Operations,**
   http://www.peaceoperations.org/common/os/SSR%20UNDPKO%20Rees_2006%20(2).pdf
   Examines SSR in the context of a number of UN and non-UN peace operations, identifying good and bad practices, establishing successful trends and identifying strategic gaps.

Footnotes:

[1] Collier and Hoffler (2004), *The Challenge of Reducing the Global Incidence of Civil War,* the Copenhagen Consensus Papers.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.1: DEMOCRATIC OVERSIGHT AND ACCOUNTABILITY

Key lessons learned

- Developing democratic accountability at multiple levels of oversight.
- Ensuring the independence of oversight institutions.
- Strengthening mechanisms of internal oversight within security and justice institutions.
- Developing the capacity of parliaments to conduct oversight.
- Strengthening the role of civil society and independent watchdogs in the democratic oversight of security and justice providers.

1. The significance of accountability and oversight for SSR

Democratic accountability of the security and justice sectors is based on the principles of transparency, responsibility, participation and responsiveness to citizens. Representatives of security and justice institutions must be liable for their actions and should be called to account for malpractice. Oversight mechanisms should be designed to provide checks and balances that prevent abuses of power and ensure that institutions operate efficiently and effectively while respecting the rule of law. There are at least six interdependent pillars of oversight and control:

1. Internal control.
2. Executive control.
3. Parliamentary oversight.
4. Judicial review.
5. Civil society oversight.

1.1 Levels and scope of oversight

Oversight can take several forms. For instance, it may be proactive — often compared to a police patrol — or else, reactive — operating like a fire alarm.[1] Oversight may be exercised at a centralised level, which is generally desirable for national defence, or — particularly in federal states — at a decentralised level. Local oversight mechanisms are particularly important for institutions such as the police, as these can increase their accountability to the communities they serve. Oversight can by definition comprise supervision, inspection, responsibility and control.

There are three basic components of good governance of the security and justice sectors:

- A set of capable and responsive institutions subject to a system of layered oversight.
- An array of governing principles and norms.
- A comprehensive and effective legal framework.

As illustrated in table 7.1.1 below, each layer of oversight is exercised by a range of actors.

Table 7.1.1 **A system of multi-layered security governance**

Layer	Major actors	Main oversight mechanisms
Internal	Security forces; justice providers.	Supervision; internal system of review; proactive monitoring; internal complaints mechanisms; code(s) of conduct; disciplinary system; review of performance and control of assignments; human resources: selection, retention and promotion system; freedom of information.

>>> continued

Table 7.1.1 **A system of multi-layered security governance**

Layer	Major actors	Main oversight mechanisms
Executive	Head of state; ministries; national security advisory and co-ordinating bodies.	Ultimate command authority; setting basic security policies, priorities and procedures; selecting and retaining senior personnel; reporting mechanisms; budget management; power to investigate claims of abuses and failures.
Legislative	Parliament; parliamentary oversight bodies.	Hearings; budget approval; investigations; enacting laws; visiting and inspecting facilities; subpoena powers.
Judiciary	Civilian and criminal courts and tribunals; military courts and tribunals.	Adjudicating cases brought against security services and individual employees; protecting human rights; upholding the rule of law; monitoring special powers of the security services; assessing constitutionality; providing effective remedy; reviewing policies of security and justice providers in the context of prosecutions.
Independent bodies	Ombudsman; national human rights institutions; audit office; inspector general; public complaints commissions.	Receiving complaints from the public; raising awareness of human rights within the general public and within security and justice institutions; investigating claims of failures and abuses; ensuring proper use of public funds; ensuring compliance with policy and the rule of law.
Civil society	Think tanks; NGOs; media.	Providing expertise and analysing security and justice policy; lobbying; providing an alternative view to the public and its representatives; investigative reporting; monitoring.

2. Important linkages to wider SSR

Short-term pressures to provide security may understandably lead to an immediate focus in some SSR programmes on increasing the operational capacity of security institutions. But experience shows that in order to be sustainable, reforms need to address issues of governance and accountability in tandem. State-building cannot take place if SSR does not include strengthening the oversight capacity of civil society, parliament, the judiciary and the executive.

There is an important linkage with rule of law and justice sector initiatives. Criminal justice institutions have a dual role:

- They themselves need to be accountable and subject to effective oversight.
- At the same time, the judiciary — as the third branch of government — is a key oversight institution in its own right and needs to retain its independence from the executive.

Accountability for military actions covers the role played by military courts. It is important to ensure that civilians are not illegitimately brought before such courts. While there is a growing body of experience on strengthening justice systems (see Section 7.5 on policing, 7.6 on legal and judicial reform and 7.7 on prisons), military justice is an area less explored by donors. An example of an attempt to strengthen military justice systems is the Open Society Justice Initiative. This programme has developed a military justice training course that aims at raising awareness of human rights in the barracks among military judges and prosecutors as well as service members and civil society organisations (see http://www.justiceinitiative.org/).

Box 7.1.1. Rule of law, accountability and the administration of justice

The rule of law is an important concept for understanding accountability and the role that the courts play. It has been defined by the United Nations as "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency" (Report of the UN Secretary-General on the Rule of Law in Conflict and Post-conflict Societies, 2004).

Formal institutions for the administration of justice (prosecutions, courts, lawyers) therefore play a central role in ensuring respect for the rule of law and human rights by state and non-state entities, including security agencies.

3. How to conduct an SSR assessment of accountability

The following is a list of relevant questions to pose when conducting an assessment of the democratic accountability of the security and justice system. The questions are set according to each layer of oversight. The stronger the system of democratic oversight, the more likely it is the answers to the questions will be positive. The basis for such an assessment can be established through an analysis of the legal framework as well as through discussions with stakeholders.

Security and justice providers	• Are the mandates of all security and justice providers clearly defined and limited by statutory law? • Are there control and enforcement mechanisms to deal with misconduct by security and justice providers and cases where they exceed their competences *(ultra vires)*? • Are coercive powers used on the basis of the principles of proportionality, rule of law and human rights? • Does policy exist concerning illegal or discriminatory actions and orders within security and justice services? • Is the staff of the security and justice providers trained in an established code of conduct, human rights and international law? • How is the political neutrality of security and justice providers guaranteed? • Are there internal financial controls, disciplinary procedures and performance reviews? • Are there equal opportunity employment, retention and promotion policies within the justice and security system?
Executive	• What safeguards are there against ministerial abuse? • How is a balance achieved between the need for ministerial responsibility and the need for professional autonomy of security and justice providers? • Is a planning, budgeting and accounting system in place, including a strong role for the ministry of finance and audit office? • Does the executive have the right to know and to approve all politically sensitive issues? • Does the elected executive have some role in setting basic security and justice policies, priorities and procedures? • Are executive powers of censorship and coercive powers (surveillance and detention for example) defined within a system for oversight and review?

>>> continued

Legislature	• Is parliament strong in terms of legal powers, resources, staff and expertise on SSR-related issues? • Do parliamentary oversight committees (or bodies) exist that are mandated to over-see all security and justice providers? • Are all political parties represented in the parliamentary oversight bodies? • Do parliamentary committees have statutory oversight powers, enact laws that define the roles of the security and justice providers, initiate investigations and organise hearings? • Do all members of parliament have access to classified information?
Judiciary	• Is independence guaranteed, *vis-à-vis* both the executive and the security system? • If security and justice providers violate the rule of law, is there an effective way to hold them accountable for their actions through the justice system? • Do the public and employees of the security system have fair and effective access to justice? • Is there a fair, effective and separate system of military justice? How does it deal with civilians?
Independent bodies	• Is there a national human rights commission? Ombudsman, inspector general, auditor general (or equivalent)? • Do the independent oversight bodies function on the basis of statutory law, and report to parliament and the minister concerned directly? • Do they have quasi-judicial powers? Can they undertake investigations and site visits at their own initiative? Can they institute proceedings in courts? • Are the recommendations and findings of independent oversight bodies binding? • Do independent oversight bodies have access to classified information enabling them to carry out their mandate? • Are there effective international or regional oversight mechanisms (*e.g.* regional human rights courts, UN special rapporteurs)? Are judicial decisions respected? Are international or regional reports influential?
Civil society	• Does a freedom of information law exist? • Do freedoms of expression, association and gathering exist? • Does civil society seek (and is it allowed) to participate actively in legislative consultation, and to provide expertise to parliamentarians? Does it have the capacity to do so? • Are there effective and respected human rights organisations that monitor and document the behaviour of state and non-state actors and their compliance with human rights and humanitarian law? • Is there a low (legal) threshold to form NGOs? Are there attempts by the executive to close down and weaken NGOs? • Is there accurate and quality reporting in the media on the performance of security and justice providers? • Are libel cases and other judicial action by members of the executive against the media used as ways to close down media companies? • Are civil society organisations able to monitor the justice and security sectors for human rights violations and corruption without intimidation or undue interference?

Dieter Telemans/Panos Pictures

THE DEMOCRATIC REPUBLIC OF CONGO, Kinshasa: Congolese Assembly in session.

4. Potential entry points for SSR

When designing programmes to address the democratic oversight of the security and justice sectors, it is important to be aware of possible entry points for SSR.

4.1 Significant political changes

Democratic transitions are major windows of opportunity for initiating SSR. New reform-minded leaders in the executive and parliament may be keen to bring about changes and to increase democratic oversight and civilian control.

4.2 New legislation

New legislation provides an opportunity to enhance oversight and accountability. For example, with the help of the OSCE Mission in Bosnia and Herzegovina, the BiH government and parliament adopted a new intelligence oversight law (http://www.osa-oba.gov.ba/ustavnosteng.htm) that brings the intelligence services under civilian oversight, based on commitments to democracy, human rights and international law.

4.3 Governance programmes

SSR should be seen as an integral part of ongoing post-conflict and state-building efforts. For example in Kosovo, the UN mission undertook initiatives not only to restore law and order, but also to strengthen the capacity of the Kosovo executive (the prime minister's office and the minister of interior) to exercise oversight over Kosovo's security forces.

4.4 Foreign security-related assistance and post-conflict peacebuilding programmes

Foreign security-related assistance and conflict-related programmes can be used to launch SSR in post-conflict and fragile states. Many donor states are involved in, for example, delivering police and military training, military financing, anti-terrorism programmes, demilitarisation, demobilisation and reintegration processes, small arms control activities, and de-mining programmes. Such ongoing assistance and programmes can serve as an entry point provided they are linked with a package of

measures (as outlined above) that increases security system oversight in the recipient country. Only by making such programmes subject to the approval of a civilian government and parliament and supplementing them by training civilians in oversight institutions can substantive SSR succeed.

4.5 Gender programmes

Civil society programmes that work to address gender issues such as human trafficking, gender equity and gender-based violence can also be used as entry points for better oversight of SSR activities and practices. For example, programmes that track violence against women can be encouraged to lobby for reform and to build public awareness of the problems and constituencies for change. Women's empowerment and legal aid organisations can lobby for, and help draft, legislation to improve oversight and reform of discriminatory or inappropriate policies/practices in the security and justice sectors.

Box 7.1.2. Monitoring of women's security reforms

In Malaysia, civil society organisations such as the Women's AID Organisation have monitored the enforcement and efficacy of Malaysia's Domestic Violence Act, as well as the delivery of its services to victims. Findings were used to advocate improvements in the substance and implementation of the legislation (UNIFEM: http://www.unifem-eseasia.org/projects/evaw/vawfund.htm). In Cambodia, women's organisations and human rights groups such as LICADHO are co-operating with government oversight agencies to investigate allegations of abuse and to monitor compliance with Cambodia's recently adopted Law on the Prevention of Domestic Violence and the Protection of Victims. This law gives police greater powers to intervene in domestic violence cases and strengthens the legal recourse available to victims. In addition to monitoring, the CSOs provide legal aid and safe houses for victims.

(http://licadho.org/programs/womanoffice.php)

4.6 Links to international human rights and humanitarian law

Oversight can be linked to the monitoring of compliance with international conventions such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Such monitoring is done by many international human rights organisations. Linking these international monitors with national human rights groups and government human rights agencies can help to build domestic capacity for oversight.

5. Important issues for programme design

Integrating certain guiding principles into the design of assistance programmes is particularly important in the area of democratic accountability and oversight. The following principles are necessary to guide appropriate oversight of the security system.

5.1 Principle of checks and balances

Effective checks and balances are an important feature of accountability and oversight; they guard against ministerial abuse and corruption, and help ensure that security and justice are delivered according to the people's needs and in a way that is respectful of their rights. It is therefore important that not only the executive but all oversight institutions are covered by international and national programmes.

5.2 Principle of transparency

Though transparency can never be absolute, it is necessary to ensure a fair balance between that and legitimate needs for secrecy. Transparency is important to ensure that security and justice providers are subject to public accountability.

5.3 Principle of responsiveness

The democratic accountability of the justice and security sectors is important to ensure that they can ultimately be held to account by the people, either through powers invested in parliament or through active involvement in civil society or independent oversight bodies.

5.4 Principle of accessibility

The rule of law requires equality before the law and fairness in the application of the law. This means that everyone should have equal access to the courts, to other forms of dispute resolution, to control and sanctions mechanisms, to information, and to other means of holding security and justice actors to account.

6. Sequencing effective programmes

Programmes can be effective only if they are embedded in the local context and if their sequencing is linked to the strengths and weaknesses of local oversight actors. From this point of view, the World Bank democratic accountability model offers three options to hold service providers (including security and justice institutions) to account: the long, short and medium options. The long route to accountability is achieved by increasing citizens' democratic voice with parliamentarians and by strengthening the capacity of legislatures to hold to account the executive, which in turn oversees justice and security providers. The medium route consists of developing government capacity so that the executive is capable of tasking security and justice providers and ensuring oversight and control, and building the capacity of the judiciary to provide checks and balances. And the short route entails strengthening civil society at the local level in order to hold the providers to account. In contexts such as fragile states where there are immediate local needs to address, it may be valuable to focus initially on strengthening the short route to accountability, as this may be where results are most quickly achieved. Of course, eventually all these routes should be pursued for achieving full democratic oversight of security and justice institutions.

7. Lessons learned to guide implementation

7.1 Focus on parliament, the judiciary, civil society and independent watchdogs

The main way to tackle mismanagement, corruption, abuse and impunity within an often over-centralised executive is to strengthen external and public oversight institutions. It is important that these institutions operate and are bolstered through a dialogue with the security and justice providers, so that they will not perceive each other as an "enemy". Case Study 7.1.1 at the end of this section highlights lessons from a programme to strengthen the capacity of parliamentary committees in South East Europe.

7.2 Support the rule of law

It is important to support the development of a strong legislative framework, so as to ensure that security and justice institutions operate in accordance with the rule of law and with clear mandates. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) has a working group on legal aspects of security governance that provides advice on draft laws to governments, parliaments and civil society organisations. Examples include advising on the Emergency Situations Act in Macedonia, Official State Secrets Act in Turkey, Military Service Act in Cambodia and Intelligence Services Act in Serbia.

Having the appropriate laws is one thing; to have them properly implemented is another. Military and civilian courts, prosecutors, ombudsmen, the police and the prison system are indispensable in implementing and enforcing these laws and in making sure that security and justice providers are committed to the rule of law. They can perform effective oversight if they are independent, are backed up by professional staff, and have a comprehensive mandate and expertise in security system issues.

Sven Torfinn/Panos Pictures

SIERRA LEONE, Freetown: Accountability and the Rule of Law Special Court for Sierra Leone set up jointly by the government and the United Nations to try those accused of crimes against humanity committed during the civil war.

8. Common challenges and how to overcome them

8.1 Lack of expertise among civilians

It is difficult for civilians to acquire knowledge about the security sector because it is a closed system with its own specific culture, laws and organisations. This lack of expertise is often visible in the executive (ministers and civilian staff), parliaments, the media and civil society at large. To help address this in Ghana, the United Kingdom supported capacity building briefing sessions for new parliamentarians and members of the defence and security select committees (see Case Study 2.2 in Section 2).

8.2 Excessive secrecy

In many situations, security institutions will invoke national security considerations to inhibit oversight of sensitive issues. Some of these are clearly legitimate, but sometimes the justification can turn into a blanket ban on providing the public with information. A possible means to overcome this challenge is to ensure that secrecy is dealt with in statutory law that clearly specifies the procedures for classification and declassification of information.

8.3 Financial indiscipline

Government-wide fiscal discipline is essential to control expenditures and to balance government spending priorities. However, justice and security institutions often resist application of public expenditure management controls. Ministries of finance and independent audit offices can play a key role in helping improve financial discipline. They can encourage multi-year budgeting and establish clear rules for fiscal ceilings and reallocation during budget execution. They should also review the potential impact of assuming debts before approving major procurement projects.

8.4 Judicial deference, human rights and corruption

In many countries, a tacit principle of judicial deference exists whereby the judiciary defers its decision to the wishes of the executive. This is a particular challenge to the requirement of an independent judiciary to guarantee democratic accountability. Moreover, judicial deference may at times be linked to corruption, with judges bribed to overlook certain human rights violations of, *e.g.* the armed forces. Section 7.6 on legal and judicial reform provides guidance on how to strengthen justice systems so that they can perform their accountability role.

8.5 Lack of an enabling legal framework

Oversight bodies often do not have the legal means to exercise their duties. Even if they are respected and capable in terms of expertise, if they do not have a legal framework that sets out their responsibilities and legitimises their decisions, they will never be able to perform their functions.

8.6 Lack of parliamentary staff capacity

Parliaments need to have the capacity, resources and independence to carry out their core functions. Often the ability of parliaments and parliamentary committees to hold the government to account is limited due to a lack of capacity to review, analyse and evaluate ministries' budgets, policies and programmes. The development of a cadre of independent parliamentary staff with the research capability and technical knowledge required to support parliamentarians and parliamentary committees is central to having a well-functioning parliamentary system (see further Additional Resource 11 on the AMANI Great Lakes Parliamentary Forum on Peace).

9. Particular features of oversight in post-conflict SSR

9.1 Security as a priority

The insecurity of post-conflict situations can counter efforts to promote open dialogue on security issues; democratic governance can be perceived as a secondary issue. Nevertheless, efforts should be made to incorporate a democratic element into the programmes from the outset, in order to ensure legitimacy and sustainability in the long run. Delivering security is not only about an effective police and military. It also means sustaining an ongoing dialogue among different factions about the causes of insecurity and appropriate measures for restoring public order. Parliament has an important role to play as an arena for factions to meet and settle their differences. If it does not play this role, factions will operate outside the political system, which will harm state-building efforts.

9.2 Non-state security organisations

In post-conflict settings governments are often weak and unable to provide full security across the country. This can lead to local militias and private security companies stepping in to fill the gap. Ensuring oversight and the accountability of these actors is a difficult challenge that few countries have effectively addressed, but an especially important one given their role in procuring and distributing arms and ammunition. International assistance in such cases is particularly crucial. Guidance on regulating private security companies is provided later in this section.

9.3 Addressing legacies of human rights abuses

In countries emerging from conflict or undergoing transitions, oversight bodies have a vital role to play in addressing legacies of human rights abuses (transitional justice issues are addressed in more detail in Section 6 and in Section 7.6 on justice reform). A variety of political and legal bodies can help perform this role. Case Study 7.1.2 at the end of this section takes up that issue and highlights the important role of the Truth and Reconciliation Commission in Peru.

Case Study 7.1.1
Parliamentary staff training programme in South East Europe

Context

Most parliamentary security and defence committees in South East Europe are responsible for adopting budgets and scrutinising the policy, conduct, planning and spending of security providers — a vital, and considerable, task in a region in transition. As financing is limited in many parliaments, there is often no parliamentary research and advisory capacity to assist committee members in this endeavour. The objective of the Parliamentary Staff Training Programme of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) is to help sponsor and train locally hired staff advisers in South East European parliaments. Their role is to supply neutral advice and research to security and defence committee members, in order to encourage timely parliamentary scrutiny of the security sector.

Entry point

The co-operation partners are the national parliaments as well as Organisation for Security and Co-operation in Europe (OSCE) field missions in South East Europe. Both the national parliaments and (in some cases) the OSCE field mission play an important role in recruiting, selecting and coaching the parliamentary advisers.

Lessons learned

Construction of a regional network — The development of a regional network of proactive and skilled parliamentary staff advisers dealing with defence and security matters contributed to the programme's success. New parliamentary staff can now seek advice from members of the network.

Political neutrality — Because national security is a very sensitive issue, political neutrality should be an essential feature of any programme aimed at strengthening democratic oversight and accountability. In this case, political neutrality was achieved by selecting the parliamentary staffers purely on the basis of merit. Political party considerations did not play a role.

Empowering parliaments from within — The parliamentary staff training programme aimed at strengthening expertise permanently by attaching locally recruited experts to the parliamentary oversight committee for national security and defence. This proved to be a more structural approach than occasionally flying in foreign experts.

Impact

The programme has created a network of parliamentary staff advisers in the defence and security area in South East Europe, who can provide advice to national committees and facilitate the dissemination and exchange of relevant knowledge and experience among parliaments.

Reader's Notes:

Case Study 7.1.2
Truth-seeking and SSR in Peru

Context

In 2001, after 20 years marked first by armed confrontation and then by dictatorship, Peru experienced a peaceful democratic transition when the regime headed by Alberto Fujimori fell under accusations of corruption.

The Peruvian Congress installed a provisional government, which was committed to fundamental human rights standards that had been ignored by the former government. Some of the critical measures implemented were the creation of a Truth and Reconciliation Commission (TRC); a return to the jurisdiction of the Inter American Court of Human Rights (IACHR); the annulment of amnesty laws for human rights abuses committed by members of the security forces; the revision of anti-terrorist laws that violated due process guarantees for persons belonging to illegal armed groups; the ratification of the Rome Statute of the International Criminal Court; and the initiation of extradition proceedings against former dictator Fujimori, who sought asylum in Japan.

The TRC worked for two years in open proceedings and produced a comprehensive report including extensive information on 47 cases against members of the security forces; the report was forwarded to the Prosecutor General's Office.

Entry point

The provisional government acted with a sense of urgency on all these fronts to overcome Peru's international isolation resulting from its failure to meet basic human rights standards. The new government was supported by a broad civil society platform established by the national human rights organisations.

Lessons learned

Importance of addressing past crimes — After the demise of the dictatorship, the high-ranking military officers, members of the business community and media representatives allied with Alberto Fujimori were exposed as members of corruption networks. Many were arrested and others fled the country. Pro-democracy representatives, in particular the TRC, took positions of responsibility in the military and media, and supported enactment of new human rights policies.

Role of international human rights institutions — At the time of Fujimori's fall, Peru had lost several critical cases before the IACHR, and a significant number of cases were pending with little prospect of success for the state. The new government sought a friendly settlement with the court and quickly implemented a number of critical measures — including the cancellation of amnesty laws and the reform of anti-terrorism laws — and initiated retrials for imprisoned members of illegal armed groups.

Civil society engagement — Key civil society leaders took positions in government and established effective alliances between the state and civil society to channel expertise, conduct joint assessments, and mobilise social support.

Impact

The TRC had a decisive effect on the national political agenda of Peru. A comprehensive reparations programme for victims of human rights abuses was put in place and numerous civil society groups adopted the TRC's final report as a guide for action. Several criminal cases were opened against members of the security forces, but resistance against the "democratic spring" by authoritarian elements weakened the resolve of the judiciary and slowed these proceedings. To date no member of the military has been tried and Alberto Fujimori remains in Chile awaiting the result of extradition proceedings.

Additional Resources

The following are recommended resources for further information on democratic oversight and accountability that have helped inform this section:

1. **Ball, N. and K. Fayemi, eds. (2004), *Security Sector Governance in Africa: A Handbook*, Centre for Democracy and Development, Lagos,**
   Introduction to SSR in Africa, highlighting good practices and policy recommendations.

2. **Ball, N., T. Bouta and L. Van de Goor (2003), "Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework", Ministry of Foreign Affairs, Netherlands,**
   http://www.clingendael.nl/publications/2003/20030800_cru_paper_ball.pdf
   Tool for assessing democratic governance of the security system.

3. **Habasonda, Lee M. (2003), "The Military, Civil Society and Democracy in Zambia" in Rocky Williams, Gavin Cawthra and Diane Abrahams (eds.), *Ourselves to Know: Civil-Military Relations and Defence Transformation in Southern Africa,* Institute for Security Studies, Pretoria. Also available at:**
   http://www.iss.co.za/Pubs/ASR/11No2/Habasonda.html
   Argues that democratisation has only partly succeeded in Zambia, because the military remains hidden from public involvement. Civil society needs to build partnerships in order to better control this domain.

4. **World Bank (2005), *Improving Public Financial Management in the Security Sector* (Volume 5: "Afghanistan — Managing Public Finances for Development"), December,**
   Available at www.worldbank.org
   Analysis of financial management of the security sector in Afghanistan.

5. **Born, H., F. Fluri and A. Johnsson (2003), *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices* — Handbook No. 5 for Parliamentarians, IPU-DCAF, Geneva,**
   http://www.dcaf.ch/publications/hb_parliamentary_oversight.cfm
   Guide on parliamentary control over the security sector, published in 30 languages.

6. **Born, H. and I. Leigh (2005), *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies*, Publishing House of the Parliament of Norway, Oslo,**
   http://www.dcaf.ch/publications/hb_making_intelligence_accountable.cfm
   Overview of legislation and best practice of intelligence oversight.

7. **Cole, E. and K. Kinzelbach (2006), *Democratising Security in Transition States*, DCAF/UNDP, Slovak Republic,**
   http://europeandcis.undp.org/?menu=p_cms/show&content_id=FA6ED584-F203-1EE9-B801763FDED0CFF6
   Includes policy recommendations and case studies on the role of parliament in improving the human rights record of security providers.

8. **Cottey, Edmunds and Forster (2002), "The Second Generation Problematic: Rethinking Democracy and Civil-military Relations", *Armed Forces & Society*, Vol. 29, No. 1, Fall,**
   Analysis of democratising civil-military relations, based on multi-country studies in Eastern Europe.

9. **Ngculu, James (2001), "Parliament and Defence Oversight — The South African Experience", *African Security Review*, Vol. 10, No. 1,**
   www.iss.co.za/pubs/ASR/10No1/Ngculu.html
   Outlines the control parliament exerts on defence in South Africa and identifies future challenges.

10. **UNDP (2006), *Parliaments, Crisis Prevention and Recovery: Guidelines for the International Community*,**
    http://www.parlcpr.undp.org/docs/GPPS_Guidelines.pdf
    These UNDP guidelines recognise the need for donors to foster parliamentary oversight of the security sector and security-related issues in order to support conflict prevention and peacebuilding.

11. **The AMANI Great Lakes Parliamentary Forum on Peace,**
    www.amaniforum.org
    This forum comprises parliamentarians from Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania, Uganda and Zambia, and has two core activities: "building the capacity of parliamentarians to engage in peacebuilding and enabling them to undertake concrete peace initiatives".

Footnotes:

[1]McCubinns, Matthew and Thomas Schwartz (1984), "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms", *American Journal of Political Science*, 28 (1), pp. 165-79.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.2: DEFENCE REFORM

Key issues

- Developing democratic control over defence policy and the armed forces, including a constitutional and legal framework and civilian oversight and management.
- Strengthening the process for reviewing security threats and developing the capacity to respond to them.
- Delineating clear roles and responsibilities with the police for internal security.
- Introducing integrated approaches to policy development, military expenditure, human resource planning, and management of military assets.
- Encouraging civil society debate and citizens' awareness of and engagement with defence reform issues.
- Promoting reform in training and the career development of military personnel, and career transition and resettlement plans for those leaving the armed forces.
- Promoting ethnic and social balances and equal opportunity policies in the defence sector.
- Strengthening regional arrangements for military co-operation, confidence building, arms control and disarmament.

1. The significance of this sector for SSR

The military plays a central role in the protection of a state's sovereignty by defending the state against external aggression and internal rebellion. Other key functions are responding to large-scale humanitarian emergencies, and (in many countries) providing internal security, often through gendarmerie forces. But the armed forces are also often a source of insecurity and violations of human rights, and are used for purposes of repression and the protection of sectional interests. Because control over the military is central to the exercise of political power, particular challenges arise with regard to democratic governance and oversight. In many countries, militaries have frequently been involved in politics and usurped governments or had significant influence over them. The military can also often capture a disproportionate share of economic resources, both through its ability to command large budget allocations from the state and through its legal or illegal involvement in the economy (*e.g.* military-controlled business monopolies).

2. Important linkages to wider SSR

Because of this central position, the military — often the most powerful security institution — can influence reform in other sectors, such as police and intelligence. In most countries the military covers a wide array of activities, touching upon, reinforcing or even replacing the functions of more specialised security agencies. Thus there are often significant benefits in linking defence reform to wider security reform, including oversight. This is especially so in a post-conflict situation, where often the military has taken control of domestic security. Another reason for ensuring a system-wide approach is the need to avoid the perception that the army is being targeted in a reform process.

2.1 Police reform

The specific roles of the police, paramilitary forces and the military must be defined and adequate oversight provided for them in order not to create security gaps or unclear overlaps of responsibility. In principle, the police should have the primary responsibility for internal security. However, if police and paramilitary forces are not competent and sufficiently equipped, security voids may result from the army's withdrawal from this function. An example of the separation of functions between the police and the military is the Military Aid to Civil Power policy in Sierra Leone. It stresses the need for the police to take the lead in internal security while the army stands ready to assist where necessary but concentrates largely on defending the territorial integrity of the country.[1]

2.2 Intelligence reform

The military normally has its own intelligence capacity in addition to the state's civilian intelligence and security services. Clarifying the roles and functions of these agencies and establishing mechanisms for their co-operation and co-ordination are often an important reform priority. Belize for example has developed a simple and transparent system that clarifies the roles of the Special Branch and Military Intelligence in a publicly available document.

2.3 Justice reform

In many countries, military justice systems can operate with impunity outside the rule of law. If reform in this area is necessary, it is often best co-ordinated with reform in the civilian justice system. Where a functioning judicial system is present, special judicial procedures for military personnel should be clearly regulated and monitored and pertain only to the military, and civilians should be tried by civilian courts.

2.4 Border management

The military typically has a significant interest in border security and can sometimes perform specific tasks such as running the coast guard. This is especially so in an unstable regional context where arms are circulating across porous borders. The establishment or reform of a border management system needs to include consideration of the role, if there is to be any, of the military. For example, recent efforts by the European Union at increasing the professionalism of civilian border security on the border between Moldova and Ukraine (http://www.eubam.org) are likely to reduce the role of the military in regular border management activities.

2.5 Oversight mechanisms

Military control/oversight is a highly political issue. Public debate on defence policy and reinforcing competent parliamentary institutions (particularly a well-functioning defence committee) are of particular value for improving democratic oversight. Overlaps with other areas of security system reform can be exploited with respect to the broader work of parliaments (*e.g.* budget committees), courts of auditors, the media and civil society groups (*e.g.* human right groups, research and policy institutes).

Box 7.2.1 Stockpile management and the South African defence review

In the mid-1990s South Africa launched a wide-ranging review, restructuring and downsizing of its defence sector. These reforms were expected to reconfigure the military and police services in order to meet the needs of post-apartheid South Africa. A particular concern related to the spread of armed violence throughout the country owing to the availability of small arms and unguarded weapons caches in neighbouring Mozambique.

A key element of the review was the destruction of more than 335 000 surplus small arms and light weapons from South Africa's defence and police forces in an effort to ensure that they would never re-enter the supply chain. The initiative was at first unpopular within security and treasury circles, concerned with the costs of weapons destruction and the fact that surplus material was not disposed of in accordance with guidelines on the disposal of state property. These reservations were finally overcome by a parliamentary decision to destroy all surplus weapons below a calibre of 12.7 mm.

Three factors assisted in ensuring the success of the weapons destruction programme in South Africa:

- The political leadership displayed by President Nelson Mandela and the ministers of defence, foreign affairs and the treasury who supported weapons destruction.
- International support for South Africa's weapons destruction programme, including financial assistance for the destruction of weapons.
- The inclusion of weapons destruction into a broader arms control agenda, including tighter controls over licensed firearms and preventive measures to reduce the possession and transfer of illegal arms.

Source: Meek, S. and N. Stott (2003), *Destroying Surplus Weapons: An Assessment of Experience in South Africa and Lesotho,* UNIDIR and Small Arms Survey, Geneva (www.unidir.org).

3. How to conduct an SSR assessment in this sector

SSR in the military sector requires a thorough analysis and needs assessment. Any specific assessment of the military sector should be informed by a broader analysis of the overall state of security affairs. Particular attention needs to be paid to questions related to the politics behind defence reform (Table 7.2.1).

Table 7.2.1 **Questions to address in an SSR assessment**

Context	• How does the military's history inform public and military perceptions of the role of the military in society? • How politicised is the military, in its leadership as well as in rank and file? Are the military or particular groups within the military linked to powerful political groups? • What are judged to be the main strengths and weaknesses of the military, by civilian politicians, defence experts, NGOs and the military itself? • What is the ethnic and social composition of the military? Does career advancement differ among groups? How representative is the military of society? • Is the military providing social benefits important to the society as a whole, such as health services? Has the military a social welfare system for its members? • Are children (under 18) conscripted or accepted into the military? What steps are in place to ensure compliance with international legal obligations regarding child recruitment and child protection? • Which groups in the military and outside drive, or have the potential to drive, defence reform, and which are potential spoilers? Who in the military and outside is, or might be, benefiting or losing from defence reform? • Are members of the armed forces being paid regular salaries? • What arrangements are in place for military personnel upon retirement or leaving the forces?
Accountability and oversight	• Is the current legal and constitutional framework for the military comprehensive? • What is the chain of command and division of responsibilities? How does the actual exercise of control compare to the legal situation? What oversight mechanisms, internal and external to the defence sector, exist for military budgets and expenditure? To what extent is oversight restricted by secrecy? • How transparent are military policy, spending and management to parliamentarians, the media and the general public? • What processes does the military have in place to respond to allegations of human rights violations by its personnel, including those relating to sexual and domestic violence? • What mechanisms do the armed forces have to raise legitimate concerns to their political leadership?
Capacity	• Are Force design, deployment, personnel structure and training compatible with the internal and external threat environment from a military perspective? How professional are the armed forces as a whole, and how capable are particular functions (*e.g.* planning and logistics) and the operational hierarchy (*e.g.* non-commissioned officers and general staff)? • How are the training and education of the military organised? Is there training in international humanitarian law and human rights standards? • Is the military engaged in international peacekeeping operations, and which (positive and negative) effects does this have on the overall situation of the military?

>>> continued

Management	• How are policy development, programming, planning and management organised? What are the roles of political and military bodies? How are budgets prepared and implemented? Is there a planning cycle, and how are responsibilities divided? • What are the rules for procurement of major items and how are these rules implemented? • Are there measures in place to ensure cost-effectiveness in the use of personnel and assets? How widespread is corruption? • Does the military, branches of it or local commanders, control revenue-generating operations? Are all incomes and expenditures from such operations part of the overall government budget? • How are recruitment and promotion of personnel organised? Is there equal opportunity and are there mechanisms to improve the representation of women, minorities and other groups in the armed forces? At what level are personnel decisions made by political bodies? How free of nepotism and arbitrariness is this process? • Are the human rights of the armed forces protected? What procedures and policies are in place to protect personnel from human rights violations, including bullying and sexual harassment?
Co-ordination with other parts of the security system	• What is the role of the military in internal security and how is it distinguished from that of the police, and from paramilitary forces? What are the rules and procedures for triggering a military response to an internal security crisis? How do the military and other elements of the security system co-operate in such situations? • What is the role of the military in border control? • What is the role of military services in intelligence collection, and how does this relate to civilian intelligence services and the police?
Engagement of the international community	• How, if at all, are international actors involved in defence reform efforts? Are they guided by a comprehensive approach to defence reform? How important is the promotion of governance in these efforts? • Is the international engagement integrated in a broader conflict prevention and state-building strategy, and is it sensitive to the complex security challenges of the country concerned? Is current engagement encouraging an integrated approach with reforms in other security sectors?

4. Potential entry points for defence reform

Box 7.2.1. Principles for defence reform

Since the establishment of the Partnership for Peace programme in 1994, NATO has increasingly been concerned with aspects of reform in a number of Partner countries from the former Communist bloc. These relate, principally but not exclusively, to reform of defence establishments and armed forces. There is no single document that codifies the Alliance approach to this area of work, but many of the key issues and principles are set out in the documents on the Membership Action Plan published in 1999 and the Partnership Action Plan on Defence Institution Building published in 2004.

See Membership Action Plan: http://www.nato.int/issues/map/index.html and Partnership Action Plan on Defence Institution Building: http://www.nato.int/docu/basictxt/b040607e.htm

Defence reviews provide an excellent opportunity to consider threats to security and the defence reforms required to effectively respond to these (see Case Study 7.2.2 on Uganda). However, potential entry points need to be matched to the results of the defence sector assessment, and depend on the particular political and security context in which defence reform is being introduced. Specific deficits in defence planning or management, such as a procurement scandal, can provide particular entry points. Other examples of potential entry points include the following:

4.1 Challenges and opportunities in the security environment

The emergence of new threats — as well as opportunities arising from improved regional security co-operation or disarmament initiatives — can provide the occasion to support a reform process in response. Armed forces need to adapt to a changing security environment, which should lead to a cascade of other changes in defence management. In the context of the southern African region, improved regional co-operation in controlling arms flows facilitated defence reforms in a number of countries. As discussed below, peace processes, DDR and small arms control programmes often provide entry points for defence reform.

4.2 Democratisation

The process of transition from authoritarian to democratic rule often creates pressure for defence reform and assurances that the military is subject to democratic control and norms. Examples range from the transition countries of Central and Eastern Europe to Latin America. This reform pressure may be especially strong in those cases where the military has been associated with a previous regime, and where the reform is seen as a necessary part of wider democratic consolidation. In Guatemala, for example, reform of the military was carried out as part of a dual transition, from internal conflict to peace and from authoritarian to democratic rule. The mandate for a general institutional reform to adapt the military to a new democratic reality provided the framework in which more focused reform efforts have since developed, beyond the original scope of the peace accords.

4.3 Setting up of Peace Support Operation-oriented capabilities / engaging in Peace Support Operations (PSOs)

The wish of the military to participate in international operations often creates incentives for defence reforms. Potential reforms include the adoption of international standards of conduct and training in specific areas (for example human rights, international humanitarian law, normative prohibitions on the use of excessive force and rules of engagement), but also more effective management of assets. Participation in international PSOs exposes armed forces to different styles and thinking on military matters. It can also improve the international reputation and national credibility of armed forces and help push them in the direction of international standards of behaviour. It is important though that forces deployed on PSOs have the appropriate pre-deployment training. This may need to be delivered by UN or other international staff. Deploying poorly trained and equipped soldiers on complex PSOs can have counterproductive results for all concerned.

4.4 Membership of regional organisations

Standards set by regional organisations can be a driver for change, as was the case in the transition countries of Central and Eastern Europe aspiring to NATO membership (see Case Study 7.2.1 on Ukraine), and the European Union. A host of other regional organisations have developed recommendations and standards — on human rights, governance, civil-military relations and security co-operation — that have implications for defence reforms.

Box 7.2.2. Extending principles of public sector expenditure management to defence

Defence budgeting often suffers from a lack of organisation and accountability, fostering inefficiency and corruption. International support to improve the management of public expenditures and enhance the capacity and effectiveness of independent audit courts can often play an important role. In Ghana, the introduction of a Medium-Term Expenditure Framework (MTEF) led to a thorough reform of the military budget process. While some problems remain — such as unforeseen revenue fluctuations and shortfalls, and a lack of provisions for contingencies — the overall process has improved.

Source: Omitoogun, W. and E. Hutchful, eds. (2006), *Budgeting for the Military Sector in Africa,* Oxford University Press, pp. 85-93.

4.5 Development programming

The adoption of Poverty Reduction Strategy Papers (PRSPs) and improved government budgetary processes can provide increased transparency and accountability of defence budget allocations and management. For example, in Ethiopia the adoption of more comprehensive public expenditure management in the early 2000s led the government to define future defence expenditures in the PRSP process; the move offered better oversight over defence expenditures.

4.6 Funding shortfalls

A severe shortfall in government revenue, as well as large differences between planned and actual military spending, puts severe pressure on the defence sector to cut costs. This provides incentives for improving efficiency but may also lead the military to seek more and wider political support for its needs.

5. Important issues for programme design

5.1 Building reform constituencies within and outside the military

Partial reforms often can proceed on the basis of limited support; however, comprehensive reform programmes need to have broad support among the military and civil society. Programmes that demonstrate benefits to wider groups of people, for instance through improved transparency, will stand a better chance of overcoming resistance in parts of the military.

Box 7.2.3. Building a defence reform coalition in Guatemala

Bridging the civilian-military divide is often important for progress in defence reform. Efforts to reform Guatemala's military doctrine as mandated in its peace accords, for example, faced serious initial resistance from military authorities. Two successive drafts, presented in 1999 and 2001 and prepared by military commissions, were rejected as not complying with the peace accords by the UN Verification Mission (MINUGUA). The military resisted opening the debate to civilians — inside or outside government — and attempted to recast their counter-insurgent doctrines into a new language. It was not until 2003 that the levels of trust and knowledge generated by a series of dialogues led to the establishment by the ministry of defence of a working group with full civil society participation. The effort, building upon different attitudes and a better understanding of the issues, produced a draft that was finally considered appropriate and approved by MINUGUA in 2004.

Source: Giupponi, J.D. (2006), "Developing National Capacities To Manage "Democratic Security": Relevance and Impact of WSP International Projects for the Implementation of the Guatemala Peace Accords and on Minugua's Verification Mandate", Occasional Papers No. 4, WSP International, Geneva.

5.2 Identifying reform drivers and spoilers, losers and winners

The military is not a homogeneous actor; it is composed of individuals belonging to various functional (force, unit), hierarchical (officer ranks) and social (minorities, clans) groups. These groups will likely have different interests in — or against — defence reform and gain and lose differently in the process. Any design of a defence reform programme needs to take note of such differences and consider the consequences for planning and implementation.

5.3 Getting major actors to accept common objectives and benchmarks

Programme design needs to be clear on the major objectives of defence reform, elaborated on the basis of the overall objectives of SSR, as spelled out in Section 4 of this handbook. These objectives need to be shared among all those who drive the defence reform agenda. Benchmarks need to be defined in order to assess progress and the appropriateness of the process. Countries participating in NATO's Partnership for Peace programme have for instance agreed on individual partnership programmes (IPPs) which include standards for defence reform (see Case Study 7.2.1).

5.4 Fighting corruption

Corruption corrodes reform efforts. Defence bureaucracies and the military, but also politicians and parliamentarians in the defence sectors, are particularly vulnerable. Defence procurement and the international arms trade, economic activities run by armed forces or individual commanders, and unclear recruitment and promotion procedures all present opportunities for corruption. These vulnerabilities must be addressed by introducing appropriate laws and robust procedures, and by increasing the transparency of the process.

Jeroen Oerlemans/Panos Pictures

AFGHANISTAN: Soldiers of the ANA (Afghan National Army) listen to a briefing before a training exercise.

Box 7.2.4. Fighting corruption in defence procurement through defence integrity pacts

Defence integrity pacts (DIPs) are agreements that bind all bidders and a government together in a contract to reduce the possibility of corruption during and after tendering. Experience with integrity pacts dates from their development in the 1990s for other forms of procurement in over a dozen countries. They are now being applied to defence contracts — in South Korea for example, where they are about to become a regular anti-corruption tool in major procurements. Another example is Colombia, where corruption in the defence sector is fought using DIPs developed and implemented with support from two NGOs [Transparencia for Colombia and Transparency International, UK (http://www1.transparency.org/)].

5.5 Improving the quality of public debate on military issues

This may involve support for think tanks, universities and NGOs engaged in research and debate on military policies and practices. Including broader-based civil society groups such as women's organisations and human rights groups could expand the debate to different segments of society and take it to the grass roots. This more inclusive, participatory and transparent process can help ensure that the security needs of the different groups within a country are heard and can change the nature of security sector reform, as was found in South Africa.

Box 7.2.5. Transforming defence reform by widening public debate

The active involvement of women in South Africa changed the focus of defence reform, from a mainly male military technical debate (on issues of size, budget and types of weapons) to the larger issue of human security, the militarised nature of the state, and its social and political costs. At the request of women parliamentarians, the 1996-98 National Defence Review was expanded to include nationwide consultations and public meetings. This more inclusive process pushed the defence community to be more open in its strategic deliberations and enabled larger sections of the population to participate and raise their concerns. The wider public discussion not only transformed defence reform but changed the public's perception of the military, increasing its legitimacy and credibility.

Changes resulting from this process included adopting gender-sensitive polices to remove barriers for women and equal participation within the security structures. Women were appointed to senior positions within the ministry of defence and gender training was provided to all defence ministry personnel. In order to continue this national discussion, an annual women's peace seminar with civil society and the military was established.

Source: Anderlini, S.N. (2004), *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women.*

5.6 Focusing on long-term structural change in management and accountability

The obstacles to having effective and accountable military forces are often deep-seated and structural, and not primarily a result of low individual skill levels or physical capability gaps. Assistance in training and infrastructure has a role to play, but only in the context of wider reforms in management and accountability structures. Professionalism, increases in efficiency, and good governance need to go forward in tandem.

6. Sequencing effective programmes

On the one hand, the order of steps undertaken in the context of defence reform can be crucial for that reform's long-term sustainability. On the other, there is no blueprint for success. Sequencing requires careful consideration of the political context, the local needs, and the potential effects of defence reform on various groups of winners and losers. However, some general lessons provide pointers for sequencing.

6.1 The defence planning cycle

The defence planning cycle, beginning with a broad security analysis and ending with an *ex post* evaluation of policy implementation, implies a sequence of activities for defence reform. While it may seldom be possible to follow that sequence in practice because of political pressures and the demand for quick responses to the most pressing problems, it can serve as a model.

6.2 Reform constituencies

Often, local support will be insufficient for the implementation of comprehensive defence reform but sufficient for some initial steps, such as sending military officers abroad for training, or initiating debate on reform. While care must be taken that such steps are not one-off measures, they are important in building constituencies for reform within and outside the military. In Indonesia, for instance, defence reform initiatives of the late 1990s were able to be implemented because both civil society organisations and groups within the armed forces had begun to discuss reforms earlier. They were thus able to join forces and quickly move forward on the reform agenda after the fall of the Suharto government.[2]

6.3 Capacity development

Moving a reform agenda along requires the availability of sufficient capacities in terms of human resources, technical expertise and leadership. While foreign supporters of reform processes can help by providing technical assistance for some capacities, national capacity development in defence ministries and armed forces is key to the long-term success of reform programmes.

7. Lessons learned to guide effective implementation

7.1 Expectation management

It is important to avoid misconceptions about the scope of support to defence reform — expectations need to be carefully managed. In the former Yugoslavia, for example, the military expected defence reform to pay generous benefits, particularly free housing, to retiring officers. When it became clear that neither the sale of military assets nor foreign support for defence reform would suffice to provide officers with such benefits, the military resisted reform.

Box.7.2.6 NATO: providing advice and assistance on defence reform

NATO provides advice and assistance on defence reform to countries with which it has an institutional relationship. Often assistance is requested to help undertake strategic defence reviews. NATO advice aims to guide nations in reaching their own solutions for the future development of their armed forces. The advice provided by the NATO team would usually address key issues such as:

- What are the country's security and defence objectives?
- What sort of assumptions serve as the basis for developing these policies?
- What role is envisaged for the armed forces? Does this follow on logically from the fundamental security objectives that the country has set itself?
- Is what is being planned within the level of available financial resources? Is the country getting the best value for money from the defence budget?

During this process the NATO team — together with the country concerned — would also establish planning targets to guide the work. In many of the countries where the NATO team has provided assistance there have been dramatic changes in defence plans, in the direction of smaller but more affordable and more effective forces better able to contribute to international operations. In some cases, better defined plans foundered as a result of subsequent budget cuts that undermined the integrity of the plans developed and; in others, an inability to develop systems to properly cost defence activities meant that reform efforts made limited progress.

See Partnership Action Plan on Defence Institution Building: http://www.nato.int/docu/basictxt/b040607e.htm

7.2 Increased resources for military reform and improved professionalism

Defence reform processes may not lead to decreasing military expenditures. Where a process of analysis and assessment shows that certain military elements/services are no longer needed, savings can be reallocated to high-priority capabilities or to other parts of the government budget. But military reform may also generate demands for increased resources, which then have to be balanced against those from other parts of government. Experience shows that military reform — even reductions of armed forces — can lead to adverse interim results such as a top-heavy personnel structure. Redressing an inverted personnel pyramid often is only legally or politically possible when early retirees are compensated. The closing of military institutions and the destruction of surplus arms and ammunition also require additional investment. Reform in this context is a long-term process, and international actors need to be fully aware and willing from the outset to ensure sustainable funding. The notion that reform means merely reducing the size of the armed forces is overly simplistic. Many developing countries have armed forces of excessive size because they have taken on wide-ranging internal security roles in addition to their primary function. Reform therefore may involve the need to

explain the changing role as a reason for force reductions. This, however, is often coupled with a need for expensive re-training, re-structuring and re-equipping to meet new military tasks and a resettlement programme for those whose careers are cut short. Without investment in these latter aspects, there is likely to be stiff resistance to change.

Box 7.2.7. Financial consequences of the military's disengagement from business activities in Indonesia

Extra-budgetary income through business activities run by the military or individual commanders is a source of corruption but also of supplementing government-funded procurement and salaries. In 2004 the decision was taken by the Indonesian government, under pressure from the international community, that the military must end its involvement in business activities within five years. While the implementation of this decision will greatly enhance transparency in the military budget and military affairs in general, and reduce opportunities for corruption, it will deprive the military of an important source of income. The military has stated that it expects compensation through a major increase in the official military budget.[3]

Source: Human Rights Watch (2006), *Too High a Price: The Human Rights Cost of the Indonesian Military's Economic Activities,* New York, June, http://hrw.org/reports/2006/indonesia0606/

8. Common challenges faced and how to overcome them

8.1 Hidden objectives

Civilian leaders, but also groups in the military, may declare support for defence reform objectives but instead have different objectives, such as to "capture" the military for their own political or personal gain. External supporters need to be aware that the defence reform process can be manipulated, and be clear about boundaries in advance. Support may have to be suspended or terminated. In Indonesia, for instance, the defence reform process was derailed in the early 2000s by a coalition of politicians and military officers who continued to use reform language but defied implementation.[4]

8.2 Unbalanced support to address military effectiveness, efficiency and democratic oversight

Defence reform has multiple objectives — for example effectiveness, efficiency and democratic oversight — that should reinforce each other. Support is often needed simultaneously in these different areas, highlighting the benefits of international actors pooling ODA and non-ODA funds. If international partners are providing operational military assistance without addressing issues of governance and accountability, there is the risk of a widening gap in oversight. On the other hand, increasing the democratic oversight of armed forces alone may not have the desired impact in a context where the non-payment of soldiers is seriously undermining morale and contributing to a culture of human rights abuses and the establishment of alternative illegal sources of income. Effective support of defence reform by international partners requires a "whole-of-government" approach and co-ordination between different donor governments and international organisations. In Bosnia and Herzegovina, for example, the Office of the Special Representative of the Secretary General of the United Nations established a Defence Reform Board headed by an international expert in order to facilitate such co-operation.

8.3 Combining functional confidentiality with effective oversight

Effective defence reform requires open political debate of issues that, in many countries, are not normally discussed publicly. There may be some justification for not discussing openly certain military information, such as operational capabilities and deployments. But blanket secrecy protocols — especially if applied to budgetary allocations and performance — reduce effectiveness and accountability, and need to be challenged. International actors can provide assistance in developing the capacity of parliamentarians and committees to scrutinise defence issues, draft legislation and participate in debates and decisions related to issues of international security.

9. Particular features of post-conflict SSR

9.1 Linking demobilisation, disarmament and reintegration (DDR) to defence reform

A major postwar challenge is the demilitarisation and disbanding of armed groups and the downsizing of the regular armed forces. Political imperatives and security considerations often call for rapid demobilisation and reintegration. However, where possible, it is useful to consider DDR as an integrated part of defence and security system reform. A well-designed and implemented SSR process is the best guarantee for the sustainability of a DDR process. Planning for DDR should be a thorough process that takes into account the future size and shape of the armed forces and other security services needed to meet security threats. (See Section 2 for more on the links between SSR and DDR).

9.2 Integrating stockpile management and surplus destruction

There is a pressing need to undertake systematic inventories of weapons holdings in the aftermath of armed conflicts. Because the military plays a central role in the management of arms, including procurement and export decisions, there may be a need to review arms needs and destruction possibilities in such a way as to avoid the creation of pressure for upgrades. In certain countries the military has responsibility for managing national firearms registries, and there may also be a need to support the transition of related responsibilities to the police.

9.3 Formation rather than reform

In some cases, such as in the Democratic Republic of Congo, it is more a question of forming new armed forces, almost from scratch, than of "reforming". Defence sector reconstruction provides additional opportunities as well as challenges for building a defence sector in line with reform objectives. A particular challenge in countries recovering from civil wars is integrating ex-combatants from government and rebel forces into a newly reconstituted security sector. It is a difficult (and long-term) task to create new armed forces that are financially and politically sustainable over the longer term.

9.4 Dealing with war crimes and other major human rights violations

During conflict, the security forces and rebel groups, who later have to integrate into the national army, have often committed violence against civilian populations. Selection guidelines must be developed in order to prevent the worst offenders from staying or integrating into the new armed forces. There is a clear link here to broader issues of transitional justice and international humanitarian law. In addition, community reconciliation and trust-building measures can be carried out to address legacies of fear and to build popular confidence in the military. Women's organisations, youth groups and other civil society organisations can be critical implementing partners for this kind of activity. Developing processes that are conducive to victims — men, women and children — coming forward to report violations is essential. Child soldiers charged with war crimes also need special consideration and treatment.

9.5 Addressing a legacy of fear and distrust of the armed forces

Countries coming out of conflict will likely face a legacy of fear and distrust of state and non-state armed groups. In many recent armed conflicts, sexual violence against women and children, the recruitment of child soldiers and other human rights violations were commitment by armed forces. Even though the worst offenders may be charged with war crimes, there is often impunity and tolerance for crimes such as gender-based violence and the forced recruitment of child soldiers, forced marriages and labourers. This must be addressed by changing the organisational culture within the security forces, to one where commanders prevent, identify, halt and punish sexual and other exploitation. Providing explicit guidelines on what is and is not permitted behaviour, ending impunity, and adopting a zero-tolerance policy can all help achieve that change. Training for PSO operations can provide an entry point to raise issues such as sexual exploitation, using the UN Code of Conduct for Blue Helmets, or protection for children, in the context of Security Council Resolution 1612 and other children's rights standards.

Case Study 7.2.1
International support for defence reform in Ukraine

Context

Attempts at defence reform in Ukraine in the early 1990s were hampered by a lack of experience in state-building, a poor legislative basis, vague political objectives, the lack of qualified experts, the non-existent role of civil society, and continued Soviet-style thinking. Sustainable international engagement coupled with conditionality and a step-by-step approach towards political and institutional rapprochement started with the signing of the Partnership for Peace Framework Document (1994) and the NATO-Ukraine Charter (1997). Defence reform got off to a slow start but quickened after 2002. Ukraine's decision to seek NATO membership led to a more intensive reform process, with NATO playing a major role in supporting defence reform.

Entry point

The strong move towards democratisation of the political elite and civil society, the resulting desire to join western regional organisations, and the continued interaction with international actors, especially NATO, were all important entry points. From an initial focus on defence reform, SSR efforts have just begun to broaden; new entry points include major deficits in law enforcement in Ukraine.

Lessons learned

Central role of political will — The speed of reforms picked up with growing political support from both the majority of Ukraine's elite and the public for engaging with NATO and the EU. This led to a demand to extend general moves towards democracy to defence reform.

Establishment of structures for reform — Reform has been institutionalised through a framework of political co-operation that includes a Joint Working Group on Defence Reform. The group focuses on a growing range of issues such as civil-military relations, resource planning and management, and professional development. The adoption of an action plan in 2002 containing jointly agreed principles and objectives and supported by a detailed annual target plan provided concrete steps on the path to defence reform. After the "Orange Revolution", an intensified dialogue on Ukraine's NATO membership aspirations was launched. This resulted in a State Programme of Development of the Armed Forces 2006-2011 that was more realistic than previous programmes.

Balancing costs and the speed of reforms — The economic constraints of the Soviet legacy continue to restrain the pace of reform. Confronted with a weak economy, limited resources and a broad reform agenda, SSR-related costs in terms of financial investment and human adaptability must be bearable for all stakeholders. The initial concentration on defence reform is justifiable, but as a result other security sectors are lagging far behind. Increased pressure for change has to be generated primarily via civil society and parliament.

Impact

The defence reforms have had an impact but, as the head of the NATO-Ukraine Joint Working Group on Defence Reform, John Colston, says, "the major challenge faced by Ukraine is the need for a comprehensive transformation of its security sector to align it more closely with Euro-Atlantic and the European standards. In other words, for the Ukraine's security sector efforts to be successful, they should cover not only the Ministry of Defence and the Ukrainian armed forces, but also all other security forces or law-enforcement institutions including internal security forces".[5]

Case Study 7.2.2
Uganda Defence Review Process

Context

The defence sector has long been seen by many outside observers as an obstacle to economic and social development in Uganda. Despite a major DDR process in the early 1990s supported by the World Bank, defence has continued to swallow a large share of the resources available to the country. External actors thus informally tied their assistance to a cap on military expenditures of 2% of GDP. The Ugandan government argued that this cap was not sufficient to provide security to its citizens, particularly in the North. A significant portion of military spending went off-budget and military budget data became increasingly unreliable, which — combined with other cost overruns — resulted in total spending effectively exceeding the cap every year. At the same time, donors were critical of the involvement of the Ugandan armed forces in the DRC.

Entry point

The defence review process was triggered by the recognition among a number of donors, including the World Bank and UK DFID, that the spending cap was not having the desired effects. They were willing to go along with the view of the Ugandan military and political leadership that higher expenditures were needed to improve security, but they also were concerned about the ways in which money was spent. A 1998 expert Defence Efficiency Study provided suggestions for improvements in transparency and management but could not solve the underlying issues of the appropriateness of Ugandan military spending. The logical next step in facilitating a rational debate between donors and the Ugandan government about the appropriate level and spending of defence funds was a detailed assessment of security threats to Ugandan citizens and defence needs. This was initiated by the Ugandan government in the form of a thorough defence review process supported by UK DFID during 2002/03.

Sven Torfinn/Panos Pictures

UGANDA: A defence review should assess at the role, function and resources of the military.

Lessons learned

Broadening the process — The defence review process involved more than the military — it was a cross-governmental initiative and included some civil society organisations. It started out with an overall assessment of threats to the security of Ugandan citizens and territory, including an assessment of all potential policy responses available to the government, before focusing on options and issues for defence reform.

Professional approach — Sequencing of the various steps within the defence review process was well defined in advance. Implications for force planning and structure, as well as procurement and personnel, were logically derived from the threat and capability assessments.

Limited transparency — The military refused to provide transparency on all of its relevant activities; for example, some sections of the budget would remain classified. Outside observers, including external actors, thus were sceptical of the results of the review process, particularly of the proposals to greatly increase spending on equipment and to improve military capabilities.

Underestimating the fundamental nature of the problem — The main objective of the defence review, namely to improve the quality of dialogue on military spending, was undermined by a lack of common understanding about the main reforms necessary: those to improve military capabilities and governance reforms.

Impact

While the defence review process has not resulted in an agreement between donors and government about the appropriate level of military spending in Uganda, it has laid the groundwork for additional reforms in the Ugandan defence sector.[6] Work has been done on a Defence Corporate Plan, and the Defence Reform Unit established as part of the Review has now become the Defence Reform Secretariat.

Case Study 7.2.3
Promoting defence reform through training schools in Africa

Context

The security forces have a crucial role to play in addressing the security challenges in many African countries. It is important that this role is carried out in accordance with the rule of law and that the forces concerned are aware of their democratic duties and obligations. Training for African security forces needs to be adapted to the specificities and needs of each country if it is to be effective.

Entry point

Recognising that need to adapt, and consequently the need to develop the existing training system, France helped establish and has supported a network of Regionally Oriented National Schools (ENVR, Ecoles Nationales à Vocation Régionale) in francophone African countries since the 1990s. The ENVR are managed on the basis of a close partnership between the host country and France. They offer high levels of training and have a strict selection procedure.

Lessons learned

Importance of the partnership approach — The partner countries and France jointly develop the management and training modalities, and training is conducted jointly by French and African instructors. The ENVR now receive support from other donor countries, and this multilateral co-operation is helping develop the ENVR network.

Breadth of training offered is a strength — The ENVR offer 49 different training courses, which allows them to respond to a large spectrum of needs. Training is organised in four main areas: general training for African sergeants, corporals and officers; training on peace support (for example, peacekeeping and de-mining); specific training (for example, logistics, health and aeronautics); and security training. *Flexibility is important* — The network needs to be sufficiently flexible to respond to the changing political and security context. For example, four schools situated in Cote d'Ivoire had to be closed in 2002 because of the worsening Ivorian crisis. In June 2003 the peacekeeping school was transferred to Koulikoro, in Mali, where its training courses have continued.

Impact

Since 1998, the French Ministry for Foreign Affairs has contributed to the establishment and functioning of 14 ENVR in eight Western and Central African countries (Benin, Burkina Faso, Cameroon, Gabon, Mali, Niger, Senegal, Togo). Each year, on average 1 200 interns from over 30 African countries are trained through the network. The ENVR contributes to the development of a democratic culture and the respect of human rights in African military forces. Moreover, the joint training of members of different armed forces promotes exchanges and a better understanding of the different African military cultures.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on defence reform that have helped inform this section:

1. **Anderlini, S.N. (2004), *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women,***
   http://www.huntalternatives.org/download/9_negotiating_the_transition_to_democracy_and_reforming_the_security_sector_the_vital_contributions_of_south_african_women.pdf
   Provides a case study on the role of women in defence reform in South Africa.

2. **Ball, N. and D. Hendrickson (2002), "Off-Budget Military Expenditure and Revenue: Issues and Policy Perspectives for Donors", CSDG Occasional Papers No. 1, King's College London for the UK Department for International Development, London, January,**
   www.csdg.kcl.ac.uk/Publications/html/publications.htm
   Discusses entry points for international actors to help reduce extra-budgetary activities by militaries throughout the world.

3. **Ball, N. and M. Holmes (2002), *Integrating Defense into Public Expenditures Work*, World Bank, Washington, DC,**
   www1.worldbank.org/publicsector/pe/DefenseExpendPaper.DOC
   Description of optimal budgeting principles and processes, and their application to defence budget management.

4. **Brzoska, M., P. Franko and J. Husbands (2000), "Typology of Military Assets", BICC Paper 16, Bonn,**
   http://www.bicc.de/publications/papers/paper16/content.php
   Analysis of defence sectors in terms of the various inputs and resources used, as well as how these assets can be converted to civilian use.

5. **Cole, E. and P.H. Fluri, (2005), Defence Institution Building: Papers presented at the Conference "2005 Partnership Action Plan on Defence Institutions Building (PAP-DIB)", Regional Conference for the Caucasus and Republic of Moldova, *LaVAK*, Vienna,**
   http://www.dcaf.ch/publications/defenceinstitution_conf_tbilisi.cfm?nav1=4&nav2=2
   Collection of recent experiences in defence management reform in a number of East European countries.

6. **Douglas, I., C. Gleichmann, M. Odenwald, K. Steenken and A. Wilkinson (2004), *Disarmament, Demobilization and Reintegration: A Practical Field and Classroom Guide,* German Technical Cooperation *et al.*, Frankfurt *et al.***
   http://www.fhs.se/upload/DDRHandbook.pdf.
   Manual for planning and implementing DDR processes.

7. **Forster, A., T. Edmunds and A. Cottey, eds. (2002), *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, Palgrave, London.**
   Collection of articles analysing post-Cold War military reform in Central and Eastern Europe.

8. **Koonings, K and D. Kruit, eds. (2002), *Political Armies: The Military and Nation Building in the Age of Democracy*, ZED, London.**
   Collection of current analytical perspectives on the role of the military in developing countries.

9. **Le Roux, L., M. Rupiya and N. Ngoma, eds. (2005), *Guarding the Guardians — Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC*, Institute for Security Studies, Pretoria,**
   http://www.iss.co.za/pubs/Books/guardiansaug04/Contents.htm
   Description of the status and reform of defence sector governance in Southern Africa.

10. **Omitoogun, W. and E. Hutchful, eds. (2006), *Budgeting for the Military Sector in Africa*, Oxford University Press,**
    Description and analysis of defence budgeting in Ethiopia, Ghana, Kenya, Mali, Mozambique, Nigeria, Sierra Leone and South Africa, including recommendations for additional reforms.

11. **United Nations (2004), *Gender Resource Package for Peacekeeping Operations*, Peacekeeping Best Practices Unit,**
    http://pbpu.unib.org/pbpu/genderpack/START-GRP.html
    Provides practical advice to mainstream gender and incorporate gender issues into justice and security activities and programming.

[1]Statement by President Kabbah, May 2005, http://www.statehouse-sl.org/speeches/3-key-sec-may26-05.html.

[2]On defence reform in post-Suharto Indonesia see for instance International Crisis Group (2001), *Indonesia: Next Steps in Military Reform*, Asia Report No. 24, 11 October, http://www.crisisgroup.org/home/index.cfm?l=1&id=1463.

[3]Human Rights Watch (2006), *Too High a Price: The Human Rights Cost of the Indonesian Military's Economic Activities*, New York, June, http://hrw.org/reports/2006/indonesia0606/

[4]Human Rights Watch (2006), *Too High a Price: The Human Rights Cost of the Indonesian Military's Economic Activities*, New York, June, http://hrw.org/reports/2006/indonesia0606/

[5]Interview with J. Colston, 18 July 2006, www.nato.int/docu/speech/2006/s060111a.htm. See also Ministry for Foreign Affairs of Ukraine (2005), *Enhancing NATO-Ukraine Cooperation Short-term Actions* (21 April 2005), www.mfa.gov.ua/mfa/en/publication/content/1718.htm; Pirozhkov, S. (2006), "Providing Pacific Control over Security Sector", *Informational-Analytical Magazine of the National Centre for Euroatlantic Integration of Ukraine,* No. 1; Melnyk, O. and L. Polyakov (2004), *Ukraine: The Armed Forces and Beyond*, www.uceps.org/eng/print/652/; James Sheer (2004), *Ukraine: The Pursuit of Defence Reform in an Unfavourable Context*, Central & Eastern Europe Series 04/08, Conflict Studies Research Centre, Watchfield.

[6]See *e.g.* Rusoke, R. (2003), "Defence Reform In Uganda: A Case Study" in A. Lalá and A.M. Fitz-Gerald, *Providing Security for People: Security Sector Reform in Africa*, Global Facilitation Network for Security Sector Reform, Shrivenham, http://www.ssronline.org/ebooks_pages.cfm?b=1&id=5&p=5.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.3: INTELLIGENCE AND SECURITY SERVICE REFORM

Key issues

- Ensuring a balance between secrecy and transparency of operations and official mandates.
- Developing an adequate legal framework (including external oversight) within which the Intelligence and Security Services (ISS) can operate under the rule of law and recognise fundamental human rights.
- Clarifying the respective roles and responsibilities of different ISS.
- Improving the provision of impartial intelligence that contributes to the security objectives of the state and society.
- Increasing the effectiveness of ISS through investments in organisational change, equal opportunity employment policies and training of personnel.
- Improving accountability to the executive and parliament.
- Developing controls to govern the use of intrusive methods of intelligence collection.
- Enhancing the professionalism and ethics of intelligence and security officers.
- Enhancing public understanding of the ISS role and mandate.

1. The significance of this sector for SSR

Intelligence and security services can support SSR processes but are also subject to SSR. ISS are normally located within central government, and typically report directly to senior decision makers. As providers of threat assessments, intelligence and policy advice, they have a strong influence over the disposition, resourcing and activities of other security institutions. At best they can ensure that resources are allocated effectively and proportionately to priority national threats. At worst they can exercise a disproportionate influence that crowds out other sources of analysis, serves narrow interests rather than the nation as a whole, and enjoy impunity when they commit abusive acts.

The ISS represent a very wide field of diverse organisations and agencies, their common trait being that they process (often classified) information analytically to produce "intelligence". Most countries have a multitude of intelligence organisations that have specific, sometimes overlapping responsibilities. These include internal and external intelligence, tactical and strategic intelligence, criminal intelligence, collection agencies (for example, communications, human intelligence and imagery), civilian and military intelligence, and strategic assessment bodies. Some domestic ISS have forms of police authority allowing them to search, arrest or detain people. However, it is normally considered better practice for ISS to forego these powers and pass their intelligence to police, customs or immigration agencies, who are better placed to conduct investigations that could lead to prosecutions and controls on illicit activities within and across borders.

While there is often an organisational and conceptual separation between ISS dealing with internal and external threats, for analytical purposes it is rarely helpful to consider these threats separately since few can be identified as purely internal or purely external. An important challenge facing ISS reform is to ensure that structures reflect this interdependence, while avoiding the creation of unwieldy or overly powerful mega structures.

2. Important linkages to wider SSR

In a well-functioning security system there should be numerous links that are mutually beneficial for the ISS and other security agencies including the police, military, immigration and customs. At the operational level, these agencies should base their actions on an assessment of all available information, which should include input from the ISS. Conversely, ISS will often rely on other agencies to provide detailed tasking and feedback, and to support operations. At the policy level, intelligence can contribute to debates on the structures and priorities of other agencies and provide evidence to support reform.

2.1 Military and police reform

In addition to the ISS, both the military and the police often have their own intelligence capabilities. The roles and functions of these agencies, co-operation and co-ordination mechanisms among and between them, and structures for independent oversight all have to be agreed upon. Proper co-operation and co-ordination between agencies employing intelligence techniques is essential to reduce waste of resources. Additionally, competition among agencies can often contribute to muddled intelligence assessments and, at worst, political instability. One useful tool to encourage co-operation is to agree common standards of vetting and confidentiality across agencies, to ensure that the secrets of one organisation can be safely passed on to another.

In many cases it may be possible to write legislation, for example on telephone intercept or surveillance, which covers the activities of all government agencies using intelligence techniques. Similarly, a single individual or institution — such as a judge who authorises warrants for telephone intercept — may oversee several different agencies. Clearly such legislation and structures must take into account the interests and activities of all the relevant agencies.

2.2 Prison reform

Intelligence agencies sometimes have their own detention facilities that are not subject to scrutiny by, or under the control of, the regular correction authorities. Increasing the oversight of such facilities, transferring prisoners into the authority of the official correctional services, and ensuring the due process of law for prisoners are important objectives. The same international norms for the detention of women and juvenile prisoners, such as their separation from male prisoners, should apply to all detention facilities.

2.3 Intelligence to support SSR

ISS can play a key role in overcoming the dangers that states face during an SSR process, a period during which governments typically hold onto out-of-date misperceptions about the hostile intentions of past adversaries and/or fail to recognise emerging risks. Radical decisions to seek peace, restructure security agencies against new threats, or make fundamental changes to resources and budgets will be easier to make if they are supported by strong intelligence evidence. Ideally, a national security review process will produce a coherent national security policy framework that will identify the range of appropriate activities and the corresponding resources required. ISS have an important role to play in contributing assessment and analysis to this process.

3. How can an SSR assessment be conducted in this sector?

As both the national and international environment change over time, a comprehensive analysis and needs assessment must be undertaken regularly to develop, monitor and adapt ISS structures, their mandate, organisational culture and procedures. Conducting such an analysis can be extremely difficult unless the host government provides full formal co-operation. An important and sometimes lengthy first stage in a programme is fostering the trust to allow a full assessment to be conducted. It may be necessary to conduct a rolling assessment rather than expect all analysis to be complete before any other work can begin.

Reader's Notes:

Table 7.3.1

Points to consider in an ISS assessment

Context	• Who are the potential change agents who could support an ISS reform process? Who are the potential opponents? What are their incentives? How could you deal with their concerns? • What is the public and political perception of the current and historical activities of security agencies? Can this be used to mobilise reform? Does this create fear and misunderstanding? • How politicised is the service? Would the organisation or its senior staff survive a change of government? If not, why not? • What are the core domestic security issues in which the ISS are engaging? What are the main actors, issues, concerns and grievances? What political action, if any, is taking place to resolve tensions? Are security and intelligence activities supporting or impeding a resolution? • What are the external dimensions of the security situation? What political action, if any, is taking place to resolve tensions? Are security activities supporting or impeding a resolution? • What are the emerging threats that the security system is not yet structured to deal with? What are the declining threats that should no longer inform decisions on security activity?
Accountability and oversight	• What is the legal framework that regulates the ISS? • Who has political control, oversight and responsibility? How is it structured? How well does it function? • Is there a system to approve intrusive techniques such as telephone intercepts and surveillance, for example by granting warrants? • How are personal data protected? • What are public stakeholders' perceptions of the ISS and their accountability mechanisms? What do they see as priority issues? Is it possible for the public to complain or take legal action against the ISS? • Who exercises financial control? Do the ISS apply for funds like any other government department? Is their expenditure audited? • What is the role of parliament in the oversight of the ISS?
Capacity	• What training is provided to ISS officers? What background are ISS officers drawn from? • What information do the ISS draw upon when conducting assessments? Do they have access to intelligence from other organisations, for example the police or military? Do they use open source material? • How useful are the reports? What decisions have been based on them? What is the relative importance attached to secret intelligence against open source, academic/think tank analysis and the policy assessments of conventional ministries?
Management	• How are the intelligence and security agencies organised and structured? • What are the divisions of labour and power relationships among principal actors? • How do the ISS perceive the national interest? How do they define and assess threats? How do they understand and respond to the intelligence needs of other agencies and senior decision makers? • What internal procedures are in place for ensuring an effective system of approvals and controls over operations?

>>> continued

Management (continued)	• What internal oversight structures are there? • Do the ISS have equal opportunity employment, retention and promotion policies? Are there internal mechanisms for staff complaints such as sexual harassment and discrimination? • Do they have procedures in place to accept and process complaints from the public about the conduct of officers?
Co-ordination with other parts of the security system	• Who prepares reports and assessments for senior decision makers? Do senior officials receive individual intelligence reports, all-source assessments, or both? • What formal and informal procedures exist for co-operation with other security agencies? Are these procedures followed? • How is information classified? How is vetting conducted and access controlled? Is there a single standard across government?
Engagement of the international community	• Do reform practitioners have sufficient understanding of intelligence and local power structures to do a credible job? • Do practitioners have the necessary systems in place to protect the legitimate secrets of the ISS? • What performance indicators could be used during the reform process? Possible indicators include, for example, a reduction in allegations of abuse, an increase in the use made of intelligence reporting by policy makers, a tangible contribution by the ISS to security objectives (for example a reduction in organised crime activity) and an increase in public trust of the ISS. How will the changes be monitored and evaluated? • What other relationships do the ISS have with foreign actors? Are these with development donors or foreign ISS? Will it be possible to have access to information about these activities? Do these relationships enhance or undermine reform? What co-ordination mechanisms could be used to align the various international activities?

4. Potential entry points for SSR

A comprehensive SSR programme is likely to encompass enhancing the quality of security co-ordination and policy making; improving control by the executive and oversight by the legislature; ensuring respect of the rule of law and adherence to the principle of political non-partisanship; and strengthening operational effectiveness. An entry point may be found in any of these themes or, with high-level political support, it may be possible to take a comprehensive approach and make simultaneous progress across them all. Political events, intelligence failures or requests for training can often be used as entry points, and some of these are assessed below.

4.1 Assessment of the quality of ISS outputs

Pressure for ISS reform will often develop as a result of the failure of these agencies to provide adequate information to decision makers on a specific (internal or external) threat. In some cases a country may come under international pressure to perform better on trans-national security issues or may seek to join multinational bodies that demand higher standards of security and respect for human rights. Analysis of the specific failings of the ISS can be a useful entry point and, in turn, can be related to a wider analysis of national security priorities. There will usually be considerable sensitivity in relation to the membership of any team conducting a study of the quality of ISS output. If those problems can be overcome, however, such a study can be an important entry point into ISS reform.

4.2 Examination of division of labour between ISS

For historical, political and bureaucratic reasons, many countries have several ISS organisations, which often compete with each other for resources, influence and even information sources. Overlaps often exist between the roles and mandates adopted by different intelligence and security services

(for example, those responsible for domestic and foreign intelligence), as well as the roles of institutions established to co-ordinate them. There are often issues in relation to the authority of ISS services to arrest and detain suspects, as well as questions about how that authority relates to the legal roles and responsibilities of the police and judiciary. This can lead to wasted resources, reduced operational effectiveness, and occasionally to political instability or public disputes. An SSR process can be offered as a potential solution to these problems.

4.3 Response to civil society pressure for reform

Pressure for reform will often come from parliamentarians or other civil society groups who feel that the ISS are abusive, overreaching their mandate or wasteful. Responding to these concerns can be a useful entry point. A well-managed reform process will sometimes be welcomed by security officials who recognise that legitimate criticism needs a response if the ISS are to retain credibility and legitimacy. Assisting with draft legislation to formalise ISS structures, regulate specific operational techniques and create parliamentary, judicial and executive oversight mechanisms could be an important activity that might follow naturally from this entry point.

4.4 International intelligence co-operation

OECD member country intelligence and security agencies are increasingly seeking legitimate, effective partners in developing countries, and may have existing relationships with the ISS in question. Such agencies could co-operate with donors if the sensitive aspects of their relationships can be protected. It may be possible to promote an approach to operational training provided by foreign intelligence agencies that contributes to reform objectives. All training is of course an opportunity to encourage cultural change as well as transfer of specific techniques.

4.5 Improve internal management and operational capability

ISS will often request assistance with internal management such as record keeping, financial control, and internal approval procedures for proposed operations. As outlined in the section on sequencing, such disciplines are good operational practice and can contribute to service delivery, but they can also contribute to improved oversight. They represent a strong entry point that should achieve significant early buy-in from operational officers. Improving equal employment policies and practices can also serve as an entry point for broader reform. Addressing the under-representation of women and marginalised men in decision-making positions within the sector and ensuring their equal treatment can transform institutional cultures and change priorities and methods of operations.

5. Important issues for programme design

5.1 Implementing a variety of oversight mechanisms

Placing ISS on a legislative basis provides them with a clear set of operating parameters, a legal mandate for their work, and greater legitimacy. Parliament should play the key role in oversight by enacting laws for their functioning and/or for regulating intrusive operational methods such as surveillance or telephone intercept; by conducting hearings or investigations into allegations of abuse, mismanagement or scandal; and by approving ISS budgets and checking expenditures. Typically, an intelligence and security parliamentary committee can be created to exercise day-to-day oversight, conduct specific investigations and prepare regular reports on the performance of the agencies on behalf of parliament. Such a committee is likely to focus on questions of resourcing, policy direction, tasking and effectiveness rather than deal with the details of operations. Parliamentary oversight can be complemented by judges who can authorise intrusive operations in advance (based on a balance between the right of an individual to privacy and the right of the state to security) and a form of ombudsman/commissioner who can examine complaints by members of the public about abuse of authority by the ISS. Executive control can often be achieved by the formation of a ministerial or senior official-level national security council; this body would co-ordinate tasking from across government, resolve disputes between agencies, and reach agreed intelligence assessments. Financial oversight and budget allocation are also important, and can be exercised by a finance ministry or audit body, subject to final approval by parliament.

5.2 Protection of legitimate secrecy and problems of excessive secrecy

The reform and transformation of ISS are politically sensitive areas. Particular attention should be paid to achieving the "buy-in" and trust of key government actors and operational officers from an early stage. In order to achieve this, reform practitioners must ensure they have the necessary infrastructure, culture and working practices to protect ISS legitimate secrets. Requirements for secrecy — especially in relation to operational practices, intelligence gathering and output — often limit the areas in which the ISS can be subject to close scrutiny by the legislature and the media. Reformers need to be sensitive to these constraints while aiming to ensure that secrecy is not exploited to conceal abuse or inefficiency. Ultimately this can only be achieved if the ISS accept the benefits of openness and increased legitimacy; reformers will lose all trust if they move faster on openness than the agencies are willing to go.

5.3 Co-ordinating with other international activity

It is important to understand the support given to ISS by foreign agencies and the role this could play in supporting or undermining reform. The nature of external support for ISS should be driven by the demands generated by the nation's priorities and by internally agreed reform objectives, rather than by the priorities and working practices of the external agencies.

It is sometimes argued that the priorities of foreign intelligence and security agencies on issues such as counter-terrorism are inherently in conflict with reform. This need not necessarily be the case, as operational effectiveness against terrorism is ultimately consistent with building wider operational effectiveness provided it is used in a legitimate manner and reflects the priority threats faced by the partner country as a member of the international community. In the short term however, the operational demands of foreign agencies may skew priorities and encourage local officers to ignore democratic norms. In order to ensure that an ISS does not receive mixed messages from its foreign partner countries, the reform practitioner has to persuade local officers and their foreign counterparts that fundamental reform will ultimately support rather than reduce operational effectiveness against terrorism and other priority targets.

5.4 Balancing political direction and impartiality

There may be some tension between the need for ISS to provide impartial advice to decision makers and the goal of direct accountability to political authority. ISS have to manage the difficult balance of responding to a national leader's legitimate national security concerns while remaining impartial on party-political or non-security issues. No country has entirely solved this problem, but developing institutional responses (for example, budgetary autonomy, institutional continuity, reporting lines and recruitment policies) can help to address it.

5.5 Developing other sources of analysis and policy recommendations

ISS often have a monopoly on security analysis. As a result, potentially valuable insights from conventional ministries (such as a ministry of foreign affairs or defence), think tanks, academics and civil society can be overlooked. This leads to inertia and "groupthink" in threat assessment and security policy making. Expanding the ability of wider society to contribute to the government's understanding of security is a valuable end in itself, but also frees the ISS to focus on those difficult issues requiring secret reporting rather than wasting time reporting on issues more easily covered by open analysis. A programme to improve the quality of security analysis by officials, academia and civil society can often have a more immediate and fundamental impact on security policy making than a programme to improve the operational techniques of the ISS.

6. Sequencing effective programmes

There is no standard template for sequencing reform in this sector: much will depend on the nature of the entry point and the willingness of key actors to be involved in the process. It can often be useful to achieve trust and buy-in by securing some quick wins, regardless of precise function, rather than aim for a theoretically perfect "critical path". However, there are important linkages between the

three broad strands of ISS reform activity: enhancing the quality of security co-ordination and policy making; enhancing oversight; and improving operational effectiveness. It is important to understand how progress in one will affect progress in the others. This can then inform decisions on sequencing in specific contexts.

6.1 Linking operational effectiveness with security policy and co-ordination

There is no point in having an effective service that proceeds to focus on the wrong issues or produces output that cannot be translated into policy outcomes or security successes. Early progress needs to be made on a security review or other policy mechanism that can agree clear objectives for the ISS. Structures such as co-ordinating bodies or high-level committees need to be established so that the ISS can contribute to security policy decisions and can co-ordinate with other security agencies to ensure action is taken on their intelligence.

6.2 Linking oversight with operational effectiveness

International actors promoting reform will rightly be cautious about increasing operational effectiveness, unless the necessary legal and oversight safeguards are also being put into place. On the other hand, it is difficult for external actors to exercise effective oversight if the ISS are chaotic, badly managed, do not keep proper records or are determined to resist reform. A programme to improve internal managerial capability can therefore be important to support if the service is to respond effectively to demands for enhanced external oversight and legal control. A programme that includes operational effectiveness and understands the positive role of ISS in security policy making is also likely to achieve greater buy-in from security officials than one that only preaches oversight and constraint. Such activities will be more successful if carried out with the support of international ISS agencies with the necessary expertise to provide credible training.

6.3 Linking oversight with security policy and co-ordination

Parliamentarians and members of civil society will wish to examine not only the policies and the mandate of the ISS themselves, but also the surrounding institutions that decide tasking, prepare assessments and make security policy. It can be useful to stimulate an informed public debate on these issues, if necessary using external experts, before final decisions are made on the nature of the intelligence and security infrastructure. Conversely, it should be high-level policy-making bodies, rather than the ISS alone, that influence decisions on legislation and oversight structures.

7. Common challenges faced and how to overcome them

7.1 Linking reform to results

Reform advocates frequently present reform as a self-evident good. That, however, is often not accepted by operational officers; the very word “reform” can be offensive to officers who feel they are already bravely serving their nation. The importance of using language sensitively is highlighted Case Study 7.3.1. Advocates have to make a clear link between the reforms they are proposing and the benefits to the nation, the ISS and the individual officer. These benefits might include:

- Greater operational effectiveness through training and improved internal management systems.
- Greater support from the public for operations if the service is seen as legitimately acting in the national interest.
- Improved co-operation from foreign agencies if the service is seen to operate within the rule of law.
- Improved institutional continuity and job security if opposition politicians and parliamentarians trust the newly reformed service, and thus do not seek to replace its members when given the opportunity.

7.2 Establishing and maintaining trust

Reformers must ensure that they are considered trustworthy by the ISS. This may require a frank discussion of what is and is not secret in the relationship, and a restructuring of working practices to ensure that legitimate secrets are not betrayed over open email or through international telephone, video conferencing or poor document security. It may also require reformers to discard some elements of development good practice, which tends to favour total openness with other international actors, NGOs and civil society. It will be similarly important to secure the trust of any foreign agencies that work closely with the ISS.

Intelligence reform is often about widening the circle of people whom the ISS trust to exercise oversight. Clearly, early experiences in opening up to external view will be crucial; a rush to open oversight to individuals and institutions that are not trustworthy or competent is likely to be counterproductive. It may be useful to proceed in stages, where oversight is first exercised by respected, impartial individuals (for example, a specific judge, parliamentarian, academic or national figure) before the role is extended to wider institutions. It may also be useful to wait until wider reform measures have created a judiciary or legislature capable of exercising competent and responsible oversight.

7.3 Links to political and cultural change and resistance of ministerial abuse

Formal oversight arrangements will have little impact if they are outweighed by pre-existing power structures or political interests, or if ministers seek to use services as their own political tools. Reform advocates need to have a deep understanding of local political realities and ensure that formal structural change is underpinned by cultural and political change within the ISS and in the surrounding institutions of government. In some cases it may be necessary to accept that the aim of reform is to develop or establish institutions and ways of working that may have little impact on existing ministers and senior officials but may become better established in the future as the democratic system develops.

8. Particular features of post-conflict SSR

8.1 Re-establishing capability

Improving the effectiveness and democratic accountability of the ISS in post-conflict situations can play a critical role in consolidating a government power against potential spoilers. More effective ISS can support the efforts of other security agencies — military, police, judicial — to respond to security threats. A particular priority will often be to (re-)establish the provision of intelligence from areas that have been lost to central government control. In many countries emerging from conflict, new security institutions will have to be established, as was done in Sierra Leone under the Office of National Security and in Afghanistan under the Office of the National Security Council. Vetting may be required to remove members of the ISS who have committed human rights abuses during the conflict and ensure that they are held accountable for their actions.

8.2 Addressing a legacy of fear and distrust

There is often public fear and distrust of the intelligence services in countries coming out of conflict. The services may have been used as an instrument of oppression, committed human rights abuses or used sexual violence as a tactic. They may have detained prisoners without due process or used torture, or may have been involved in illicit arms trafficking and misuse. This legacy should be directly addressed as citizens should not fear their intelligence organisations. Changing the face of an intelligence service is not as immediately visible as the demobilisation of combatants and the creation of a new army, but the public needs to perceive a difference in the behaviour and actions of the ISS. Zero tolerance policies for inappropriate actions should be adopted and communicated to the public. Those who committed abuses should be removed and tried in criminal courts. The participation of women's groups and civil society organisations in activities such as training in human rights and gender awareness can be useful mechanisms to start the process of rebuilding public trust.

8.3 Incorporating existing actors

In many post-conflict countries there has been a plethora of "parallel intelligence structures", often linked to political parties, that have been known to conduct a complex mixture of activities, including legitimate security provision, political campaigning, social control and organised crime. Ascertaining their legitimacy, rationalising their activities and eliminating their illegal operations can be important elements of an eventual political settlement and essential to establishing public trust. It may be desirable to merge these different services into a single new organisation. The problem is that doing so can create unwieldy and untrustworthy organisations, which undermines the "service delivery" objective of establishing a focused, competent and trusted new service. A balance has to be found between the two objectives. This issue is highlighted in more detail in Case Study 7.3.2 below.

Case Study 7.3.1
Intelligence and security reform in a Middle Eastern country

Context

An OECD member country initiated a programme of intelligence and security reform in a Middle Eastern country that had little experience of working with OECD countries and few trusting relationships with outsiders. The purpose of the reform was to rationalise a security sector bloated with many competing agencies, which led to wasted resources and potential instability. Some security officials were suspicious of the language of reform, which was seen as an attempt to impose alien cultural concepts on a tribal political system. The country faced a number of trans-national threats including terrorism, people trafficking and arms smuggling, and was under international pressure to bring these activities under control.

Entry point

The country's ministry of interior approached the OECD country's donor organisation with a request for a wide range of capability-building activities across policing, justice and security. The ministry primarily sought exposure to international thinking on operational effectiveness, and the original requests were not couched in the language of reform.

Lessons learned

Modesty of ambition — The initial assessment found that the OECD member country had insufficient political knowledge of the country to credibly advocate or manage a comprehensive programme of reform, and was not trusted enough to be able to gain access to the most sensitive parts of government. The assessment recommended a small-scale, experimental approach consisting of a portfolio of government-to-government co-operation activities, while recognising that not all of these would necessarily prove successful. The aim was to build knowledge and trusting relationships and to identify what worked and what did not, to the point where a more sophisticated programme could be designed and managed in the future. The management team had to adjust its practices and expectations to implement a flexible, iterative approach that emphasised learning and relationship building rather than immediate reform outcomes.

Care with vocabulary — The word "reform" was banned by the practitioners' team. Proposals were described in terms of their benefits to operational effectiveness and responsiveness to citizens' needs, rather than to higher-level principles of democratisation.

Early delivery of results — Some senior security officials criticised the team for conducting "endless scoping studies whilst never delivering". The management team attempted to rationalise the assessment process to avoid duplication of meetings and over-analysis, and sought to implement practical activities as soon as sufficient evidence became available that they might be productive.

Impact

The programme is still in its infancy; it is not yet possible to judge its impact.

Case Study 7.3.2
Intelligence and security reform in a post-conflict country

Context

In one post-conflict country, intelligence reform became a key element of the political transition from multinational control to self-government. A national security review identified significant internal threats, mostly from corruption, organised crime and unconstitutional activity, which could properly be dealt with by a security service. Foreign intelligence agencies were willing to support the formation of a new service by providing training, infrastructure and advice on legislation and oversight.

The public's understanding of a security service, based on historical experience, was of an authoritarian secret police who committed political murders and intimidation, particularly of minority ethnic groups. As rumours of the formation of the service began to emerge in the media and parliament, such misunderstandings led to a decrease in trust in the new government institutions and fears of a return to the ethnic repression that had caused war in the past.

The political sensitivity of forming a new service was increased by the existence of several semi-legitimate security bodies, linked to political parties that wished to be involved. Debates about who should be allowed to join and lead the new service became an inherent part of the overall struggle to allocate power in the new political settlement.

Entry point

State-building and reform were seen as key elements in a modernisation process that could underpin economic growth and membership of multinational bodies. The international community was already conducting a wide range of activities to develop the country's capability in the executive, judiciary and parliament, and it was possible to include intelligence reform in these programmes.

Lessons learned

Open debate — The multinational community engaged in a programme of public diplomacy to persuade the country's media, parliamentarians and the public that a new service would be effectively controlled and not become the instrument of narrow party-political or ethnic interests. The proper role of a security service in a democracy was debated in a series of seminars.

High-level management of sensitive issues — The discussion on who should be allowed into the new service was managed as part of the overall political negotiations towards self-government, and clear guidelines were agreed on vetting procedures and selection criteria. It was emphasised to political parties that, in a well-functioning system, it should not be necessary to insert a "party man" into the operational leadership of the service; influence could instead be gained through legislation and oversight.

Emphasis on local decisions on tasking — A discussion of threats and tasking was conducted as part of the public debate and linked to the national security review, in order to ensure that the new service's priorities were not skewed by the international agencies that were assisting with training and advice.

Impact

The programme is still in its infancy; it is not yet possible to judge its impact.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on ISS reform that have helped inform this section:

1. **Bearne, S., O. Oliker, K. O'Brien and A. Rathmell (2005), "National Security Decision-Making Structures and Security Sector Reform", RAND Europe, June,**
   http://www.dfid.gov.uk/pubs/files/security-decision-making.pdf
   Examines the strengths and weaknesses of intelligence assessment and co-ordination in Canada, Sierra Leone, South Africa, the United Kingdom and the United States.

2. **Born, H. and I. Leigh (2005), "Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies", Geneva Centre for the Democratic Control of Armed Forces, September, downloaded 26 July 2006 at** http://tinyurl.com/ow8h4
   Detailed discussion of legislation and oversight structures.

3. **Dlomo, D.T. and P. Wilson (2005), "Intelligence in Practice: South Africa's Transformation", Global Facilitation Network for Security Sector Reform,**
   http://www.ssronline.org/ebooks_pages.cfm?b=8&id=191&p=191
   Argues that formal legislation and oversight mechanisms have not yet been supplemented by cultural and political change. Discusses benefits to ISS of reform.

4. **Hannah, G., K. O'Brien and A. Rathmell (2005), "Intelligence and Security Legislation for Security Sector Reform", RAND Europe, June,**
   http://www.dfid.gov.uk/pubs/files/intelligence-security-reform.pdf
   Examines the strengths and weaknesses of ISS legislation in the United Kingdom, Canada, South Africa, Germany, the Czech Republic and Argentina.

5. **Herman, M. (1996), *Intelligence Power in Peace and War*, Cambridge University Press,**
   Classic study of the essentials of intelligence operations and analysis.

6. **Nathan, L. (2004), "Obstacles to Security Sector Reform in New Democracies", Journal of Security Sector Management, Vol. 2, No. 3, September,**
   Analyses the practical barriers to reform and argues that failures are often due to lack of capability rather than lack of will.

7. **O'Brien, K. (2003), "Controlling the Hydra: An Historical Analysis of South African Intelligence Oversight", Geneva Centre for the Democratic Control of Armed Forces, September,**
   Analyses a sophisticated system of oversight which seemed good in theory but struggled to produce a positive impact in practice.

8. **Wilson, P. (2005), "The Contribution of Intelligence Services to Security Sector Reform", *Conflict, Security & Development*, Vol. 5, No. 1, April,**
   Available for paid download at http://tinyurl.com/rq8ny
   Argues that intelligence agencies can uniquely contribute to the discarding of outdated threats and the identification of emerging threats.

Reader's Notes:

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.4: INTEGRATED BORDER MANAGEMENT

Key issues

- Establishing a national border management strategy and system under democratic control.
- Achieving an appropriate balance between secure borders and the facilitation of legal movements of persons and goods.
- Ensuring that the dignity and human rights of all persons crossing borders are protected as well as their legal goods.
- Promoting integrity and tackling corruption.
- Building capacity to combat illicit trafficking, organised crime, terrorism and other forms of criminal activity across borders.
- Improving inter-agency co-operation among all national services involved in border management.
- Harmonising border control and customs regulations regionally, and enhancing cross-border co-operation.

1. The significance of this sector for SSR

Effective and integrated border management services are critical to ensuring the safety and security of citizens, promoting regional stability and facilitating trade and development. In many countries however, ineffective border management systems frustrate efforts to detect and prevent organised crime and terrorism and enable trafficking in illicit arms and commodities (including people) — which in turn fuels conflict and insecurity. That lack of effectiveness can also be associated with corruption that reduces state revenues and discourages trade and economic activity.

Border guards and customs and immigration services are the main actors responsible for managing the movement of people and goods across borders. However, a variety of other actors are involved in tasks related to border management in every country. While clearly their focus is different — as are their objectives — they should all work towards a common goal: ensuring open but well controlled and secure borders. Achieving this balanced approach is often a complex and delicate task.

Border guards can be a civilian or paramilitary law enforcement service. Their main objectives are:

- Preventing cross-border criminal activities and unlawful entry.
- Detecting national security threats through surveillance of land and water borders.
- Controlling persons and vehicles crossing the border at designated points.

Customs are a fiscal service whose responsibilities typically include:

- Ensuring that customs duties are properly paid.
- Ensuring that all goods are identified and accounted for when entering the territory of a country.
- Enforcing restrictions on entry and exit of goods when this is justified on grounds of public policy and security; protection of the health and life of humans, animals and plants; the protection of national treasures with artistic, historic or archaeological value; or protection of industrial and commercial property.

Immigration services often have responsibility for:

- Enforcing restrictions on the entry and exit of people on grounds of policy and security.
- Ensuring travellers have the correct and genuine documents required to cross international borders.

- Raising revenue by issuing the requisite entry/exit visas at border crossing points.
- Identifying and investigating criminality (trafficking/smuggling).
- Identifying and assisting those in need of protection (trafficking victims/ asylum seekers/ refugees).

2. Important linkages to wider SSR

Border management is one of the aspects of SSR that most requires an integrated approach to be effective, due to the wide range of national, not to mention international, agencies with specific roles. There are also close links with other aspects of SSR — especially police, military and intelligence reform — as well as other aspects of public service reform, *e.g.* in ministries of finance and transport.

2.1 Police and military reform

The police and/or military have an important border security/management role in many countries; however, their role in relation to other actors with similar responsibilities is often unclear and may need to be defined. It is important that initiatives to reform border control systems have a focus on all agencies involved in border management and not just customs or border guard units. The presence of military forces on a border often increases the level of tension.

2.2 Intelligence reform

Combating illicit trafficking of goods and people requires close collaboration with the intelligence and security services (ISS). At times the ISS may have an interest in facilitating the movement of certain illicit goods (for example arms) for purposes of intelligence, while the role of customs will be to prevent it. Integrated reform programmes between the two actors are important to develop common approaches and ensure that intelligence is available to customs and border services to help target criminality and increase border security.

2.3 Governance reform

Reform in this area is closely linked with wider governance and public service reform. For example, whereas there are examples of countries with serious governance problems sustaining relatively professional and effective armies, this is rarely the case in relation to border management. Integrating these reforms should be an important priority.

3. How to conduct an SSR assessment in this sector

Border management programmes need to be based on a thorough assessment and analysis of the context. Border areas are often socially or economically marginalised and, in many cases, are affected by local conflicts, are the focus of inter-state disputes, or are contaminated by minefields and other explosive remnants of war (ERW). Thus the programmes must be informed by, *inter alia*, the history and current status of local and inter-state conflict.

Reader's Notes:

Table 7.4.1 **Questions to address in border management assessment**

Context	• What are the main types of cross-border crime that are of concern (for example illegal immigration, arms trafficking, drugs smuggling, trafficking in persons, money laundering)? • What are the major security concerns affecting border areas and what are their causes? • Is there a history of inter-state conflict or local conflict in border areas? • What are the physical characteristics of the border, such as existing entry points (land, air and sea)? • Is the borderline demarcated? Is it disputed with a neighbouring country? Is it mined? • What are the perceptions of communities living in border areas, and what do they see as priority areas to address? Do different groups have different priorities? • What is the degree of professionalism of agents at the border? Are all men and all women wishing to cross treated according to established procedures and with respect by the border guards? • Who are the border agents and are they representative of the different population groups within a country?
Accountability and oversight	• What are the legal and administrative frameworks for border management and how are these implemented? • What are the internal and external, national, regional and international mechanisms for oversight of the border agencies? • Is there a mechanism for public input into these processes?
Capacity	• What physical infrastructure and information technology systems are in place at national level and at border control points? • What is the relative size/capacity of the different agencies involved in border management? • What is the division of responsibility between the different agencies responsible for border management? Are there gaps or overlapping roles? • How is information and intelligence gathered, registered, analysed and shared within and between services? • What procedures are in place for transit, inspection, entry and exit? Do they meet international standards for the treatment of persons and goods crossing borders?
Management	• What are the management and human resource systems, including recruitment procedures, education and training? Are they fair and equitable? • Are there internal mechanisms for staff complaints such as sexual harassment or discrimination? • What internal oversight structures are there? Is there protection for whistle blowers? • Are procedures in place to accept and process complaints from the public about actions by border agents or agencies? • Is there an institution or committee that manages or facilitates an integrated inter-agency approach to border management?
Co-ordination with other parts of the security system	• What national agencies are involved in border management and how do they co-ordinate and co-operate with one another? Is this co-operation structured and institutionalised? • What structures for cross-border co-operation exist? • Are there co-ordination mechanisms for specific cross-border crimes such as terrorism, drug trafficking, human trafficking or arms trafficking? Are they linked effectively with international co-ordination mechanisms?

>>> continued

Engagement of the international community	• Are there existing donor programmes of support for aspects of border management, and if so what are their objectives? • How can these be complemented, and are there collaboration and integrated programming possibilities?

4. Potential entry points for SSR

4.1 Combating terrorism, organised crime and illicit trafficking

Effective border controls are critical to any long-term strategy to reduce illicit trafficking in small arms, drugs and people across borders. Visa and document checks and intelligence sharing to combat terrorism and organised crime can serve as entry points to reform of border management systems. Referral services for victims of human trafficking must be in place.

4.2 Trade facilitation and revenue generation

Facilitating trade and raising revenue are often the primary motivation for customs reform, and can provide an entry point for wider reform of border management systems.

4.3 Introduction of new information technology

Introducing new information technology could provide an entry point for other reforms such as to customs and border management systems. New information systems can also provide a way of reducing opportunities for corruption.

4.4 Regional co-operation

Regional co-operation has been an important incentive for reform of customs and border control. For instance, reform of border control systems was a core requirement for accession into the European Union and has led to major reforms in South East Europe.

Box 7.4.1. Launching SSR through international efforts to end human trafficking

Participation in international efforts to address cross-border crime such as human trafficking in countries of origin, transit and destination can sometimes act as a catalyst for broader security and justice reforms. One example is participation in the Southeast European Cooperative Initiative (SECI) Center. This regional law enforcement organisation addresses crimes in that region, including human trafficking. SECI encourages member states to establish national commissions against trafficking and to adopt anti-trafficking legislation. In addition, SECI has started work with the Stability Pact on Organised Crime to eliminate discrepancies between the different laws of member states, in order to ensure effective prosecution of these international crime networks. Participation in the international effort is credited with changing attitudes within some of the law enforcement agencies — increasing their respect for human rights and modernising their approaches in dealing with human traffickers and their victims. (See further "European Alliance Combats Human Trafficking", *Global Issues, Responses to Human Trafficking*, US Department of State, Vol. 8, No. 2, June 2003, http://usinfo.state.gov/jouranls/itgic/0603/ijge/gj06.htm.)

Another example is participation in the Global Programme against Trafficking in Human Beings, a programme of the United Nations Interregional Crime and Justice Research Institute and the UN Office on Drugs and Crime. The programme provides national and regional training for law enforcers, prosecutors and judges; assistance to develop regional networks; and expertise for related legislative reforms. Participating countries can also receive technical assistance to help them develop joint strategies and practical action programmes to combat human trafficking.

See: *"UN Global Programme Against Human Trafficking"*, www.undoc.org.

4.5 International norms as a focus for assessments

Commitments to abide by international norms and standards can provide an important starting point for assessments in this sector, as well as for subsequent programming and evaluation.

5. Important issues for programme design

Encourage intra-service, inter-agency and international co-operation

Effective and integrated border management requires increasing co-operation at three different levels:

- Improving the vertical flow of information within border services from the ministry to the units working at border posts.
- Increasing horizontal co-operation between officers of the different services active at the border, as well as among the central ministries responsible for the services.
- International co-operation between agencies involved in border issues in different countries, which is important for confidence building and to facilitate joint action on common issues.

Programmes could include initiatives to strengthen the co-operative management of legitimate transnational processes (for example, industry, finance, travel, migration, remittances) as well as combating illicit trafficking and tackling security challenges.

5.1 Replacing or building upon existing systems

Where existing border management systems are ineffective or corrupt, it is important to consider whether to reform and build the capacity of existing structures or to replace them with a new management system. For instance, Crown Agents took over operational management of Mozambique's customs in 1997 and oversaw the customs reform process. Senior levels of the Mozambican government were involved in customs modernisation throughout the programme and the management reverted back to the government in 2003. The programme led to a significant increase in revenue generation and led to the development of management standards where none existed.[1] The lessons learned from this initiative are highlighted in Case Study 7.4.1.

Alban Kakulya/Strates/Panos Pictures

ROMANIA: Romanian guard on duty on the border with Moldova.

5.2 Establishing a specific border guard organisation

The best solution to the challenges of inter-agency co-operation and corruption in some circumstances is to support the establishment of a separate border guard organisation. Recognising the specific nature of border management by creating a new organisation with its own identity, management structures and internal disciplinary mechanisms can provide an incentive to change and increase professionalism. Case Study 7.4.2 highlights lessons learned from a project to develop the state border service in postwar Bosnia and Herzegovina.

5.3 Public-private partnerships

In some cases, aspects of customs and border management are contracted out to private service providers. It is therefore important to consider the regulation, management and oversight of these private contractors. The private sector can also be an important stakeholder in reform processes, due to the relationship between border controls and trade facilitation.

5.4 Widening focus beyond designated entry points

Borders are long and porous in many transition and developing countries, and only a fraction of the goods and people crossing the border may pass through designated border crossing points. It is important therefore that a border management programme not be limited to increasing efficiency and effectiveness just at these points, but that it take in the whole border, including maritime borders and airports. It is also vital to consider what happens to illegal entrants whom border guards detain. Refugees should be treated humanely and detention centres must be orderly. The protection of human rights and dignity is not just an issue at the border; it should extend down the line.

5.5 Focus on the impact on local people

It is important that border control programmes are designed to take into account the cultural, family and livelihood concerns of border area communities (including traditional patterns of trade). Moreover, border points can be magnets for criminal activities. Prostitution tends to be concentrated around major border crossings, making border areas a target for human traffickers and those sexually exploiting children. Programmes dealing with border communities should address such issues and provide services for victims of trafficking and prostitution. Civil society, community-based organisations and sub-regional civil society networks such as women's organisations can be effective partners in helping raise awareness of the problems within the community and with border authorities, as well as contributing to prevention programmes and providing services for victims.

6. Sequencing effective programmes

6.1 Focusing on trouble spots and areas of high-volume traffic

As resources will be limited, it may make sense to focus a programme's early stages on those areas with a specific problem of illicit trafficking or a high flow of goods and people to control, while simultaneously developing an integrated border management system with a medium- to long-term approach. Projects have been developed in pilot zones across borders in a number of countries; these help promote co-operation between neighbouring services that can be replicated elsewhere along the border as support for increased trans-border co-operation increases.

6.2 Balancing a focus on enhancing service delivery with strengthening democratic governance

Many border management programmes begin by seeking to strengthen the effectiveness of law enforcement agencies in combating illicit trafficking and terrorism. This should be combined with a simultaneous focus on enhancing accountability so that the programme does not inadvertently end up supporting repressive practices. Thus for example, the basic principles of respect for the civil and political rights of those wanting to cross borders should be included in operational manuals and training programmes.

7. Lessons learned to guide effective implementation

7.1 Inter-agency co-operation and strategic planning

Co-operation between law enforcement agencies (including border guards), customs and other border agencies is crucial to establishing effective border controls. This can be achieved by forming a steering committee or an inter-agency commission to set long-term strategic goals and to ensure the requisite co-operation and co-ordination among agencies.

7.2 Linking customs and border security with other aspects of security and good governance

Customs reform has often focused on facilitating trade and generating revenue, without addressing insecurity or links to other parts of the security sector. Similarly, border security programmes have sometimes focused on strengthening operational capacity and law enforcement, without any link to wider reform aimed at improving democratic accountability and oversight. Another potential link is between a strengthened revenue-generating role of customs and an enhanced governance role for the ministry of finance.

7.3 Enhancing cross-border co-operation and regional harmonisation

Regional training can be an effective tool to build relationships and strengthen co-operation. NGOs can often play a valuable role in developing cross-border programmes and using their regional networks to raise issues such as small arms and human trafficking.

8. Common challenges faced and how to overcome them

8.1 Seeing institutions in a wider perspective

Institutions and policies in this sector should not be solely concerned with security issues; they must integrate those concerns with economic, political and cultural objectives. Conversely, several institutions involved may not regard themselves as part of the security system.

Martin Roemers/Panos Pictures

LATVIA: A customs control officer and a sniffer dog from the drugs squad check the boot of a car in the Latvian side of the border crossing with Russia.

8.2 Engaging communities in border areas in developing solutions

In many cases it is not possible to combat illicit trafficking and reduce insecurity in border areas without the support of local communities. For instance, insecurity in border areas in the Horn of Africa is often linked to local conflicts between pastoralist groups over scarce resources and to economic marginalisation. Local peacebuilding initiatives bringing together communities on both sides of the border, as well as targeted development interventions, may be an important component of improving security in border areas. Smuggling, trade and movement of peoples are often particularly important to livelihoods in these communities; effective control depends on public support (for intelligence, co-operation, etc.).

8.3 Tackling corruption

Rewards for corruption can be especially high in this sector. One possible solution is to establish a separate border guard service (see above). Other steps include strengthening recruitment procedures, conditions of service and salaries, and accountability. It is important to establish whether customs officers collect money at the border. If so this is a critical issue to address, as it provides an opportunity for corruption. The money should be collected at the place where and time when the proper documentation and permits are issued. Any investments made to develop a more effective and accountable service in this area should reap significant benefits in terms of increased efficiency and revenue collection.

8.4 Integrating the interests of local and international actors

It is important to acknowledge that international and national actors may sometimes have different concerns with regard to action in this sector. The priority of many international actors may be to tackle trans-national crime and terrorism, and they may not be tolerant of national SSR programmes in this area that do not take into account their own interests. For example, hard-pressed governments may be tempted to turn a blind eye to undesirable trafficking or control issues if these are not directly causing them problems. But international partners are likely to emphasise the interests of international and trans-national control. From an SSR perspective, it is important that all programmes continue to focus on enhancing security for local citizens.

9. Particular features of post-conflict SSR

There are a number of specific issues that border management programmes may need to address in post-conflict settings.

9.1 Restoring core border management functions

In some post-conflict situations there is a breakdown in law and order, and systems to manage the movement of people and goods are completely absent or are controlled by local armed groups. Establishing a very basic system for border management can be an important step towards restoring its core functions. Introducing a simplified customs procedure and tariff and working with existing structures were strategies used in post-conflict Afghanistan.

9.2 Border disputes and demilitarisation

Border protection and management may be extremely sensitive in post-conflict settings due to disputes over the demarcation of borders or to the activity of armed groups in border areas. Furthermore, the role of border guards and the military may have become blurred in conflict. Demilitarising and de-mining borders, and establishing and training border guards as specialised law enforcement units responsible for public security, may therefore be important in these situations.

9.3 Migration and return of refugees

The end of conflict may trigger large-scale migration and return of refugees. This may need to be taken into account in border management programmes in post-conflict settings. As refugees and displaced persons are disproportionately female, the particular security needs of women must be considered.

9.4 Sub-regional conflict and violence in neighbouring countries

Many conflicts have regional dimensions, and post-conflict countries may face the problems of continuing conflict in bordering countries. This will have a direct impact on border security and management. Fighting can spill across borders; insurgents may raid border areas seeking food, porters, soldiers or "wives"; and large numbers of refugees could arrive at the border seeking asylum. This can be a very difficult situation for a country trying to restore its own border management and protection services. Close co-ordination and support from peace support operations, along with the humanitarian and protection assistance of specialised agencies such as UNHCR, UNICEF and IOM, are essential.

9.5 Landmines and explosive remnants of war

In the aftermath of conflict, legitimate cross-border relationships and transit are often hampered by the presence of mines and unexploded ordnance. In some cases these are mapped, but in others their presence is only confirmed when someone is injured. Collaborative de-mining on both sides of a contaminated border can often be a first step in building cross-border confidence.

9.6 Illicit trafficking in arms and other commodities

Trade in arms and other illicit commodities that fuel or finance conflict often persists in post-conflict settings, creating an environment in which organised crime thrives. Preventing and combating organised crime and illicit trafficking, which are often facilitated by corruption in border agencies, may be particularly important post-conflict. Incidents of human trafficking often increase during conflict due to a general breakdown of rule of law and the erosion of community safety nets for women; members of border patrol forces must be given capacity, training and resources to identify and assist victims of trafficking. Case Study 7.4.3 highlights lessons learned from an initiative to strengthen cross-border co-operation to combat small arms trafficking after the conflicts in South East Europe.

Case Study 7.4.1
Customs reform in Mozambique

Context

Driven by admission to the Commonwealth of Nations, the Mozambique government developed a wide-ranging poverty reduction strategy in the mid-1990s. A key element of this strategy was customs modernisation, in order to generate revenue for development and poverty alleviation, secure borders, and help create a trade-enabling environment.

Entry point

Mozambique received support from a number of international actors in order to create the Technical Unit for Restructuring Customs to oversee and manage the reform process. An innovative approach was agreed, centred on the contracting out of customs management to a private company. Under a project financed in partnership with DFID and the World Bank, Crown Agents were awarded this contract in 1997.

Lessons learned

Take a multi-stakeholder approach to border security — Under the project, the customs agency established Flexible Anti-Smuggling Teams (FASTs) that were deployed throughout Mozambique to combat smuggling and ensure the integrity of the borders. FAST activities were more effective, however, when the teams worked in tandem with other stakeholders. For example, the Mozambican sugar industry found itself crippled by smuggled sugar, but an Anti-Smuggling Action Plan drawn up in partnership between customs and the industry halted the flow, allowing this important domestic industry to thrive.

Trade facilitation does not have to reduce border security — In order to reduce the costs to Mozambique businesses, as well as help attract foreign investment, the project had to reduce the clearance times for legitimate traders' goods. However, the potential threat from smuggling meant that any weakness in border controls would have a hugely damaging effect on Mozambique's economy. The solution to this was the introduction of effective risk management, profiling and selectivity, to ensure that controls were targeted at high-risk traders. This meant clearance times reduced from weeks to 24 hours in 80% of cases, while at the same time enabling revenue collection to increase by over 350%.

Corruption can restrict the impact of training — Customs organisations and border environments are traditionally very vulnerable to corruption. The project undertook a huge campaign to recruit new officers, but the impact of their training was reduced as they were initially operating in a culture compromised by a lack of integrity. The project tackled this culture through a wide variety of anti-corruption initiatives, and as a result the training and new working practices introduced achieved much greater benefits.

Impact

The project has been internationally recognised as a success. It has demonstrated the impact customs reform can have — not only on border security, but on revenue returns, trade facilitation, increased foreign investment and reduced costs to business.

Case Study 7.4.2
Border management project in Bosnia and Herzegovina

Context

Project IMMPACT was an EU initiative in 2001-02 led by the United Kingdom, which held the EU presidency at the start of the project. The aim was to assist the UN Mission in Bosnia and Herzegovina (UNMIBH) with the development of the BiH State Border Service (SBS). Thirteen border control personnel from the United Kingdom and Denmark helped identify training needs and assisted with the design and delivery of appropriate courses. They also helped identify legislative and procedural shortcomings and acted as mentors to local border staff.

Entry point

The project was established at the request of the UN Mission in an attempt to strengthen control over the porous border and tackle illicit trafficking.

Lessons learned

Deliver training locally - Training took place in BiH and was delivered not at the centre to a limited number of local participants, but at all the major BCPs and to as many local officers as could possibly attend. Previous training had been delivered outside BiH — with a select few travelling to donor countries (often the same officers, regardless of suitability for the courses) — or had taken place in Sarajevo with an expectation of subsequent "cascade" training by participants, provoking logistical and cost problems for the SBS.

Importance of peer support and understanding - The international staff selected to participate in the project came from similar levels in their respective organisations as those they were expected to train. They could therefore relate to the trainees' needs and experiences and build trust and co-operation in a donor-fatigued environment.

Missed opportunity to build local ownership - More consultation with the SBS prior to deployment could have better identified areas of need and enhanced the perception of local ownership.

Impact

IMMPACT had a significant role to play in developing an integrated border management system, and has been used as a model for support to other border management processes in the region.

Case Study 7.4.3
Supporting cross-border co-operation to tackle small arms trafficking

Context

The Southeast Europe Co-operative Initiative (SECI) Regional Centre for Combating Transborder Crime, based in Bucharest, co-ordinates and supports regional efforts to combat trans-border crime, including trafficking in people and weapons. In April 2002 the Centre created a Small Arms Task Force within its Anti-Terrorism Unit, with the purpose of establishing the "direct, rapid and sustainable channels of information exchange" necessary to deal with small arms trafficking in the region. To date, the SALW Task Force has co-ordinated two information exchange initiatives. The most recent of these, codenamed "Safeplace", ran from March to September 2005. While Operation Safeplace still suffered from a number of weaknesses, it constituted a significant step forward for regional law enforcement co-operation by facilitating the exchange of sensitive information on small arms between states, some of which have a recent history of conflict and still view others with suspicion. The work of the SALW Task Force has been supported by the NGO Saferworld and several international organisations, including the United Kingdom's Serious Organised Crime Agency, EUROPOL, INTERPOL, the FBI and SEESAC.

Entry point

Saferworld and the other international organisations responded to a request from the project manager of the SALW Task Force to help develop a unified system that would enable member states to exchange information on interceptions of trafficked SALW and arrest those involved.

Lessons learned

High-level political support is essential — The quality and detail of information exchanged was highest in countries where political will to support the initiative was most apparent, notably Albania, Macedonia and Moldova. High-level political support and the resource prioritisation it entails are essential for cross-border law enforcement initiatives to succeed. Where this was lacking, the quality of information exchanges was less than satisfactory, in spite of the commitment and capacity of those officials responsible.

The development of effective information gathering processes is critical for success — Common information-gathering methodologies and reporting formats are essential to the success of such initiatives. Equally important is a well-prepared training and support programme to enhance the capacity of relevant officers to use the agreed processes effectively.

International support must be co-ordinated and allow for local ownership — The effective co-ordination of support by various international organisations was achieved through a series of joint round tables and was an essential factor in the initiative's success. Critically, the supporting organisations confined themselves to the provision of assistance and training; leadership of the operation rested with the local law enforcement bodies, which ensured the project's local ownership.

Impact

Operation Safeplace resulted in a series of co-ordinated investigations by participating states and a number of SALW seizures and arrests. For example, a joint investigation by Albanian, Macedonian and Montenegrin forces during the operation successfully tackled an attempt to traffic explosives from Montenegro through Albania to clients in Macedonia. Several individuals were arrested in Albania and Montenegro in connection with this smuggling link, and cellphone-triggered bombs, a pistol and ammunition were seized.

Additional Resources

The following are recommended resources for further information on supporting integrated border management as part of an SSR process that have helped inform this section:

1. **Caparini, Marina and Otwin Marenin, eds. (2006), *Borders and Security Governance: Managing Borders in a Globalised World*, Geneva Center for the Democratic Control of the Armed Forces (DCAF),**
   http://www.dcaf.ch/publications/bm_borders_securitygov.cfm?nav1=4
   Conducts an assessment of recent developments in the governance of border security systems, both within the European region and comparatively across other regions.

2. **Hills, Alice (2002), "Border Control Services and Security Sector Reform", Working Paper No. 37, Geneva Centre for the Democratic Control of the Armed Forces (DACF),**
   http://www.isn.ethz.ch/news/dossier/ssg/pubs/Working%20Papers/37.pdf
   Summarises the current state of research on border control services in the broader context of SSR, examines the discursive field, and identifies the relevance of border control to the concept of democratic control.

3. **ICG (2004), "Colombia's Borders: The Weak Link in Uribe's Security Policy", Latin America Report No. 9,**
   http://www.crisisgroup.org/library/documents/latin_america/09___colombia_s_borders.pdf
   Argues that President Uribe's administration needs to engage its two neighbours Ecuador and Venezuela in far stronger terms to forge a joint policy to contain the conflict and advance Andean security and border development co-operation.

Reader's Notes:

Footnotes:

[1] Hubbard (2005), "Aid Management: Beyond the New Orthodoxy", *Public Administration and Development*, Vol. 25, Issue 5.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.5: POLICE REFORM

Key issues

- Protecting human rights and upholding the rule of law.
- Creating a civil police accountable to parliament and the people.
- Defining the distinct roles of the police and military (and where applicable, gendarmerie-like constabulary forces) in dealing with internal security.
- Increasing trust between the police and the public and developing partnerships to detect and prevent crime and increase community safety.
- Increasing professionalism in the delivery of policing services to all local communities.
- Developing an integrated approach with other aspects of the justice sector.
- Depoliticising policing — removing or mitigating political influence over the police and their work.
- Improving police training, staff development and personnel policies and practices.
- Reviewing and improving police structure, strategic management, capacity and practices.

1. The significance of this sector for security system reform

The police are often the security institution that most impacts on people's daily lives. They are responsible for maintaining public order and are the gatekeepers to the criminal justice system. A professional police service that has the trust and confidence of people and responds adequately to the needs of all sections of society is essential to increasing community safety and providing an enabling environment for sustainable development. In many countries, however, unaccountable and abusive police forces are major perpetrators of human rights violations; they fail to protect communities from crime and violence; and they are associated with corruption.

For the purposes of this handbook, the term "police" includes all law enforcement agencies — such as the police and gendarmerie-like constabulary forces — that exercise police powers, especially the powers of arrest and detention. The term also takes in similar non-state actors such as community safety groups or militias. It should be noted that the nature of engagement in some post-conflict situations transcends reform: new police services have had to be established *ex nihilo* (*e.g.* Haiti in 1995, Kosovo and Timor-Leste in 1999). In such cases, "police" refers to these institutions as well.

2. Important linkages to wider SSR

To be effective, police reform requires an integrated approach. Experience in many countries has demonstrated the benefits of developing and implementing police, justice and penal reform in a coherent and co-ordinated manner. The police play a linking role in the criminal justice system, and as such provide a means of developing sector-wide strategies. There are also important linkages with civil society, private security companies, oversight bodies, the defence and intelligence services, and border management agencies.

2.1 Oversight mechanisms

The need to strengthen government and civilian oversight mechanisms is particularly important because of the frequent abuse of human rights by police services. Key oversight institutions with respect to the police are the government department responsible for managing the police (often the ministry of the interior, ministry of home affairs and/or the office of the president); parliamentary committees responsible for oversight of national security or internal affairs; and provincial, district or local security committees and other government bodies that oversee the police. Internal police accountability mechanisms (for example, professional standards or internal affairs units) are also vital, though they often receive less attention from external assistance programmes. The courts also provide a check on police behaviour by ensuring that they operate within the law.

2.1 Justice system

Police services are particularly dependent on the justice sector in their work. Without an effective court system, suspects apprehended by the police will not be brought to justice. Yet many countries face difficulties in getting the police, prosecution service, judiciary and traditional courts and customary justice system to work together effectively. Establishing an independent prosecution service apart from the police is an important objective in many countries. But such reforms need to be co-ordinated with training for detectives to gather evidence and put together cases in a way that will enable successful prosecution. Joint training on key issues for different actors in the justice system is critical. In countries with civil law systems (see Section 7.6 on legal and judicial reform), an investigating magistrate directs the work of the police in criminal investigations.

2.3 Defence reform

Defining the different roles of the military and the police is especially important in countries emerging from conflict. The guiding principle should be that the police have primary responsibility for internal security and that the military are in principle only responsible for external security. At the level of internal security, the military should only be used in highly exceptional and well defined circumstances (for example, during a state of emergency); either under the direction of the police or in joint command of operations; and with precise limits on the use of force. However, it should also be recognised that in some countries, gendarmerie-like constabulary forces exist with a military status but operate under civilian control and perform internal security functions.

2.4 Intelligence reform

Intelligence services, the military and the police may have overlapping intelligence capacities in many countries. Defining the roles of different services, and ensuring that all intelligence provision is under democratic control is a common challenge. For example, in Serbia following the fall of the Milosevic regime (2000) and the division of the state security (intelligence) and internal security (police) services, only the intelligence services had the capacity to undertake wiretapping — which enabled them to direct criminal investigations. The principle should be that only agencies with police powers have the responsibility and prerogative to carry out criminal investigations, and that for this reason their authority — in particular with regard to proactive investigation techniques such as wiretapping — should be more limited and under stricter control.

3. How to conduct an SSR assessment in this sector

Assessment of the policing sector should be informed by a broader analysis of the security context in the country (see Section 3).

Table 7.5.1 **Questions to address in a policing assessment**

Context	• Who are the main internal security providers (both state and non-state)? What is the division of responsibility between them (*e.g.* local, tribal, state/provincial; and federal/national, city/rural, border/inland, general/specific competence?) Is there any role for the military? • What is the crime situation in the country and what statistics or studies are available? • What are the major problems with regard to community safety and crime in general (which forms of crime do most harm to the state and society)? How effective are the police in addressing these problems? • What is the policing or law enforcement approach (*e.g.* centralised versus decentralised, democratic-participative versus authoritarian-restrictive)? • Are some communities underserved by police? Why? • What are the public's perceptions of the police, crime and security, and what do they see as priority issues to address? Is there a difference between perceptions by gender, ethnicity, age or other factors? Are the police in any way involved in crimes?

>>> continued

Context (continued)	• How representative are the police of the wider community? How do the police view themselves and how do communities view them? • Is there a system for consulting local communities about policing issues? If so, how does it work? How are members of the public who come to police stations treated? Is it an intimidating environment for victims of crime, especially for women, children and minorities?
Accountability and oversight	• What is the constitutional and legal framework that regulates the police and to whom are the police legally accountable? In particular, which are the relevant laws (for example, police act, criminal procedure code), which powers do these laws confer to the police, and which control mechanisms are foreseen? • What financial management systems are in place? Is there corruption within the police forces, and if so at which level is it most significant? • Is there a police code of ethics? If so, how closely is it adhered to? • Do the police recognise and abide by UN principles and international standards associated with the use of force and firearms? • Is there an internal affairs unit within the service? Is there an independent police complaints system for the public? How do these function? • How many alleged abuses of power by the police have been tried by the judiciary, what is the general attitude of the judiciary towards alleged abuses, and what is the impact of judicial decisions on the functioning of the police? • What degree of political influence do the government or politicians have over the police? What is the attitude of the government towards the police? • Do any civil society organisations monitor the police for human rights violations and corruption? How do their reports feed into the system?
Capacity	• What is the ratio of police personnel with regard to the population, and what percentages are in urban and rural areas? • What skills, education and professional background do police officers have, according to their rank? • What is the ratio of women and other minorities in the police, and are they in senior management positions? • What training do officers receive for carrying out core tasks (especially problem-solving skills, legal education, practical policing including crowd management techniques, criminal investigations, ethical behaviour and interpersonal skills)? Is there in-service or specialist training to help officers progress and deal with specific forms of crime? • Does the service lack essential infrastructure and equipment? In particular, what are the means of transport and communication/exchange of information? Do the police have the necessary techniques and tools to base criminal investigations on factual and not solely testimonial proof, in particular forensic laboratories? Do the police have an accurate system for establishing and managing files of complaints, reports and testimonies? Do the police have a central database on crimes and offenders? • Is there effective oversight over the management of firearm registries and civilian licensing of small arms as well as police stockpiles of weapons? • Is attention given to developing police capacity to address gender issues and women's rights, or to responding to crimes against women? • Is attention given to developing police capacity to address family violence, child abuse or children in conflict with the law?

>>> continued

Capacity (continued)	• Are there victim and witness support units within police stations? Do they include the presence of female officers? What other support assistance do they provide? • How many people have been killed or severely injured by the police in one year, and how many police officers have been killed or severely injured in the same period?
Management	• How is the police organisation structured, managed and led? Which decision-making powers are delegated to lower levels, and to what degree? Do senior managers act as mentors and good role models for junior officers? • Does the organisation have a written mission/vision/values statement and code of conduct? Are these in accordance with the philosophy of community-based policing and human rights standards? • How much continuity is there at senior management level in the police service? How much commitment is there towards both professional policing and possible reforms, both among senior staff and the rank-and-file? • Who are the potential change agents in the police who could support a reform process and who are the potential spoilers? What incentives are there for change? Have the benefits of embracing change been identified and explained? • Does the service have a merit-based recruitment, selection and promotion system? Is it equal opportunity? Are salaries generally acceptable? What is the retention rate of staff? Is there a difference between men and women or specific groups such as ethnic minorities?
Co-ordination with other parts of the security system	• What is the relationship/communication between the police and other parts of the criminal justice system, including civilian actors (media, CSOs, etc)? • What arrangements exist for co-operation and/or direction between the police and other elements of the criminal justice system — prosecutors, courts, prisons, and probation and parole? • What is the role of the prosecution service and, if the institution exists, of the investigating judge in directing/supervising the criminal investigations carried out by the police? Does practice differ from theory? • What arrangements exist for co-operation between the police and other agencies that deliver public services — social services, public health and mental health? • What linkages exist between state and non-state providers of security?
Engagement of the international community	• Are there donor-supported SSR programmes in the country? If so, do they have a police reform, restructuring or rebuilding component or could they be usefully amended to include one? • Have donors undertaken conflict analysis prior to their SSR interventions, and if so were police services considered as a factor? • Is there evidence of a coherent and co-ordinated approach by donors?

Reader's Notes:

Box 7.5.1. Gendarmeries in Africa

Twenty-four African states have gendarmeries — police forces with civic competences, enjoying the full spectrum of police powers but organised and structured according to their military status — that complement the national police and army. Primarily their roles involve preventive law and order, and sometimes emergency relief. If required, they can also lend support to armed engagements of low intensity.

Gendarmeries are subject to controls similar to those for the civilian police, and are present in both rural and urban areas. Some African gendarmeries suffer from a lack of human and material resources whereas others, such as in Algeria, Morocco, Senegal and Togo, are comparatively well equipped.

Some gendarmeries play a role in external peacekeeping missions. For example, Senegal has sent officers to help restore the rule of law in Côte d'Ivoire, Sudan (Darfur), DRC and Haiti. In the framework of the African Union's crisis management, the gendarmeries are part of the African standby forces. Their capacity to intervene in unstable contexts in the wake of military operations often makes them the first police forces deployed. There is a growing recognition of the importance of and value added by such categories of police officers in post-conflict situations.

4. Potential entry points for SSR

4.1 Training

Support for training programmes is the most common entry point for working with the police. However, short-term capacity training — if it is to have any value as part of a wider programme of reform — must be designed to link to longer-term reform issues and the strategic direction of the police service. This can be done, for example, by taking the opportunity to develop new curricula and enhance national training institutions. Personnel should be clearly identified and vetted prior to training.

4.2 International police co-operation

Co-operation among police services at an international level is often well developed on criminal intelligence, especially with regard to organised crime, terrorism and cross-border trafficking in arms and contraband. Countries have signed up to increase co-operation in agreements such as the UN Convention against Transnational Organized Crime (2000), as well as the various UN conventions related to the fight against terrorism. These international obligations provide a potential entry point for police reform. Support could be given to ensure that improved co-operation and exchange of information leads to improved risk assessment, which in turn leads to better-targeted deployment of police resources to increase state security and community safety. [See for example the work of UNICRI, the International Permanent Observatory (IPO) on Security During Major Events — (http://www.unicri-ipo.org).]

4.3 Community-based policing

Also referred to as "democratic", "local needs" or "problem-oriented" policing, community-based policing programmes are intended in part to increase trust between the police and local communities. Community-based policing can also create opportunities for weapons collection programmes and short-term amnesties for those surrendering their arms. Police-community relations can and should be a useful entry point for broader police reform issues: it is important to demonstrate that policing is in general community-based policing, and that increasing safety at the community level requires action on a wide range of issues including strategic planning, personnel management (in particular recruitment policy and salaries), and the delegation of authority to lower ranks.

4.4 Parliamentary oversight

Working with the parliamentary committee responsible for issues of internal security or home affairs is also often a very useful entry point. Enhancing transparency and scrutiny can encourage action on reform issues and increase public trust.

4.5 Census and identification of police personnel

In post-conflict settings, the organisational structure of the security system and its agencies is frequently in disarray; personnel records are incomplete or destroyed; the number and functions of personnel are often unknown; and personnel may informally join and depart from security agencies. As a result, the state is unable to exercise institutional control over security actors, such as the police, and the arbitrary use of force regularly continues. A census and identification programme addresses these problems by providing reliable baseline data on police personnel, in effect registering, verifying, and issuing identification cards to all members of the police service. This information is also useful when it comes to identifying human resource and training issues.

Sven Torfinn/Panos Pictures

TANZANIA, Zanzibar: Police arrest a man following riots in Stone Town.

5. Important issues for programme design

5.1 Defining priorities and objectives

During the programme assessment phase, priority issues should be clearly identified in a process involving all stakeholders in consultations over the key safety and security challenges faced by the society. Specific objectives should be established that focus on both enhancing service delivery (*e.g.* crime prevention) and democratic governance (*e.g.* police accountability). Consideration should be given to establishing a strategy unit within the relevant ministry or the police service, to ensure sustainability of reforms and to provide the analysis necessary to initiate future programmes.

5.2 Planning for the development of oversight mechanisms

The accountability mechanisms essential in protecting civil liberties against police abuses and in regulating the police's use of their own powers will typically be lacking in unreformed, authoritarian or developing police services. See Section 7.1 for more on accountability and oversight mechanisms.

5.3 Combining top-down and bottom-up approaches

A focus on leadership is crucial but will not lead to a functioning organisation unless the lower ranks of the police are also engaged. "Street cops" should be included in the design stage: their voices should be heard and progress fed back to them to ensure that the reform process combines top-down and bottom-up strategies.

5.4 Taking non-state actors into account

The police may be only one of a number of service providers. The manner in which non-state actors, ranging from neighbourhood watches and private security companies to vigilante groups and political party militias, provide security (or insecurity) needs to be identified during the assessment phase and factored into programmes. In Nigeria, it has been estimated that 16 different types of informal policing structures have been established by communities to deal with crime and public safety problems — either because formal police services are too stretched, or because these groups are closer to the people.[1] Police reform programmes must work out how to develop and co-ordinate the relationship between non-state actors and the formal police while simultaneously regulating the use of force in line with national standards. This may be done through discussing and developing mandates, jurisdictions, regulations, reporting and accountability relationships, or by attempting to increase state provision in certain geographic areas to increase public trust and reduce the local demand for alternative providers.

5.5 Adopting an international perspective where appropriate

Where insecurity has a cross-border dimension (for example terrorism and organised crime), reforms limited to one country may not have a significant impact — or may just shift problems into another country. When facing such challenges it is advisable to strengthen national capacities for international co-operation, working at a regional and international level to build links and develop strategies among different countries' police services, particularly for the purposes of criminal intelligence sharing.

6. Sequencing effective programmes

6.1 Confidence-building measures

In many countries there will be great distrust of the police and a consequent need for initial measures to create a sense of security and the environment necessary to enable other reforms. Community safety programmes can play an important role here in increasing trust between the police and local communities (see the Case Study 7.5.1 on Kosovo). Such confidence-building measures are critical for highlighting the change from a police "force" to a police "service".

6.2 The benefits of a guiding policing policy and strategy

A priority in many countries is to develop a national policy that outlines and communicates the new style of policing to be practiced, ensuring that the police and public have similar understandings of what is meant by terms such as "community policing". Many police services do not have a strategic plan that sets out their mission, objectives or priority areas of focus. Bringing together key stakeholders at the start of a programme to develop an overall strategic plan can help to open public debate on reform and foster an integrated approach between the police and other security and justice sector institutions. Once developed, a strategic plan can guide the implementation of reforms and help increase accountability to the public. This strategy should also include reforms in management and personnel systems, such as recruiting from under-served areas and increasing the number of female and minority police officers.

6.3 Combining action on long-term institutional issues with short-term community safety work

Effective programmes work on different tracks simultaneously, combining work on longer-term issues such as strategic planning and policy development with work at pilot sites to evaluate progress on the ground. A twin-track approach is needed to meet the challenge of reforming while continuing to provide a day-to-day service.

7. Lessons learned to guide implementation

7.1 Context

As often pointed out in this handbook, the objectives and ambitions of reform projects should be calibrated to fit the context. The needs and priorities of particular police services will reflect the specific histories and political developments of their country, and so in turn should reforms. For example, states emerging from dictatorship or armed conflict will inherit power structures that pose very specific challenges for police reform, whereas countries with high crime — especially organised crime — may see "democratisation" of the police as less of a priority.

7.2 Political will and sustainability

Internal demand for reform, from the public, government or police services, is the best guarantor of success and sustainability. However, even with wholehearted political support, police reform is a difficult undertaking. Experience shows that foreign assistance cannot produce democratic police reform against the will of the host government, though programme managers and donors might sometimes wish otherwise. Similarly, unless a police service is seriously committed to reform, reform will not occur — or will take the form of superficial change.

7.3 Importance of institutional change

The experiences of police assistance programmes have pointed to the need for institutional development and restructuring. Even then, restructuring on its own will not automatically result in changes to police behaviour and culture; the focus needs to be placed on personnel as much as formal structure.

7.4 Getting ownership and buy-in

Successful police reform requires widespread acceptance of change across ranks and units, but some officers will not modify their behaviour unless they believe it is in their personal interest. Tangible rewards (pay increases, transparent promotion procedures, etc.) can help win such support. Extensive and genuine consultation is also key to winning acceptance for new programmes; it must be demonstrated that the views and work of individual officers are respected.

7.5 Using professional networks

Like anyone else, police officers are more likely to be convinced of the value of reform if they hear it word-of-mouth from their peers than if they are told through leaflets or speeches. Professional networks can be useful in this regard, particularly since police managers typically want to appear modern and progressive.

Reader's Notes:

Box 7.5.2. Regulating paramilitary policing units

Often serving as bridge between the police and military are paramilitary units, with specialist tasks such as maintaining public order. Their potential for defusing hostilities and delaying or preventing mobilisation of the military is often significant but it is common for such units to be perceived as élite, both by their members and the state. This sense of élitism creates an identity separate — and in many cases independent — from the mainstream of policing. That identity is reinforced by a strong chain of command, clarity of function, a hierarchical structure and the fact that paramilitary units are often better resourced. In fact, such units often fall short not only in meeting the wider strategic requirements of the security system but also in relating to the needs and expectations of the communities they are there to serve.

This problem can best be addressed by getting paramilitary units to engage in partnership: working and forging links with public accountability institutions, other security and justice providers and, in particular, local accountability structures when they are deployed across the country. All of that needs to be rooted in adherence to international standards on human rights and the use of minimum force. Better regulation of paramilitary units has been achieved in Macedonia as a result of a critical review of the role of the National Rapid Deployment Unit (RDU), a unit of the Macedonia Police Service (MPS). The objective was to improve the RDU's professional competencies and to ensure its compliance with international standards and norms of policing. One aspect of this involved study tours for RDU personnel to examine how other countries address public order. At the same time, the MPS has shared international experience and good practice with RDU staff during training within Macedonia. This has led to the creation of a more open, transparent, accountable and professional unit that is viewed as an integral part of the police organisation.

7.6 Coherence and linkages with wider security and justice institutions

Confidence and trust between the police and other security sectors (particularly justice and correctional institutions) need to be developed for police reforms to succeed over the long term. Collaborative working arrangements or structures that bring the police together with the wider security and criminal justice system are one means to achieve this. Such structures might include specialist bodies to advise on legal reform, "court advisory groups" to provide feedback on the administration of justice and bureaucracy, or a "court witness service" where victims and witnesses are supported at court by having procedures explained to them.

7.7 Limitations of training

The focus of training programmes often tends to be on providing visible skills (*e.g.* crime scene investigation). However, a lesson learned from policing programmes in Guatemala is that such skills may be learned but then rarely used. Training thus needs to have a practical focus and ideally arrangements should be made to ensure that the skills learned are immediately incorporated into work routines and practiced.[2] And instead of just focusing on senior managers or new recruits, training should also target the middle managers who can help push for change and sustain it. What is called for is a culture change programme that addresses police behaviour and attitudes; an overhaul of management practices and procedures may be needed to allow training to become effective.

7.8 Equal attention should be given to the community and to the police

Donor-funded programmes are often too state-centric. It is important to engage civil society organisations, women's organisations, youth groups and the media from the start as partners in change. They fill a vital oversight role and can help create an environment in which progress becomes possible. The capacity of civil society organisations to engage with the police in order to research and evaluate their work is often weak, and should be enhanced. Community-based organisations and civil society groups can also be used to provide specialised training on human rights and issues such as sexual violence, domestic violence and child abuse.

7.9 Process matters as much as outcomes

Ensuring that such initiatives are implemented in a transparent and participatory way will bring considerable benefits. In Kenya for example, the fact that a Strategic Plan for the Police was successfully

developed in open workshops with a wide cross-section of officers and not just the commissioner has been credited with opening up a more consultative and non-hierarchical way of working. In Lesotho, consultation on the development of a Police Complaints Authority has entailed the police and the public attending the same workshops, to ensure a common understanding of police accountability.

Box 7.5.3. Community-based policing in action

The community lies at the heart of effective policing: they have a right to know what the police are doing, how and why they are doing it and what results are being achieved. Yet the approach of many police services is exclusively reactive, inward-looking and focused on law enforcement or even repression. Community-based policing describes a policing style in which safety and security is not left to the police alone and not shrouded in secrecy, but one in which the public are involved. In this model, the police are viewed as part of the community, as one of the agencies with a major role to play in the achievement of community safety. A community-based policing approach can be described as follows:

"The police working in partnership with the community; the community thereby participating in its own policing; and the two working together, mobilising resources to solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur." — Report of the Independent Commission on Policing for Northern Ireland, adapted in the UNDP and Saferworld report "Philosophy and Principles of Community-based Policing".

The characteristics of a police service that is genuinely implementing a community-based policing approach will be:

- A service, not a force.
- Accountable to the law and the public.
- Open and identifiable.
- Professional.
- People-centred — including, for instance, sensitivities to gender, age, group identities.
- Delivering a quality service — efficient and effective.
- Visible and accessible.
- Consultative and participative.
- Preventative.

8. Common challenges faced and how to overcome them

8.1 Resistance to change

Within police services there is often entrenched institutional resistance to change and distrust of outsiders. Overcoming this requires strong and sustained leadership from the commissioner and senior officers, but reforms are ultimately accepted and implemented when individual officers see their value. Practitioners and trainers need to speak the language of working police officers, translating abstract ideas into concrete proposals that allow uniformed police to understand what it means for them in terms of day-to-day working practice, including the support, rewards and penalties on offer. It may for example prove effective to equate upholding human rights with "protecting the public", or to speak of "improving professionalism" instead of "police reform".

8.2 Political interference in police operations

While ministers have responsibility for overseeing the police and developing overall security policies, the police should be responsible for their own operational plans and activities. Yet in many countries, political interference in police matters is significant and can range from directing operations to changing the senior management team after each election. This undermines not only the independence of the service and the very possibility of establishing merit-based systems of promotion and appointment, but also morale and the institutional memory of the organisation. One way of addressing this problem can be to support the establishment of an independent police service commission made up of eminent figures who are responsible for overseeing recruitment, promotion, discipline and other personnel issues.

8.3 Limited police "footprint"

Often in developing countries the police have a limited presence in many areas, mainly because of limited resources and sometimes because of high levels of insecurity. The scant resources that are available tend to be concentrated in urban areas, particularly the capital city. This means that rural areas often lack police coverage, highlighting the need to develop innovative ways of providing safety and security to rural populations, for example through developing community-based policing partnerships and engaging with non-state security providers.

8.4 Corruption and nepotism

These are significant obstacles to reform in many police services. It is important to assess their causes (for example recruitment policy or low remuneration) as well as the impact these problems may have on reforms. Addressing the root causes, strengthening internal police investigative capacity, and establishing a police ombudsman can do much to remedy the situation. An effective combination of postive inducements and sanctions meted out by disciplinary systems there to prevent unlawful action is also an important driver for behaviour change.

8.5 Lack of focus on oversight

Improving police legitimacy through accountability requires strengthening the work of oversight structures. Countries undergoing a transition to democracy need, from the outset, to establish sustainable internal police accountability systems together with external oversight structures. The police must demonstrate a commitment to be open to third-party scrutiny and a willingness to account for decisions. Without outside scrutiny of police conduct — for example through an accredited lay visitors scheme — accountability will fall far short of what is required, both in principle and in practice.

8.6 Lack of strategic management capacity

Many police services lack the basic infrastructure, resources and skills to efficiently carry out their assigned role. A common gap among many police services that exclusively follow a reactive style of policing is inadequate knowledge of crime patterns and the needs of the public. Developing a capacity to analyse information and develop preventive policing strategies is in all cases fundamental to moving towards a system of intelligence-led policing.

8.7 Negative perceptions of the police

In many countries the police have a very negative public image. It may be that the public view the police as a threat rather than a source of protection, or that due to historically low recruiting standards policing is seen as a low-skilled profession which in turn undermines its members' morale and effectiveness. In other cases, police may be accused of corruption and even prove a source of illegal arms. Initiatives to help improve the financing of the police, their training and equipment can help increase pride in the profession. Public outreach and communication work to win over a sceptical public can further these efforts by building confidence and legitimacy.

8.8 Lack of basic skills

A significant challenge in many countries — and one that is often ignored — is the lack of basic literacy and numeric skills among police officers. (For example, it was estimated in 2005 that only 20% of recruits to the Afghan police could read and write). It is important to consider the basic requirements of a police development programme at the outset, as they may dictate the pace of reform or the delivery of more advanced training.

8.9 Poor use of existing resources

Any process of police reform requires a functional organisational review. This would examine how the police are making use of their existing resources before any consideration is given to providing additional resources. Such reviews are especially important in terms of personnel management and ensuring that police officers are undertaking the operational functions for which they joined and were presumably trained. That requires critically examining "non police posts" such as catering, and plac-

ing civilian staff in those posts. Doing so releases more police personnel to undertake the range of operational patrol duties that are required of them, in effect making them more accessible, identifiable and accountable to the public whom they serve. It should be noted that in some countries it may actually be cheaper to engage a police person in a non police job such as catering than to employ a member of the public. That fact needs to be borne in mind when considering "civilianising" police posts.

8.10 Poor representation of women in police organisations and lack of attention to gender issues

In most cases, police services are predominantly male organisations. At their worst, police services may perpetrate or in some way be responsible for violence against women. Also, it is not uncommon to find that they are insensitive to women's rights, failing to deal adequately with matters of inheritance, property, divorce proceedings and custody disputes. Promoting gender balance and gender responsiveness in the police force is critical to promoting women's security. Barriers to the participation of women in the sector should be identified and addressed. Increasing their participation, especially at decision-making levels, will change the climate and culture of the organisation, reduce the incidence of discrimination against female police officers, and increase police responsiveness to women's security issues. Special units or service desks should also be established to deal with women victims of violence, as has been done in Sierra Leone and elsewhere (see Box 7.5.4). In addition, all officers should be fully aware of women's rights and given gender training; senior officers in particular should be held accountable for providing policing that is responsive to the security needs of all.

Box 7.5.4. Responsive policing

Law enforcement processes can often be traumatising for victims, making them reluctant to come forward and report crimes. In an increasing number of reform efforts, special police units are created to assist the victims and witnesses of crime. In Namibia, a Women and Child Protection Unit was created within the police force to address the problem of domestic violence. It provides, *inter alia*, counselling by social workers and the provision of temporary shelter. A more victim-friendly court system was also established in that country, as the cross-examination process was found to be an ordeal. Victims are now able to testify behind a one-way mirror so that their assailants cannot see them while they are testifying (Iivula-Ithana, "Peace Needs Women, and Women Need Justice", New York Gender Justice Conference: UNIFEM/ILAC, 2004).

In Sierra Leone, female victims had also been reluctant to come forward and seek help from police. The UN Mission in Sierra Leone helped create a Family Support Unit within the police department that included female police officers. This more compassionate environment for victims resulted in 3 000 reports of sexual and physical violence in 2003 — 90% of these victims were women and girls.

Source: *"Policing with Compassion, Sierra Leone"* , Women as Partners in Peace and Security, www.un.org/womenwatch/osagi/resoures.

8.11 Cultural taboos

Some societies consider it a social taboo to discuss certain crimes, such as sexual or domestic violence. This can result in many such crimes going unreported and the problem escaping reform. Ensuring that reforms are responsive to the under-reported crimes committed against women and men requires a good understanding of the problems and possible responses. An enabling environment needs to be developed so that victims are more willing to come forward. Mechanisms could include using women police officers for interviews of female and juvenile victims; providing a comfortable, private and less intimidating space for these victims to report crimes; and the creation of victim support units within police stations (see UNDPKO, *2002 Gender Resource Package for Peacekeeping Operations*, Chapter 8: "Gender and the Police"). Adopting gender guidelines and providing training to police, prosecutors and judges on the nature of gender-based violence and the needs of victims can also be effective in changing mentalities and institutional cultures, and ensuring that these "taboo of silence" crimes are investigated and prosecuted.

9. Particular features of post-conflict SSR

In addition to the general lessons above, a number of specific issues arise in post-conflict settings.

9.1 Inclusion of police reform, restructuring and rebuilding in peace accords

Peace accords are an important entry point, yet a study of 23 transitions to democracy in Latin America found that only ten made explicit reference to police reforms.[3] In Africa, an example of the successful inclusion of these issues is the 2003 peace agreement for Liberia that makes SSR a central component of the agreement; in particular, there is a specific article on "Restructuring of the Liberian National Police (LNP) and Other Security Services" (Article VIII). The visibility of SSR issues in peace agreements is often important, as this can determine the level of political attention and funding subsequently received. The United Nations has developed guidance in this respect as part of its UN Peacemaker Initiative (see further http://peacemaker.unlb.org/index1.php#).

Box 7.5.5. UK international policing guidelines

The Guidelines and Principles on the United Kingdom Contribution to Peace Support Operations have been developed to provide police personnel with a clear framework for operations. They outline how the United Kingdom should conduct its policing and wider rule of law activities in international operations, by setting out internationally accepted principles of democratic policing.

The UK Guidelines aim to ensure a continuing high standard of competence and integrity, and to make the UK response to operations more consistent by providing accessible information and practical guidance. The Guidelines are issued to all UK police officers during their pre-deployment training and include case studies throughout to illustrate key international policing principles.

Core documents and instruments for practitioners, including a "toolbox", are available on the website at www.ukinternationalpolicing.com.

Sven Torfinn/Panos Pictures

SUDAN, Rumbek County: Establishment of new police station in south Sudan.

9.2 Consideration of links between DDR and police reform

While there is often an assumption that demobilised ex-combatants can be integrated into the police, this in fact may not be the case. The approach and training of the military and police should be very different, and rigorous criteria should be developed for the entry of any ex-combatants into the police service as part of a DDR programme. Because of their experience of armed conflict, applicants should be carefully screened for past complicity in gross abuses against civilians, and retraining should be offered with adequate emphasis on the correct use of force and firearms. (For example, many of those recruited into the new Afghan police are former Mujahedeen who have spent their formative years waging guerrilla war without legal restraint.) In addition to providing suitable skills, training can help create new loyalties among demobilised personnel, who will likely have ongoing links to previous commanders.

9.3 Insecurity and militarisation

The insecure conditions of conflict environments often produce a drive towards militarisation in security forces that may still dictate policy and practice in the post-conflict phase. Often this is manifest in a blurring of police and military roles, meaning that the boundaries between security agencies, their roles, policies and regulation may need amendment. Training programmes to reorient the police to a service delivery focus are vital. Quick wins could arise from providing new uniforms and abolishing military ranks. Training police units responsible for crowd control and public order is often critical to help ensure respect for human rights and prevent interventions that may destabilise the fragile post-conflict situation.

9.4 Policing divided communities

Intra-state conflicts normally result in divided societies. Where this is the case, changing recruitment processes and developing a more representative service should be prioritised. It is imperative to consider the broad picture in these cases and consider the effects reforms will have on conflict dynamics. If not carefully designed and executed, interventions in post-conflict situations can have unintended negative consequences that reignite the conflict. At a minimum, considerable thought and effort is needed to ensure that police reform interventions in post-conflict settings "do no harm"; a more ambitious approach is to aim for a positive peacebuilding contribution.

9.5 A mechanism for local review of international policing

Where the international community has been given a policing function, it is important to ensure that policing is subject to local oversight. In the Solomon Islands, the Pacific Islands Forum established an Eminent Persons' Group to review the work of the Regional Assistance Mission to the Solomon Islands (Operation RAMSI). Such oversight not only provided the RAMSI mission with greater legitimacy, but also provided the national authorities with a positive example of policy oversight.

9.6 Legacies of violence

In most post-conflict settings the police will face a society transformed by the effects of violence and the proliferation of weapons of war. In a culture of violence everyone is at risk, including the police. Women and children are especially at risk. For example, in Timor-Leste, political and social violence decreased after the peace accords, yet domestic violence remained high, accounting for 40% of reported crimes.[4] Addressing a culture of violence is a long-term endeavour requiring an integrated approach that includes all governmental and civil sectors. In the immediate postwar period, the police will need to be sensitised to the security concerns and needs of women and children and the handling of complaints such as child abuse and violence against women. This training will also need to focus on their own appropriate behaviour and use of force.

9.7 Use of force

The use of force by police services should always be closely scrutinised, but in many countries this poses a major challenge. Addressing the issue can be vital, since human rights violations by the police

often fuel armed violence and encourage citizens to arm themselves. Training on the use of force and firearms that references international standards in this area is often required. In Bolivia, where there has been a history of repressive policing of public demonstrations, the UK government is providing public order training to the military and police. This training on how to manage large crowds peacefully and deliver a proportionate response has been cited as a key reason why the December 2005 presidential elections were not affected by violence. It has also provided an entry point to engage the government of Bolivia in discussions on wider reform of its justice and security sector.

Box 7.5.6. International standards on the use of force by law enforcement officials

Two important instruments restricting the use of force in law enforcement have been adopted at the UN — the Code of Conduct for Law Enforcement Officials, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These standards establish that force should be used only when strictly necessary; that the use of force should not be disproportionate to the legitimate objective to be achieved; and that small arms should not be used except as an extreme measure in a restricted range of situations.

See further: http://www.ohchr.org/english/law/codeofconduct.htm.

Case Study 7.5.1

Community safety initiatives as a support to community-based policing in Kosovo

Context

Kosovo has been under international administration since the cessation of a civil war between the armed forces of the Federal Republic of Yugoslavia and the ethnic-Albanian Kosovo Liberation Army (KLA) in 1999. The end of the war resulted in the withdrawal of Yugoslav security forces and the arrival of a NATO-led intervention force (KFOR) and UN mission. With many of the KLA now incorporated into a civil emergency service — the Kosovo Protection Corps (KPC) — international security forces have gradually handed responsibility for day-to-day policing to the new Kosovo Police Service (KPS) established by the United Nations Interim Administration Mission in Kosovo (UNMIK). However, in a territory accustomed to its own traditional system of justice, the KPS has often struggled to exercise its authority and to implement a community-based policing strategy developed primarily by international staff.

Andrew Testa/Panos Pictures

KOSOVO, Pristina: Members of the Kosovo Police Service, working under UN supervision, arrest a man suspected of assaault.

An EC-funded project which was initiated in mid-2005 and ran to the end of 2006 aimed to increase the engagement of civil society in the security field and furnish lessons for national security provision. Implemented by a Kosovar NGO, "Forum for Civic Initiatives", the project employed a bottom-up approach to community safety developed by the international NGO Saferworld. A village in Viti municipality in Southeast Kosovo, which was affected by a range of safety and security problems, was chosen as a pilot site. Over one year, residents were brought together with municipal government and security providers such as the police, KFOR and KPC. The aim was to agree specific "community safety plans" in which all concerned worked together to address the community's key safety and security concerns, such as reckless driving, wild dogs, river flooding and a total lack of police patrols. A similar approach was then adopted in neighbouring villages, with municipal representatives consistently included in the process.

Entry point

With feelings of insecurity running high across Kosovo, potential pilot sites were easy to identify. The village pilot site within Viti municipality was selected on the basis of an initial "mapping" of the quality of security provision and local government across Kosovo. The exercise suggested that a project in that area stood a reasonable chance of success and wider buy-in by neighbouring communities and municipalities.

Lessons learned

Participatory approach — By making the community the entry point, beneficiary and driver of the project, genuine ownership and commitment to agreed "community safety plans" were ensured from the beginning.

Careful sequencing — Easier or less sensitive problems were tackled first (*e.g.* traffic), allowing confidence to be built and quick wins achieved. In later stages harder security issues such as police-community relations and recovery and removal of illicit weapons could then be considered.

Long-term view — Though small in scale, the project adopted a long-term perspective, recognising that many problems facing the community required greater trust between residents and institutions to develop over time.

Impact

Interviews with residents show tangible progress in relation to the objectives they themselves had set: KPS now patrols the village and confers with residents; the incidence of reckless driving, the risk of flooding and the presence of wild dogs are all much reduced. Leaders and residents also point to perceptions of security having increased across the board, with the added benefit that the community now feels more able to engage with the local authorities and the police and to work proactively to solve safety and security problems. Lastly, together with the municipal authorities, community leaders are now considering the options for surrendering a number of unregistered weapons held by residents.

Reader's Notes:

Case Study 7.5.2
Police reform in Malawi

Context

Crime has a disproportionate impact on the lives of the poor in Malawi. The most common crimes are the theft of crops and livestock — hunger-related crimes of need that act as a multiplier of poverty. In 2002, the UK Department for International Development (DFID) embarked on a wide-ranging programme of support in the justice sector, including support to the Malawi Police Service (MPS). The programme concentrates on delivering results in strategic management, crime management, community-based policing, public order management, resource management and communications technology. A key component of this programme was the construction and development of a "model" police station in Lilongwe.

Entry point

The entry point for this transformation was the overnight deaths in custody of 16 prisoners detained in one cell in a police station in the capital, and the firm resolution that this severe abuse of human rights by the police should never be repeated. The event provided the catalyst for a commitment to real change and the development of a model station as a central hub of good practice for the wider criminal justice system. Specific areas where improvements were instituted and then rolled out from the "model" included custody practice and procedures (including the introduction of a 48-hour rule in custody), crime management systems, investigation techniques and procedure, fingerprinting systems, investigative interviewing and statement taking.

Lessons learned

Commitment to change within the police service — The leadership of senior officers in the MPS has contributed to establishing an organisational culture where internal inspection and accountability procedures have been strengthened and where support to recruitment and training with a greater service orientation and respect for human rights has taken place.

Need for monitoring and evaluation — The lack of available data to assess longer-term improvements in delivering a police service or the public perception of any improvements is a challenge. The programme is now working on gathering these data to help assess impact and encourage continued public support.

Adequate and timely resourcing — The sustained commitment of partners and the allocation of on-budget resources — along with a targeted, intense technical co-operation component during the early phase of this support — has been a key factor in the programme's success. However, the long-term engagement of a technical adviser sitting in the MPS HQ meant that the institutional partnership was, for a prolonged period at the beginning of the programme, vulnerable to the technical adviser moving on and to the personal relationship faltering.

Impact

An independent review of this support programme noted that "…institutional development in the Police Service has been impressive…and important progress has been made in linking structures within the criminal justice system to support policy development and operational co-ordination…" The model police station played a key role in achieving this. However, challenges remain in maintaining best practice and sustaining an institutional culture that embraces scrutiny, accountability and lesson learning.

Case Study 7.5.3
Developing a rapid response police force in the Democratic Republic of Congo (DRC)

Context

Ensuring safety and security is a key priority in post-conflict countries. In DRC, the Police for Rapid Intervention (Police d'intervention rapide, or PIR) has a mandate to keep public order and fight criminality. However, the unit had a reputation for violating human rights and repressively handling public demonstrations.

Entry point

The United Nations Mission in the Democratic Republic of Congo (MONUC) and the French government have helped train and equip several PIR units throughout the country in order to assist in the security of the electoral process in DRC. In particular, the training has focused on respect for the rule of law, the proportionate used of force in crowd control, and the use of non-lethal weapons.

Lesson learned

Public order training has a vital role in post-conflict settings — Ensuring that the police responsible for public order are able to manage large crowds peacefully and use force in line with democratic principles is crucial in countries such as DRC. An inappropriate intervention of these forces could not only lead to human rights abuses but also destabilise the wider security situation.

Impact

The PIR has proved able to control the numerous demonstrations since 2004 in Kinshasa (in particular in June 2004 and August 2006, when the official results of the presidential elections were announced), without major problems. Its effective approach has to a certain extent moved the process of political transition in DRC forward.

Additional Resources

The following are recommended resources for further information on policing that have helped inform this section:

1. **Department of Community Safety, Western Cape Provincial Administration, South Africa (2003), *Community Police Forum Toolkit*,**
   http://www.capegateway.gov.za/Text/2003/12/community_police_forum_toolkit_pp1to40.pdf
   A full toolkit for those implementing community-based policing projects, with numerous templates.

2. **Bayley, David (2001), *Democratising the Police Abroad: What To Do and How To Do It*, US Department of Justice, Washington, DC, June.**
   A distillation of lessons learned from police reform processes supported during the 1990s.

3. **Bruce, D. and R. Nield (2005), *The Police That We Want: A Handbook for Oversight of Police in South Africa*, Centre for the Study of Violence and Reconciliation, Johannesburg,**
   http://www.justiceinitiative.org/db/resource2?res_id=102519
   An overview of the means and methods for civil society to hold police and justice institutions accountable.

4. **Downes, M. (2004), *Police Reform in Serbia: Towards the Creation of a Modern and Accountable Police Service*, OSCE Mission to Serbia and Montenegro, January,**
   http://www.osce.org/publications/fry/2004/01/18262_550_en.pdf
   A review of the police reform process in Serbia from 2001 to 2004. The document highlights progress made and areas of reform that require further attention. It is also an example of a review undertaken by the international community with the agreement of, and on behalf of, national authorities.

5. **Carpenter, A. and T. Stodiek, eds. (2006), *Guidebook on Democratic Policing*, OSCE Strategic Police Matters Unit, Vienna, November,**
   http://polis.osce.org/library/details?doc_id=2658
   The Guidebook is designed to assist those dealing with police and law enforcement issues, police practitioners and policy makers working to develop and strengthen democratic policing. It is meant to serve as a reference for internationally adopted standards.

6. **Foreign and Commonwealth Office (2006), *Guidelines and Principles on the UK Police Contribution to Peace Support Operations*,**
www.ukinternationalpolicing.com
Outlines how the United Kingdom should conduct its policing and wider rule of law activities in international operations, by setting out internationally accepted principles of democratic policing.

7. **Groenewald, H. and G. Peake (2004), *Police Reform through Community-Based Policing*, International Peace Academy and Saferworld, September,**
http://www.ipacademy.org/Publications/Publications.htm
A compilation of lessons learned by community-based policing practitioners from around the globe.

8. **Marenin, O. (2005), "Restoring Policing Systems in Conflict Torn Nations: Processes, Problems and Prospects", DCAF Occasional Paper No. 7, Geneva, June,**
http://www.dcaf.ch/_docs/occasional_7.pdf
Presents many police reform issues from an "insider" perspective and with an emphasis on post-conflict environments — a useful reminder of the realities on the ground.

9. **Masuku, T. (2005), *Strengthening Democratic Policing in South Africa: Enhancing and Coordinating the Internal and External Accountability Systems of the South Africa Police Service*, Centre for the Study of Violence and Reconciliation,**
http://www.justiceinitiative.org/db/resource2?res_id=101818
Strong exposition of issues related to police oversight, focusing on the South African example.

10. **National Crime Prevention Center, Department of Safety and Security, South Africa (2000), *Making South Africa Safe: A Manual for Community-Based Crime Prevention*,**
A guide to crime prevention work specifically tailored to local government officials.

11. **O'Neill, William (2005), "Police Reform in Post Conflict Societies: What We Know and What We Still Need to Know", Policy Paper, April,**
http://www.ipacademy.org/PDF_Reports/PolRefERpt.pdf
Report focusing specifically on lessons learned during police reform interventions in post-conflict situations.

12. **SEESAC, UNDP Stability Pact and Saferworld (2003), *Philosophy and Principles of Community Based Policing*, Belgrade,**
http://www.saferworld.org.uk/publications.php?id=55
Clear exploration of the philosophy underlying community-based policing and what it means in practice.

13. **UK Home Office (2005), *Neighbourhood Policing: Your Police; Your Community; Our Commitment*, March,**
http://www.crimereduction.gov.uk/policing08.htm
Sets out the UK government's approach to neighbourhood policing in clear and concise terms.

14. **United Nations Code of Conduct for Law Enforcement Officials (1979) and United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990),**
http://www.unhchr.ch/html/menu3/b/h_comp42.htm, http://www.unhchr.ch/html/menu3/b/h_comp43.htm
Definitive guide to best international standards on police conduct and the use of force.

15. **World Bank (2003), *A Resource Guide for Municipalities: Community-Based Crime and Violence Prevention in Urban Latin America*, November,**
http://siteresources.worldbank.org
A practical review of crime reduction and community safety approaches that provides many useful lessons from the local level.

Reader's Notes:

SECTION 7

Footnotes:

[1] Alemika and Chukwuma (2004), *Civilian Oversight of Policing in Nigeria: Structure, Functions and Challenges*, p. 6, Cleen Foundation, Nigeria. See further http://www.cleen.org/index.html

[2] Scheye (2005), *Reflections on Community-Based Policing in Guatemala*, published by USAID, p. 2.

[3] Call and Stanley (2001), "Protecting the People: Public Security Choices after Civil War", *Global Governance* 7:2 (Apr-Jun), p. 304.

[4] Anderlini, S. and Conaway, C. (2004), *Security Sector Reform, Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action,* Inclusive Security, p. 34.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.6: JUSTICE REFORM

Key issues

- Developing fair and equitable laws.
- Developing effective, impartial and accountable judiciaries, prosecution services and dispute resolution mechanisms.
- Providing timely, equitable access to justice and effective enforcement of laws, legal rights and judgements ensuring due process.
- Introducing legislative and enforcement mechanisms to promote and protect human rights and to overcome barriers confronting marginalised and vulnerable groups.
- Strengthening the linkages and co-operation between state and non-state institutions.
- Developing an integrated approach to criminal justice reform with the police and prison services.

1. The significance of this sector for SSR

The lack of basic physical and juridical security[1] and the lack of equitable access to justice are significant barriers to sustainable development. An effective legal and judicial system capable of resolving conflicts over alleged violations or differing interpretations of laws is vital. However, in many countries marginalised groups struggle to gain access to institutions that are ineffective, remote, costly, slow and alien in their operation. Women, children and ethnic minorities are often further marginalised by discriminatory legislation or legal practice, lack of resources, and threats of reprisals if they seek remedies for violations of their rights. In many developing countries, the lack of access to a well-functioning court system means that the primary source of justice for local people is a semi-formal or non-state dispute resolution mechanism. While they are often closer to communities, these bodies may sometimes discriminate against women and fail to comply with international human rights standards.

Justice sector reform is a broad area, and the guidance in this handbook focuses primarily on criminal justice. But this section also highlights broader justice reform issues that address the inclusion of the poor and excluded. Issues such as civil justice (for example as relates to family and inheritance law), land reform, and to a lesser extent commercial law (*e.g.* enforcement of contracts) can be critical to reducing the incidence of crime and disorder. Where such routine disputes are not satisfactorily addressed, whether by state, semi-formal or non-state mechanisms, they can easily escalate into unrest and (sometimes) violent conflict. Experience shows that systemic weaknesses (corruption, inefficiency, bias and political influence) in the judiciary and other justice sector institutions may impede efforts to improve targeted outcomes unless they are addressed in a comprehensive manner.

The guidance in this section covers issues relating to:

- Improvement of the functioning of criminal justice systems.
- The role of legal and judicial institutions in the oversight and accountability of security institutions.
- The resolution of non-criminal issues that aggravate societal conflicts or otherwise affect the wellbeing of poor and vulnerable groups.
- The improved management and administration of judicial systems.
- Strategies to enhance the accessibility of justice and legal empowerment.
- Effective engagement with semi-formal and non-state institutions.

2. Important linkages to wider SSR

Criminal justice reform requires integrated work with the police, with legal, judicial and penal institutions, and with civil society. Experience in many countries demonstrates the drawbacks of developing and implementing police, justice and penal reform in a manner that is not coherent or co-ordinated. One lesson emerging over the past 20 years is that where reforms focus on one institution or undertake institutional reforms in isolation, the whole is normally less than the sum of the parts. There are also important linkages between justice reform, strengthening oversight bodies, and wider governance and public service reform.

2.1 Police reform

In countries where crime and insecurity are serious problems, it is vital that judicial reform be co-ordinated with police reform. Inattention to police reform can perpetuate abusive investigations, poor handling of evidence, and a continuing reliance on forced confessions as the principal "proof" of guilt. Judges sensitised to due process issues can throw out the cases and set defendants free, but this frequently leads to a backlash and the demand for harsher laws and less protection of rights for those accused or convicted of crimes.

The lack of trust or co-ordination between the police and law enforcement services on the one hand and the prosecution service on the other is a common problem in many countries. This situation may often derive from the fact that the prosecution service is officially charged to direct and supervise the criminal investigations of the law enforcement services, but also has to rely on these services for access to the necessary information. In some cases prosecutors may seek to establish their own investigative teams because they do not have confidence in the police — an approach that rarely proves effective. Even where corruption does not occur, the arrangement deprives the prosecutors (and their investigators) of information that the ordinary police are more likely to collect. Programmes should seek to increase co-ordination between the police and prosecution services and encourage them to work together, for example by providing the police with training on the relevant passages from criminal trial procedure and on how to collect evidence to build a successful case, while assigning prosecutors to work directly with the police to help them avoid due process violations that will nullify their findings.

Another important area for co-operation is judicial supervision, oversight, and swift decision-making procedures for investigative methods such as surveillance, searches, confiscation, wiretapping and preventive detention. Judicial and police co-ordination and collaboration are also needed in the area of witnesses and witness protection programmes, an important issue for investigations into serious and organised crime, as well as for transitional justice programmes.

2.2 Wider criminal justice reform

Judicial and wider criminal justice reform have to be implemented in tandem to be effective. Issues such as delays in the judicial processing of cases, poor case management, inadequate or ineffective case tracking, judicial bias, corruption, incompetence, inadequate investigation, inappropriate sentencing, and prison overcrowding are interconnected. A poorly organised, politically dependent and corrupt or incompetent judiciary will not deliver either criminal or civil justice services. However, a reformed judiciary will not be able to significantly improve the handling of criminal cases where there are significant problems with the prosecution service, public defence, the police or the prison system. An example of the benefits of an integrated approach is in Lesotho, where the police, prosecutors and members of the anti-corruption agency worked with judges to develop a standard docket system across justice institutions. New legislation has been introduced setting deadlines for dealing with cases, and prisoners are released if their cases do not come to court in the allotted time. This has helped speed up the flow of cases through the courts and significantly reduced prison overcrowding, though the process needs to be monitored carefully in the interests of public safety.

2.3 Oversight and accountability

Legal and judicial mechanisms provide an oversight and accountability structure for security institutions. For example, domestic legislation, as well as international human rights and humanitarian law, sets out the boundaries for the legitimate use of a state's coercive power — such as deprivation of liberty, invasion of privacy, or use of force — transgressions of which would constitute criminal offences to be prosecuted. Where individual rights have not been respected by security agencies or where people have suffered abuse, they may seek redress through the courts, the ombudsman and/or national human rights commissions. Transitional justice mechanisms are particularly important in the aftermath of violent conflict or authoritarian rule, as they address gross human rights violations such as war crimes, genocide and crimes against humanity through truth and reconciliation efforts, *ad hoc* tribunals and courts. Their purpose is to investigate, prosecute and sentence perpetrators of these serious crimes and to promote reconciliation. The legacy of these mechanisms is also intended to inspire future reform and improvement of the justice system.

3. How to conduct an assessment in this sector

Assessments of the justice system need to be placed in the context of an overall assessment of the country's security situation, power relations, and political and economic situation (see Section 3). A number of methodologies have been developed for assessing the justice system. The United Nations Office on Drugs and Crime (UNODC) has recently developed a detailed Criminal Justice Assessment Tool that takes an integrated approach to assessing the criminal justice system in any country while also ensuring in-depth assessment tools for each part, function and institution of the system. The UN Office of the High Commissioner of Human Rights has also recently produced Rule of Law Tools for Post Conflict States on monitoring legal systems, mapping the justice sector, vetting, prosecution initiatives and truth commissions (see Box 7.6.1 below and "Additional Resources").

Box 7.6.1. UNODC criminal justice resources

The United Nations Office on Drugs and Crime is the custodian of the UN Standards and Norms on Crime Prevention and Criminal Justice. Many of the standards provide useful guidance for reform efforts within the criminal justice sphere. The Compendium of UN Standards and Norms can be found at www.unodc.org/unodc/en/crime_cicp_standards.html.

Using the UN standards and norms as a basis, UNODC has developed a detailed set of guidelines for conducting assessments of criminal justice systems, with the aim of developing technical assistance programmes. The following tools are available: police service delivery; police accountability and integrity; crime investigation; police information and intelligence systems; the courts; the independence, integrity and impartiality of the judiciary; the prosecution service; legal defence and legal aid; detention prior to adjudication; the prison system; alternatives to incarceration; social reintegration; international police and judicial co-operation; children in conflict with the law; victims and witnesses; and criminal justice information systems. The tools are aimed at providing an overview of the key issues across these sectors that assessors should cover.

The tools can be found at www.unodc.org/unodc/en/criminal_justice_assessment_toolkit.html.

Many justice assessments carried out by international actors have been criticised for relying too heavily on the views and demands of actors within the system (judges, the legal community, high-ranking justice sector officials). Increased participation is an important means of obtaining the views of citizens, including marginalised groups, on the provision of justice, identifying priorities to address, and lending legitimacy to reform. This input is essential for targeting reforms and understanding the behaviour and motivations of those affected by them. Public perception surveys can be useful in this regard.

An analysis of how "users" seeking justice interact with state and non-state actors and are able to claim their rights can complement institutional appraisals. Anthropologists can also be important members of appraisal processes to understand semi-formal or non-state dispute resolution mechanisms. Reviews of statistical databases along with court and other institutional records can help identify what does and does not receive official attention, and the exact nature of that attention.

Table 7.6.1

Questions to address in a criminal justice assessment

Context	• What laws govern the criminal justice system, its functions and institutions, and what is their content? Is there a criminal code and a criminal procedure code and are they accessible to the public? Are important parts of criminal law/criminal procedure law regulated by other laws? • Does the constitution guarantee fundamental rights and freedoms in the field of criminal justice, in line with international human rights standards? • What types of crime are covered under criminal law, and what types of sanctions are foreseen? Are all types of crime covered consistent with human rights and international obligations (including in the areas of organised crime and corruption)? Do the sanctions foreseen seem proportionate or may they particularly advantage/disadvantage certain groups within the society? How are the sanctions foreseen by criminal law applied in practice in the sentences pronounced by the criminal courts? • Does the criminal procedure code set out a prosecution service and/or an investigation judge, and what are their roles and powers? Are the prosecution services or investigating judges specialised in certain fields of crime? Does the criminal procedure code set out special investigation techniques? Does the criminal procedure code allow for international co-operation, in particular with regard to mutual legal assistance and extradition? • How is the criminal court system organised? How many jurisdictions are there and what are the possibilities for appeal? Are there specialised criminal courts dealing with specific forms of crime or specific categories of offenders? • What are the roles and prerogatives of defence lawyers in criminal procedure? • What types of "injustices" and crimes do people experience most as victims? Do some groups in society have access to justice while others do not? How are complaints dealt with by the criminal justice system? • Are citizens, and in particular poor people, aware of behaviours that are criminalised, what the sanctions are and what their constitutional and legal rights are in a criminal procedure? • What are the experiences of children in conflict with the criminal law? Is there a juvenile criminal justice system? • With which justice institutions (state and non-state) do citizens, in particular poor people, most interact? Are these experiences positive or negative? Do women and men have different experiences? • What changes would vulnerable groups and poor people like to see in the provision of justice, protection of rights and livelihoods, and the resolution of disputes in their communities? • Is there provision in the criminal (or other) code(s) for alternative sentencing *i.e.* alternatives to imprisonment? How are these enforced? Is there a possibility for formal judicial review of such alternative mechanisms? • What are the origins of any semi-formal and/or non-state justice systems, and how have they evolved over time? Are these systems recognised in the constitution or in law? Are there limits on their criminal jurisdiction and the sentences they can pass? • Is there a demand for judicial and legal reform within the government? What are the incentives and disincentives for reform? • Are there military courts? Are there circumstances under which they may try civilians for criminal offences?

>>> continued

Accountability and oversight	• Does the legal framework guarantee the independence, impartiality and accountability of the courts and prosecutors? • What is the influence of the government or other political bodies? In particular, what is the role of the ministry of justice with regard to the prosecution service? • How are judges and prosecutors appointed? Is there political involvement in the recruitment of judges and prosecutors? Do judges and prosecutors belong to the same corps and may they switch function during their career? Are there any courts with non-professional judges or juries? How are these appointed and how representative are they of the community? • Is there a high judicial council or equivalent? Does it provide effective leadership and oversight (*e.g.* recruitment, promotion, sanctions, dismissals)? • How representative of the population are judges, prosecutors and public defenders (in terms of gender, ethnicity, geography, religion)? • How is the court system funded? Is there financial autonomy? Is there accountability and transparency in the use of funds? • What is the level of corruption in the different justice institutions? Is this being addressed? • Do sector institutions have internal inspectorates and codes of ethics? How are decisions enforced? • Is there an independent bar association or equivalent to regulate the legal profession? • Are non-state justice services subject to external accountability?
Capacity	• What is the ratio of judges and prosecutors with regard to the population, and what is their coverage with regard to the state territory? • What are the size and coverage of legal services, in particular legal aid lawyers, public defenders or paralegals? • Do they meet the needs of the entire population? • What are their capacity limitations (human resource, financial, infrastructure)? • What is the level of education and experience of current judges, prosecutors and defenders? Do they get training and are some of them specialised for specific areas like organised crime? • Is there information on the capacity and skills of semi-formal and non-state justice providers? Do they receive any support or funding from government?
Management	• What is the quality of case-flow management, and can it be improved? How can delays and backlogs be addressed? • How effective are state institutions in resolving disputes, especially those related to alleged criminal offences? What are the major impediments to their satisfactory performance? • How effective are the judicial authorities in the field of mutual legal assistance and extradition? • What types of issues and disputes do semi-formal and non-state justice systems address, in particular in relation to criminal matters? How are the decisions made and enforced? Do their procedures comply with international human rights standards? Is there the possibility of referrals or appeals to the formal system? • Is there a witness protection programme, and how effective is it?

>>> continued

Co-ordination with other parts of the security system	• Is there a government strategy or policy for justice reform? Does it address linkages with other security and justice institutions? • Is this strategy reflected in the overall planning system of the government, such as in the poverty reduction strategy or medium-term expenditure framework? • Are there mechanisms for collaboration or co-ordination across criminal justice institutions (for example, to review policy and practice)? How effective are they and how could they be strengthened? • What are the links in practice between state and non-state institutions? What is the relationship between civil society organisations and state and non-state justice providers? • What is the role of the parliament with regard to the criminal justice system — as an oversight body and budget provider, and controller of state accounts?
Engagement of the international community	• Is there a government-led process to co-ordinate donor support to the sector? Is it based on the poverty reduction strategy and medium-term expenditure framework (or equivalent), or sector strategies or policies? • Who are the main donors addressing legal and judicial reform as well as legal empowerment and civil society engagement? • Is there adequate coverage of institutions and priority issues? • What is the balance between budget, sector-wide programmes and project support? Are there opportunities for pooled funding or other ways of backing government strategies? • What could strengthen donor co-ordination, remove competition or duplication, and strengthen national ownership?

Box 7.6.2. The stages of accessing justice: a criminal law example

Naming	Blaming	Claiming	Winning	Enforcing
Identifying a grievance as a legal problem	Identifying a culprit	Staking a formal legal claim	Getting rights and legitimate interests recognised	Translating rights into reality
A village seamstress is raped by a local landlord. She files a complaint with the police. They fail to take her case seriously. She knows this is a violation of her rights.	She blames the police sergeant for not investigating her case.	She works with the women's church group to contact a lawyer from a civil society organisation who will press for an investigation and prosecution to take place.	The landlord is prosecuted, tried and convicted.	The landlord is sentenced and imprisoned. An order for compensation to be paid to the seamstress is complied with.

Source: DFID (2002), *Safety, Security and Access to Justice: Putting Policy into Practice.*

4. Potential entry points

4.1 Elections and constitutional reviews

A new government may have an interest in overhauling the justice system to redress past political biases and strengthen human rights protection. Constitutional reviews also provide a key opportunity to review the legal and justice framework. Elections and constitutional processes present good entry points for supporting a wider public debate on judicial and legal issues through civic education programmes, and for launching a reform programme.

4.2 High-profile cases of corruption

National strategies to reduce corruption in the public or private sectors require an effective legal and judicial system to prosecute cases and act as a deterrent, and so can be an entry point for reform. Instances of corruption in the justice system can play a similar role. When a case comes to light, often through the media, this can help focus public and political attention on the issue and help build a wider constituency of support for change. However, these issues can also provoke a judicial witch hunt or be used by unscrupulous politicians to build courts friendly to their own self-interested aims. It is important, therefore, that discussions focus on the causes and sources of corruption rather than simply on the alleged culprits, as replacing the latter without altering the system is unlikely to improve the situation, and may actually make things worse. The key is to turn a specific issue (corruption) into an opportunity for considering systemic changes aimed at improving other aspects of performance. Other possible issues include changes in the system for appointing judges and other sector personnel, the need for secure careers and appropriate salary structures, the introduction of adequate monitoring and disciplinary systems, and the standards required for evaluating judicial performance.

4.3 Women's rights and gender inequality

Women are often discriminated against in state, semi-formal and non-state justice systems, in law, policy and practice. Legislative reform, training for judges on women's rights, equal opportunities for women in the judiciary, legal and rights awareness raising, support for women victims of crime to help them bring their cases to trial, and similar activities could be included in work on women's rights and empowerment.

4.4 Economic justice

Many countries and donors have chosen to focus on the judiciary's impact on economic growth, usually through modernising and strengthening commercial and civil courts and their procedures. Where economic impacts are already the priority, the focus can be broadened to incorporate criminal justice and access goals. Rampant crime and disorder, and in particular organised crime, are often a greater impediment to investments and growth than the quality of commercial justice. Where the needs of large economic actors are met first, before addressing those of micro, small and medium enterprises, the reforms lose an important source of impetus and may also generate cynicism among the neglected majority. Even where economic justice is the first priority, the remedies adopted can be modified to advance other goals.

4.5 Other priorities of the poor

While security and criminal justice are important, it should be recognised that they may not be the services most needed by large portions of the population and especially the poor, which is one of the reasons the initial assessment is crucial. Other issues (land disputes, child support, labour relations, and access to non-judicial public services) may have a more direct impact on their welfare or may be simpler to address. Also, if left unresolved, such issues may give rise to criminal actions and broader political conflicts. While some of these issues (*e.g.* land disputes) may be as politically charged as criminal justice reform, others offer room for quick wins and are important for getting judges closer to the people and for increasing popular faith in the bench.

5. Important issues for programme design

5.1 Providing co-ordinated support to security and justice institutions

Criminal justice reforms often hinge on an integrated approach across institutions. The risks of a compartmentalised approach are very real, and cannot be emphasised enough. A recent review of SSR in Haiti concludes that a major lesson was "the need to coordinate the link between policing, the penal system and the judicial sector reforms…the so-called 'judicial package' — policing, court system and penal system, were projects undertaken in isolation of each other. The result was a situation where new police were arresting people and putting them in jail while a functioning court system was still unavailable to render justice".[2] Case Study 7.6.1 on El Salvador explores the need for a co-ordinated approach to criminal justice reform.

5.2 Working with semi-formal and non-state justice systems

In many developing countries the majority of the population depends on a variety of traditional, non-traditional and religious conflict resolution mechanisms and processes other than the formal state court system. Yet this issue has received insufficient attention in judicial reform. The situation is changing as international actors and governments begin to acknowledge the existence of these systems, their prevalence and effectiveness, the high costs of extending state services, the population's own preferences for semi-formal and non-state systems, and the massive resource deficits (financial, human, infrastructure) that exist in many countries. However, international actors are still cautious about engaging with non-state systems, not least because they feel that the majority of non-state systems do not uphold international human rights standards and may discriminate against women.

It should be remembered that the objective is to increase access to justice for all and not to work with the non-state sector as an end in itself. Bringing together state and non-state stakeholders in the design process can help build trust and identify linkages. In Sierra Leone for example, the ministry of justice has customary law officers who oversee traditional processes to ensure the protection of human rights. Effective justice development programmes combine reforms of state and non-state justice systems. It is often beneficial to follow the "legal track" from the bottom up to identify which systems (state and non-state) local people turn to for assistance with different issues. This can help donors understand the kind of obstacles that poor people and vulnerable groups encounter when they try to enforce their rights, and the potential provided by non-state systems for resolving these problems.

5.3 Ensuring programme design is participatory

When judicial reform programmes need to be set up quickly, there is often a tendency to limit consultations to higher-level members of the government and of existing institutions, "progressive" jurists, and representatives of a handful of civil society organisations. Programmes derived from these consultations often stress supply-side needs *(i.e.* those of judges and lawyers) and give far lesser attention to demand-side factors (for example barriers to access, legal awareness and education for the public) or even to the views of lower-level institutional members (those who actually provide the day-to-day service delivery). It is essential therefore to broaden the inputs, to ensure that all needs are addressed, and to build trust, accountability and a broad constituency for reform among all stakeholders. Especially in countries where non-state mechanisms are widely used, it will also be necessary to consult with their members and those who seek their services to ensure that these systems are included in the development programmes, and that their inclusion features both supply and demand requirements.

5.4 Identifying the appropriate structure to manage the process

It is vital that a government institution or agency take the lead in assessing needs and overseeing reforms. In some countries this can be the law reform commission or (ideally) an inter-departmental body that brings together key ministers, senior officials and high-level representatives from the justice system (the judiciary, police and prisons). It is not always easy to identify where leadership for a reform

process should sit, given the number of institutions in the sector and the importance of respecting the independence of the judiciary. Donors should avoid setting up parallel organisations to oversee their projects, and instead provide assistance to a government's own structures to co-ordinate assistance and develop and implement their priorities.

6. Sequencing

Sequencing is important, but it is always contextual. There are few general rules to fit all situations, and those that exist are usually at a very basic level. For example, do not install a computer system before analysing information flows and simplifying procedures; and do not put a law into effect without adequate preparation for its implementation and sustainable enforcement. Trying to do everything at once is a recipe for failure. Thus, reforms must be selective — starting with what is most important, most in demand, or most likely to produce quick results — while the groundwork is laid to address more systemic challenges.

6.1 Identifying strategic interventions and planning sequentially

A broad assessment across the whole criminal justice system can lead to a very large number of potential interventions. Programme planners need to determine which of these are most likely to strengthen the linkages across justice institutions, enhance access for the poor, and — most importantly — leverage further change. In fragile states or post-conflict settings where there are often many priorities for reform, sequencing should set practical and achievable goals to help address pressing needs. It may be counterproductive in such instances to attempt immediate full-scale reform of criminal procedures. However, it is possible to attempt to resolve the most serious problems with targeted legal changes, or by working to modify the application of existing laws.

6.2 Working with state officials who understand non-state justice systems

Government officials may be suspicious of attempts by international actors to work with non-state actors. A useful starting point could be to try and build support incrementally by working with individuals and groups such as low-level magistrates, lawyers and provincial administrations already used to working with non-state justice systems. Donors can play an important role in helping to broaden the debate on reform of non-state systems.

7. Lessons learned to guide implementation

7.1 Anticipating the actions needed to develop, pass and implement new legislation

Legislation is often weak and outdated in many countries and can appear an obvious priority for reform. But laws are only as strong as their application and enforcement — a development lesson that is often disregarded. For example, a law originating in one department may be largely implemented by others. It will be important, therefore, to garner the support and participation of the applying and enforcing agencies in the drafting process. Likewise, the parliamentarians who will enact the legislation need to be engaged at an early stage of the process.

7.2 Supporting community and civil society initiatives, not just the state system

Many programmes have suffered from adopting a state-centric approach. A range of innovative initiatives can be adopted to supplement the activities of state institutions and increase access to justice. For example, in Malawi support has been given to paralegals, who provide information and training to prisoners, communities and officials. Court user committees have also been established to enable local people to meet regularly with judges and prosecutors to increase accountability and trust. In many countries civil society organisations act as direct providers of alternative dispute resolution; they can also help build the capacity of non-state justice bodies, monitor human rights, raise awareness among users of the options available to them, and create a demand for change.

7.3 Understanding and taking into account the interests, motivations, and likely reactions of all stakeholders

Judicial development necessarily implies losers and winners, making it essential to identify each ahead of time, if possible. There may be ways to broker compromises, neutralise opposition and build support, but donors tow a narrow line if they do not want to be charged with interventionism and have their entire effort discredited. The wiser course may be to proceed on parallel tracks, providing support for changes that are more widely acceptable while facilitating discussion of more controversial proposals.

7.4 Enhancing accessibility and legal empowerment

Improving access to justice should not be seen as limited to formal legal aid services. Programmes using solicitors are expensive and many developing countries do not have the financial or human resources to support them. There are many alternatives to enhance accessibility once key problems and barriers have been identified. Examples include 1) the use of small claims courts and *pro se* (self-)representation; 2) itinerant courts and judges; 3) mediation services; and 4) special offices or paralegals to provide legal advice, which is often all the parties require. Despite the expense and the potential delays caused, court interpreters or conducting hearings in the local language should also be considered, as these are crucial to increasing access to justice. As regards legal aid services, it may be most practical and effective to create an agency that not only offers them directly, but also coordinates and monitors their provision by other organisations (universities, civil society organisations, paralegals, and so on). Legal literacy campaigns informing people of their rights and how to access them are also useful, and often can be implemented through civil society organisations.

Tim A Hetherington/Panos Pictures

LIBERIA: A policeman watches over the affairs conducted in a law court at the Temple of Justice.

7.5 Using pilots

Given the complex nature of judicial and legal reform, exploratory projects can be valuable in helping gain experience, demonstrating results and building ownership for wider reform. In the Latin American countries that took on criminal justice reforms most recently — Chile and Colombia — implementation has been staggered by geographic region to allow problems to be identified and resolved along the way. This appears to be producing better results than the earlier strategies of either enacting the new codes across the board or limiting their application to cases submitted after the bills' passage. Often, however, pilot projects are not built upon or replicated. The objective should be to learn from experience so as to inform the development of national policy and country-wide implementation.

7.6 Strengthening recordkeeping and statistics

This is a problem for both state and non-state systems, although it is usually exacerbated in the latter. State organisations usually keep records on individual cases but often lack good performance data, which means that their leaders have little or no idea of what is actually happening throughout the system. Further attention should go into the operational side of information management, enhancing collection and analysis system-wide and on individual performance. It may not be advisable to establish an elaborate or computerised system. An assessment should be done as to what the information will be used for and what financial and human capacities exist to maintain the system. If equipment is to be provided, it is essential that its use and maintenance are sustainable. For non-state systems, support to enhance recordkeeping can help ensure that decisions are made fairly, that they provide a basis for appeals in state courts, and that they are more transparent and subject to monitoring by community members.

7.7 Training that is context-specific and part of a wider reform programme

It is important that training not be conceived as a stand-alone activity but integrated into wider managerial and institutional reforms. Training need not be limited to the state sector, although it often is. It may also help strengthen the policies and practices of non-state systems and increase adherence to human rights and women's rights, but it should be conducted in a manner sensitive to the cultural and political context. Joint training among different institutions that brings together judges, prosecutors, lawyers, police and prison services can help save costs and build relationships. To help ensure sustainability, investments can be made in developing in-country training institutions and law curricula at universities, rather than expensive *ad hoc* external courses. The test for the value of training is its impact on solving or ameliorating specific problems.

8. Common challenges faced and how to overcome them

8.1 Transplanting laws

Attempts at legal transplants — taking a law from developed countries and imposing it in a developing or post-conflict setting — are still all too common. Legal reforms should to the extent possible build on the legal traditions, judicial organisation and previous or existing legal framework of the partner country. The objective should be to develop a framework that both responds to security concerns in the state and upholds the human rights of the local population. It is preferable, where possible, to amend the existing laws, organisational actors and practices instead of adopting new laws and creating completely new institutions, procedures and practices. The latter approach is only advisable in particular circumstances — for example, where it may be important to symbolically create a rupture with a previous dictatorial regime by introducing a completely new law (such as a new criminal code).

8.2 Delays and backlogs

One of the most common challenges facing a justice system is the number and duration of delays in the processing of cases. It is not uncommon to find serious cases such as murder, rape and robbery dating back five to ten years still awaiting trial, and in many instances the accused persons will

be held on remand in prison. The reasons for delays will vary, from excessive or poorly distributed caseloads to poor work habits and insufficient cross-institutional co-ordination, or poorly framed laws and overly complex procedures. Often, for a remedy to be effective, it will require a joint response across justice institutions. Case Study 7.6.2 on South Africa examines the approach taken by a government programme to increase the effectiveness and efficiency of court processes.

8.3 Poor quality of sector management

The quality of justice depends not only on having good professionals in place, but also on monitoring their work and ensuring that their operational budgets are well used. This means adequate day-to-day administration and a capacity to formulate strategy, identify and anticipate problems, and develop appropriate remedies. The management and administration of justice is an area where donors have much to offer, in raising the issues, offering successful models, and providing the tools and training to do a better job. Legal professionals are not inherently bad managers, but they do need encouragement and exposure to good management principles and their application.

Daniel O'Leary/Panos Pictures

INDIA, Chandigarh Union Territory: The Punjab & Haryana High Court operating outdoors.

8.4 Problems posed by population distribution

Even in countries with a reasonable judge-to-population ratio, rationalising the distribution of work can be problematic. Populations may be widely dispersed, and even rural population centres may not generate enough work for a full-time judge, prosecutor, or public defender. That presents a conflict between the goals of efficiency and access. While this situation strengthens arguments for using non-state mechanisms, there are other remedies, especially where the non-state systems are not well developed. One solution, exemplified best in Brazil, is to employ itinerant judges, prosecutors and defenders who divide their time among several jurisdictions, in a few cases taking their courtroom with them on a boat or bus. However, such remedies need to be co-ordinated across agencies. Paraguay and Honduras, for example, have an adequate distribution of judges, but in the absence of prosecutors and defence counsel, judges located in rural areas cannot handle any but the simplest criminal offences. A combination of different solutions, including wider use of lay officials and justices of the peace, is often most effective.

9. Particular features of post-conflict settings

In addition to the general lessons above, a number of specific issues arise in post-conflict settings.

9.1 Sensitively rebuilding legal systems

Legal systems in many post-conflict countries are partisan and in a state of disrepair. A post-conflict situation might create the opportunity to rebuild them on basic principles of good governance, ensuring a separation of powers, independence of the judiciary, equality before the law, respect for human rights and the development of oversight and accountability mechanisms. Peace accords might provide entry points, as in El Salvador in the 1990s. El Salvador's accords included several specific provisions on judicial reform that were the product of years of prior discussion; most of these later became law. However, care must be taken to ensure the rebuilding is in line with local culture and is sustainable by national financial, human and infrastructure capabilities. Importing laws and judges can be counterproductive, especially if most of the population is unfamiliar with that legal tradition and may not even speak the language in which the codes are written and legal proceedings would be conducted.

9.2 Supporting transitional justice

Further information about transitional justice and the approaches to consider in support of its aims can be found in Box 7.6.3 below:

Box 7.6.3. What is transitional justice?

Transitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression toward peace, democracy, rule of law and respect for individual and collective rights.

In making such a transition, societies must confront the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile communities, and to prevent future abuses. A variety of transitional justice mechanisms can help wounded societies start anew.

These approaches are both judicial and non-judicial; they seek to encompass the various dimensions of justice that can contribute to social reconstruction. Transitional justice incorporates a realistic view of the challenges faced by societies emerging from conflict or repression and an appreciation of their unique cultural and historical contexts, without allowing these realities to serve as excuses for inaction. All stakeholders in the transition process must be consulted and participate in the design and implementation of transitional justice policies.

The approaches to transitional justice are based on a fundamental belief in universal human rights, and rely on international human rights and humanitarian law in demanding that states halt, investigate, punish, repair, and prevent abuses. These initiatives focus on the needs of victims and their families. The main approaches to transitional justice include the following:

- Domestic, international and hybrid prosecutions of perpetrators of human rights abuse.
- Determining the full extent and nature of past abuses through truth-telling initiatives, including national and international commissions.
- Providing compensatory, restitutory, rehabilitative and symbolic reparations to victims.
- Institutional reform, including investigating abusive, corrupt or incompetent officials from the police and security services, the military, the judiciary and other public institutions. Mechanisms should be put in place for those known to have committed human rights abuses or to have been involved in corrupt practices to be removed from public employment.
- Promoting reconciliation within divided communities, working with victims on traditional justice mechanisms and facilitating social reconstruction.
- Constructing memorials and museums to preserve the memory of the past.
- Taking into account gendered patterns of abuse to enhance justice for female victims.

Source: *International Center for Transitional Justice.*

9.3 Recognising that non-state justice systems may be more functional

Non-state justice systems often are particularly significant in post-conflict societies, particularly when state systems are dysfunctional. They can play a crucial role in restoring security and rule of law in the aftermath of conflict. Following the conflict in Burundi, the formal justice system is malfunctioning to the extent that the informal system has become "the de facto court of first instance for the vast majority of the population". Traditional justice systems may in fact suffer damage during prolonged conflict, through attempts to undermine the legitimacy of the system. This was the case in Guatemala and DRC. In both countries population displacement has weakened community ties, and in Guatemala the national government apparently had a policy of undermining the authority of its traditional leaders during the long civil war. Such developments do not entirely discredit the traditional mechanisms, but they may seriously lessen their legitimacy and powers.

Case Study 7.6.1
Criminal justice reform in El Salvador

Context

El Salvador's criminal justice reforms began in the early 1980s and thus provide a series of lessons for other developing regions. The war in El Salvador left the country facing many obstacles, including population displacement, increasing crime levels fed by demobilised but well-armed ex-combatants, weak and discredited justice institutions, and the breakdown of many traditional forms of social control. Reform efforts began while the conflict was still ongoing. Isolated interventions — establishing forensics laboratories, special investigative and judicial protection units — were predictably unsuccessful for failing to address the underlying institutional problems. However, the early start was important for generating discussions, allowing more comprehensive assessments, and building consensus on problems and solutions, many of which were incorporated in the 1992 peace accords. The country had certain favourable conditions, such as sustained donor assistance through the 1980s and 1990s; public sector institutions that were fortuitously left mainly intact after the civil war; and an economy fed by a constant flow of remittance from the diaspora.

Entry point

There were many complaints about the judiciary's politicisation and corruption, and so legal and judicial reform was highlighted in the peace accords and in the work of the Truth Commission, and became a priority issue for donor assistance programmes.

Lessons learned

Significant changes are needed to implement new criminal codes — The decision to base sector reform on a wholly new criminal procedures code faced setbacks because insufficient attention was paid to reorienting the institutions that would apply the code and ensuring adequate co-ordination among them.

Sustained support is vital — El Salvador's criminal justice reforms benefited from 20 years of donor support. Patience, having the time necessary to get things right and sustained support have been key to their comparative success. Even under the best of circumstances, progress in SSR will be slow and incremental.

An integrated sector-wide criminal justice approach is important — The Salvadoran strategy focused on the police, the prison service and the judiciary. Reforms in other Latin American countries that have not taken a multi-institutional approach have often not been as successful. Improving co-ordination between criminal justice institutions and strengthening their internal organisation and management are important lessons.

Impact

While still plagued by problems, El Salvador's justice system as a whole and criminal justice system in particular are much improved today. New judicial selection, career and training systems, a separate judicial council to manage them, the creation of a human rights ombudsman, and the extended presence of a UN observer commission (ONUSAL) to monitor abuses helped reduce many long-standing problems. Targeting the needs of the poor and poor women in particular, donor-supported work also included the creation of new family and juvenile jurisdictions, citizen outreach and legal education, much of it done through civil society organisations.

Reader's Notes:

Case Study 7.6.2
Support to transform the justice system in South Africa

Context

In the post-apartheid context, one the first challenges that faced South Africa's new government in 1994 was the transformation of the police into an effective and accountable security provider for the people. There has been significant international support to assist the national authorities in engaging in such reform. However, it rapidly became evident that reforming the police without addressing the weaknesses of the justice system was, if not doomed to failure, unlikely to be sustainable. Obsolete, inefficient and inadequate court processes and systems had led to an overwhelming backlog of cases. As a result of poor access to justice, a lack of transparency and a slow pace of proceedings, people's trust in the justice system was low. This lack of credibility undermined the potential contribution of justice to the creation of a safer society and better business environment.

Entry point

By 1997 the government in South Africa had already developed two strategies — Justice Vision 2000 and the National Crime Prevention Strategy — which together defined the policy for the transformation of the Department of Justice. An "e-justice programme" was developed in 2000 to help the department deliver a legitimate, service-oriented and efficient court system. This European Commission-funded programme sought to reform and modernise the administration and delivery of justice through re-engineered work processes, intensive use of enabling technology, strengthened strategic planning and management capacity, organisational development, and human resources development interventions.

Lessons learned

Ownership of the reform process and a mutually agreed performance framework — Ownership of the reform process by all related government departments should always be sought. In this case, the contribution to the ongoing reform was discussed within inter-departmental structures and provided through direct, targeted budget support. Performance assessment indicators should be mutually agreed in order to secure sustained efforts by all.

An effective communication plan and a certain amount of patience — Reforms in any sector are likely to trigger resistance or opposition from some of the main stakeholders. To ensure the buy-in of all these potential "spoilers", a communication strategy is an essential component of any programme — not only when it goes against some people's vested interest but also when it implies a change in working practices.

A high degree of flexibility — The justice sector is dynamic, and it is important that long-term programmes are flexible enough to adapt to changing contexts and needs. In this case, for instance, there has been a shift in focus from the initial beneficiaries who were the "poorest and remotest communities" to sites with a higher caseload.

Impact

After four years of implementation, a monitoring report concluded that the programme had contributed to the overall objective of "ensuring a more accessible and effective justice system". Many justice officials are now using electronic communications and specialised IT applications, with the result that the speed with which justice services are delivered has increased — and together with it, trust in the overall sector.

Additional Resources

The following are recommended resources for further information on justice reform that have helped inform this section:

1. **Blair, Harry and Gary Hansen (1994), *Weighing In On the Scales of Justice*, USAID, Washington, DC,**
   http://pdf.dec.org/pdf_docs/PNAAX280.PDF
   First USAID statement of its rule of law strategy, describing the component parts.

2. **Burbank, Stephen and Barry Friedman, eds. (2002), *Judicial Independence at the Crossroads: An Interdisciplinary Approach*, Sage Publications, Thousand Oaks, California, London, and New Delhi.**
   Excellent cross-national study of the issues surrounding judicial independence.

3. **Carothers, Thomas, ed. (2006), *Promoting Rule of Law Abroad: In Search of Knowledge,* Carnegie Endowment for International Peace, Washington, DC.**
   Collection of essays, many previously published as working papers, on the issues encountered in donor assistance to rule of law programmes.

4. **CEEJ (European Commission for the Efficiency of Justice) (2004), "Pilot-Scheme for Evaluating Judicial Systems", Council of Europe, Strasbourg,**
   http://www.coe.int/T/DG1/LegalCooperation/CEPEJ/Source/GrillePilote_en.doc
   One of a series of working papers on the Commission's efforts to improve judicial efficiency and measure judicial performance in 46 European countries.

5. **Department for International Development (2002), *Safety, Security and Accessible Justice: Putting Policy into Practice*,**
   http://gsdrc.ids.ac.uk/docs/open/SSAJ23.pdf
   Guidance note on implementing DFID's policy on safety, security and access to justice for all.

6. **Department for International Development (2004), *Non-state Justice and Security Systems: A Guidance Note,***
   http://www.gsdrc.org/docs/open/SSAJ101.pdf
   Looks at how international actors can engage with non-state systems, drawing on examples from Africa, Asia and Latin America.

7. **Domingo, Pilar and Rachel Sieder, eds. (2001), *Rule of Law in Latin America: The International Promotion of Judicial Reform*, Institute of Latin American Studies, London.**
   Good overview of donor programmes and some of the negative and positive lessons they have learned.

8. **Friedman, Lawrence M. and Rogelio Pérez-Perdomo, eds. (2003), *Legal Culture in the Age of Globalization: Latin America and Latin Europe*, Stanford University Press, Stanford.**
   Good overview of problems encountered in developed and developing civil law systems.

9. **Golub, Stephen and Mary McClymont, eds. (2000), *Many Roads to Justice*, Ford Foundation, New York,**
   http://www.fordfound.org/publications/recent_articles/docs/manyroads.doc
   Emphasis on access programmes that are sponsored by the Ford Foundation around the world.

10. **Jensen, Erik and Thomas Heller, eds. (2003), *Beyond Common Knowledge: Empirical Approaches to the Rule of Law,* Stanford University Press, Stanford.**
    Academic treatment of problems encountered in promoting justice reform in different legal cultures.

11. **United Nations Office of the High Commissioner of Human Rights (2006), *Rule of Law Tools for Post Conflict States*, UNOHCHR,**
    www.ohchr.org
    A series of guidelines on monitoring legal systems, mapping the justice sector, vetting, prosecution initiatives and truth commissions.

12. **USAID (United States Agency for International Development) (2001), *Case Tracking and Management Guide,* USAID Center for Democracy and Governance, Technical Publication Series, Washington, DC,**
    www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm001.pdf
    A short discussion of the purpose of case management programmes and how to organise them.

13. **USAID (United States Agency for International Development) (2001), *Guidance for Promoting Judicial Independence and Impartiality*, USAID Office of Democracy and Governance, Technical Publication PN-ACM-003, Washington DC, November,**
    www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm007.pdf
    Cross-national study of challenges to the two themes across the regions in which donors have worked.

14. **World Bank, Legal Vice Presidency, (2002), *Legal and Judicial Reform: Observations, Experiences, and Approach of the Legal Vice Presidency,* World Bank, Washington, DC,**
    http://www4.worldbank.org/legal/publications/ljrobservations-final.pdf
    Summary of the World Bank's programmes and reasons for undertaking them, with some lessons learned.

Footnotes:

[1] Juridical security, a key term in judicial reform, refers to a predictable application of laws and sanctions that provides citizens with the ability to foresee the legal consequences of their own and others' actions.

[2] Mendelson-Forman (2006), p. 20-21.

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.7: PRISON REFORM

Key issues

- Ensuring a demilitarised, professional, civilian-run system focused on the rehabilitation of prisoners.
- Strengthening and implementing a prison law framework based on international human rights standards.
- Making imprisonment a last resort by reducing pre-trial detention and introducing alternative measures for minor offenders.
- Ensuring special measures to protect imprisoned women, minors, mentally ill persons and members of other vulnerable groups.
- Encouraging independent oversight mechanisms and acceptance of international prison monitoring.
- Supporting a broad civil society constituency working for openness and prison reform.
- Developing an integrated approach with other security and justice institutions and social welfare, education and health ministries.

1. The significance of this sector for SSR

Imprisonment of serious offenders is a basic element of human security. Prisons are used to protect the community, deter would-be offenders, exact retribution, and rehabilitate criminals. However, the living and working conditions in many prisons and detention centres, and the extent of ill-treatment within their walls, do not provide the opportunity to balance these functions. Indeed, in many cases, the most basic human rights standards are violated. The majority of prisoners are often detained without trial, and prisons[1] are frequently overcrowded with petty criminals, the mentally ill, and minorities subjected to discrimination. As well as being an important justice issue, prison reform is a key component of the security framework. There is often a high level of violence in prisons. Opportunities for recruitment to criminal gangs and the learning of new criminal methods are ever present, and the spread of infectious diseases presents a major risk to prisoners, the staff and the community. Developing civilian-run prisons linked to the national health and welfare systems, and with strong local links to assist social reintegration and rehabilitation, can make an important contribution to crime control and community peace and stability.

2. Important linkages to wider SSR

2.1 The criminal justice system

Prisons cannot control their input: they receive the results of the decisions of other parts of the justice and security system. The number and type of people in prison are the outcome of an interaction between culture, history, politics, the socioeconomic situation, penal law, and the decisions of individual police officers, prosecutors and judges. The situation within prisons is therefore linked inextricably with the wider criminal justice system and the overall political situation. Any prison reform programme has to be based on an understanding of this context; it cannot be conducted in isolation.

2.2 Oversight mechanisms

Prisons are a relatively closed world, and it is easy to conceal what goes on behind their walls. Prisoners are typically less well regarded than the free population, and as a result abuses do not automatically arouse public outrage. A range of oversight mechanisms is therefore required. If systems already exist to inspect military detention facilities and police stations, and to establish complaints procedures for those subjected to military and police abuses, these can be modified to cover prison inspection and complaints where such dedicated oversight mechanisms do not exist.

2.3 The military

In states with a military government, prisons may be under the control of the military. In states with a history of military dictatorship, one legacy may be prisons run on militarised lines — with prison staff

having military ranks and imposing military discipline. Where reform of the defence forces is under way, disentangling the military from the civilian prison system should be part of the reform. This is an issue even for many countries without a history of military rule — such as the Dominican Republic, as highlighted in Case Study 7.7.1.

2.4 The security agencies

In some states the security agencies have their own detention centres that are not part of the main prison service. Their whereabouts are often secret and people can disappear into them without any judicial authority or independent oversight. Knowledge of what subsequently happens to these detainees is usually equally inaccessible to any outside scrutiny. Increasing the oversight of such facilities, transferring prisoners into the authority of the official correctional services, and ensuring due process of law for prisoners are important objectives.

2.5 The police

Prisons are sometimes run by a branch of the police. In such cases they often come under the administrative control of ministries of the interior or home affairs. Placing the administration and control of prisons in the same ministry responsible for the police and internal security may blur the distinct functions of the police and the prison service, and also jeopardise the necessary close interaction between the judiciary and the prison service.

3. How to conduct an SSR assessment in this sector

Table 7.7.1 **Questions to address in a prison assessment**

Context	• What is the legal and organisational framework of the prison system? Does there exist a specific law on the functioning of the prison system? • What government ministry has responsibility for the prisons? • How integrated is the prison department into the ministry? • Where does the head of the prison administration stand in the hierarchy of the ministry? • What access to prisons is given to civil society groups, especially those caring for vulnerable prisoners? • What is the public's perception of prisons and the treatment of prisoners? Is there a difference in perception by different population groups (men/women, urban/rural, rich/poor and minorities)?
Accountability and oversight	• What recordkeeping and reporting is required of the prison administration? • Are complete data available on prisoners? • Are there annual reports, statistics on deaths in custody, records of violent incidents, any performance measures? Are these disaggregated by gender, ethnicity and other important variables? • Are there any places of detention not officially classified as prisons or not under the control of the prison administration? If so, under whose authority are these? • How involved is parliament in prison issues? • Are there independent outside bodies to which all prisoners can bring complaints and grievances? • What mechanisms exist for independent inspection of prisons and publication of inspection findings? • What is the legal framework that shapes prison management? • Is the prison law and its implementation consistent with the international human rights framework? (See Additional Resource 10.)

>>> continued

Accountability and oversight (continued)	• Are prisons covered in government reports to treaty bodies such as the UN Committee on the Rights of the Child? • Has the government ratified or does it plan to ratify the Optional Protocol to the UN Convention Against Torture, which creates a permanent system of international visits to places of detention?[2]
Capacity	• Are the prisons safe and secure? How do prison conditions rate in comparison to international standards? • What is the background of the head of the prison administration: civil service, military, police or other profession? • What level of support is there for reform within the prison administration? • What are the incentives and disincentives for reform? • What outside constituencies such as faith groups, human rights groups, women's groups and academics might support prison reform? • Are prisons accessible to the media and are prison issues covered responsibly by the media?
Management	• What is the basis for the employing the prison staff? • Are these civil service, military or police posts, or a combination? • Is there a basic training system and an equal and fair structure for promotion? • Are female staff likely to progress in the prison system regardless of their gender? Are there policy and structural barriers to the equal employment and treatment of women and other minority staff? • Is it possible to establish the annual recurrent costs of the prison system, whether there is any money for reforms, and who ultimately makes spending decisions? • Are women kept separate from men, juveniles from adults and pre-trial prisoners from the convicted? • Are there appropriate health, training, work, education and recreation facilities for male, female and juvenile prisoners? • Are there significant health or drug problems in prisons? If so, what is being done to address them? • What is the estimated capacity of the prison system and how many prisoners are being held? For which types of crime have the prisoners been tried and imprisoned? What is the social and economic breakdown of the prison population? • What is the percentage of the prison population on remand and what is the average remand time? • What is the level of crime and violence in prison? • What is the risk of recruitment to terrorist or organised crime groups or of learning new criminal methods in the prison? What is the risk of prisoners continuing to direct the activities of their organised crime groups from within the prison? What is being done to address these problems? • Are there opportunities for prisoners to practice their religion?
Co-ordination with other parts of the security system	• Are particular judges or other judiciary personnel assigned responsibility for the follow-up/implementation of sentences, including imprisonment? • Are there joint criminal justice forums where the prison administration can meet the police, prosecutors and judiciary to discuss the management of the system, the impact of criminal justice policy on the prisons, and measures to reduce overcrowding, such as sentencing changes and alternatives to prison? • If so, how effective are these bodies?

>>> continued

Engagement of the international community	• What activities aimed at improving the prisons are external actors currently involved in and what past activities have there been? • Do consular officials from the embassies visit their nationals in prison[3] and feed back information to their political colleagues? • Do ambassadors make prison visits and maintain links with NGOs interested in prisons? • Do donors remember to include the prison system when designing health, local government and other programmes?

For a comprehensive assessment tool on prison reform, see the UNODC Assessment Toolkit checklist, available at: www.unodc.org/unodc/en/criminal_justice_assessment_toolkit.html.

4. Potential starting points

4.1 Political change

When states move from a totalitarian regime to democracy, often one of the first changes is ending secrecy about the prison system and allowing members of the public and civil society organisations access to prisons. Reforms at such a time often have public and political support, and can be far-reaching if the moment is seized. Also, a new government coming to power with a commitment to human rights can view prison reform as a top priority, especially if some members of the new government were imprisoned by their political opponents.

4.2 Riots, mass escapes and serious human rights violations

High-profile incidents such as riots or reports of serious abuses of human rights in prison that attract international attention can provide an opportunity for local penal reformers to generate political interest in reform.

4.3 Health

The high rates of transmissible diseases in prisons make health a key entry point. Prisons are often the site of TB epidemics, and they can hold very high numbers of those infected with HIV/AIDS and hepatitis B and C (see Additional Resource 5). Health problems can attract the interest and input of the ministry of health as epidemics in prison can constitute a serious threat to wider public health. Public concern and support for prison reform can also come from the fear that epidemics in prison can soon affect the wider community. Engaging prisons in national health programmes is often an important priority. Measures can include training prison staff alongside health workers and issuing condoms and disinfectants to prevent the spread of disease. Case Study 7.7.2 on prison reform in Kazakhstan highlights the benefit of addressing health and prison reform issues in tandem.

4.4 Vulnerable groups

Some groups in the prison population are particularly vulnerable. Women in prison, for example, often have the most abused and poverty-stricken backgrounds. Some women detainees will have dependent children with them in custody. Although the international human rights framework discourages the imprisonment of alleged juvenile offenders, many states hold large numbers of children in prison-like juvenile detention centres or in prisons alongside adults. Approaching prison reform through improving the treatment of these groups and removing most of them from prison can be an uncontroversial way of getting the subject on the agenda. In the Philippines for instance, after seven years of campaigning by children's rights organisations and support from UNICEF, a juvenile justice law was passed in 2006 that raised the age of criminal responsibility from nine to 15 and created a welfare-based system for dealing with children in trouble.[4]

4.5 International human rights instruments

Treaty obligations under international human rights instruments can provide an opportunity for international actors to encourage a structured response to prison problems. Article 10 of the International

Covenant of Civil and Political Rights stipulates that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Building on this, all the aspects of a prison system — conditions, staff training, rehabilitative programmes — can be reordered. Carrying out reforms in order to comply with the pressure of external treaty requirements can give governments a good argument for reform in the face of public scepticism.

Chris Sattlberger/Panos Pictures

BURUNDI, Bujumbura: Hands of a detainee in Mbimba prison.

5. Important issues for programme design

5.1 Understanding the political sensitivity of the issue

Prison reform is not easily sold. Spending money on prisons cannot compete in appeal with spending on hospitals and schools. Many prisoners will have committed appalling crimes. "Why should they have rights?" will often be the common view. Prison reform must therefore be approached, launched and carried out with consistent attention to gaining support and winning the argument. Work in prisons and with the prison administration has to be accompanied by work with parliament, the media, universities, NGOs and the public. Time spent encouraging debate about the use of prison, what prisons should be like, what benefit society gets from imprisonment, and what alternatives there are to prison is not time wasted on preliminaries: it is time spent on reforming the system. Ensuring that at the same time attention is given to victims of crime is important, and can help demonstrate an even-handed approach.

5.2 Tackling corruption

Corruption is an inherent part of prison systems in many countries. Staff are often poorly qualified and paid, and may depend on corrupt payments to make a living wage. Corruption is easier to hide because prisons are closed off from public scrutiny and prisoners are in no position to complain. In cases where prisoners have access to considerable funds, corruption can often become a problem. In some states corruption will be formalised to the extent that a price list can be published of the cost of placement in various types of cell, of mobile phones, and of drugs and other forbidden items. At another level, escapes and parole releases can be purchased. In South Africa a judicial inquiry into prison corruption found wrongdoing in every aspect of prison life, including selling young prisoners to older ones for sexual purposes.[5] Until large-scale corruption is dealt with there is little chance of prison system reform. Dealing with corruption requires attention to the pay levels of prison staff, strong and determined management, and effective monitoring and accountability mechanisms.

5.3 Assessing gender issues and mainstreaming gender into reform efforts and programmes

Most prison systems are designed for male prisoners, who globally represent about 95% of the prison population.[6] This includes the physical facilities, security procedures, healthcare facilities, family contact rules, work and training. As a result, the systems and facilities for women prisoners need to be closely examined to ensure they are appropriate for their needs (see Additional Resource 2). Special needs must also be met, such as pregnant prisoners and prisoners with resident children. A high proportion of women in prison have been physically, mentally and/or sexually abused before entering the criminal justice system, and their physical and mental health needs should also be factored into the planning and delivery of prison services.[7]

Box 7.7.1. International norms for women and juvenile prisoners

- There should be separate detention facilities for male, female and juvenile prisoners.
- Female prisoners should be searched and supervised by female guards.
- Female prisoners should be transferred with other female prisoners.
- Children living in prison should be protected from violence.
- There should be no discrimination toward female prisoners in relation to other prisoner population groups (facilities, access to training, education, health services, recreation, family visits).
- Access to recreation and remunerated work to complement vocational training should be guaranteed for juvenile detainees.
- Personnel of juvenile facilities should include non-correctional staff such as educators and psychologists, and all personnel should be prohibited from carrying or using weapons.
- Training, healthcare, sanitary facilities and family visit time should be relevant to and designed for the needs of female prisoners.
- There should be special facilities for pregnant and nursing female prisoners. Where feasible, pregnant women should be taken to outside hospitals to give birth.
- Systems should be established and promoted for receiving and investigating complaints of sexual violence and abuse by prison staff against prisoners.

Sources: UN DPKO, "Gender and Corrections" in *Gender Resource Package for Peacekeeping Operations*; Friends World Committee for Consultation, *Integration of the Human Rights of Women and the Gender Perspective* and *UN Rules for the Protection of Juveniles Deprived of their Liberty*, UN General Assembly, 1990.

Alvaro Leiva/Panos Pictures

6. Sequencing effective programmes

6.1 Creating the climate for prison reform

However supportive the government, most prison reform programmes will need to begin by selling the idea. Activities such as public meetings, visits to prisons by persons of note, commissioning and publishing a report on prison conditions, publishing information on the character of the prison population and how many minors, fine defaulters and petty criminals are locked up at public expense can all help generate a positive climate. A high-level committee or working group of relevant partners to support reform activities, including the police and prosecution service, can help prevent blockages later on. Human rights organisations and women's groups can help develop public support for prison reform and raise awareness of specific issues such as juvenile justice and detention.

BRAZIL: Prisoners in Manaus Prison, which, like most Brazilian prisons, is understaffed, overcrowded and rife with violence.

6.2 Convincing the prison management and staff

People working in prison systems tend to be sceptical about reforms and what the outcome is likely to be. Yet they are the people most likely to make a difference to the daily life of prisoners. To be convincing, any programme should seek to address the poor situation of prison staff as well as the human rights of prisoners. Leadership from management is important. Prison reform can only come from those running and working in the system perceiving their role differently. One approach to achieving this cultural change is for external actors to work over a long period with staff and managers from a group of prisons, helping them rethink how they run their prison and how they could bring it closer to the model envisaged in international human rights standards — thus improving the situation of managers and staff as well as prisoners. Starting with matters that can be changed immediately (and are only done that way because they were always done that way), the project can then move on to bigger ideas as confidence grows. After three years the cumulative effect on the lives of the prisoners can be substantial. Case Study 7.7.3 on Niger highlights the importance of instilling pride in prison staff with regard to their profession, and improving their working conditions.

6.3 Maintaining interest and commitment

After the initial launch and burst of enthusiasm, the programme design needs to make provision for regular milestones, occasions marked in some way so that the prison staff can see that the programme is going somewhere, and that they are part of a professional development exercise that will benefit them.

7. Lessons learned to guide implementation

7.1 Supporting programmes to reduce the number of prisoners

Reducing the number of prisoners is often an aim of prison reform activities, for several reasons. Maintaining a large number of prisoners is a substantial revenue expense for any country, and the capital for building more prisons is rarely available. Many of those confined have not been through a formal legal process, are not a threat to public safety, and are not guilty of or charged with serious crimes. Early release and parole systems can be effective but often bring high administration and supervision costs. Amnesties are introduced frequently in some countries; these can be effective in reducing numbers, but can rebound if prisoners are released with no after-care.

Box 7.7.2. Different ways to reduce prison numbers

There are several ways of reducing prison numbers. One is to accept only those persons into detention for whom there is a legal warrant authorising imprisonment. Speeding up the trial process so that detainees spend less time in pre-trial detention can be effective. Criminal procedure codes can be adapted, so that judges rather than prosecutors make the decision about pre-trial detention.[8] Judges or magistrates can visit prisons and release those held too long or unlawfully. In Mozambique, "commissions to strengthen legality" regularly review the legality of detention by touring the prisons and checking prisoners' files.[9] Time limits on pre-trial detention can be introduced into the law. Paralegals can visit prisons and help detainees prepare their bail application, as is done in Malawi. In Bihar, India, makeshift "courts" are held in prisons to deal with minor cases on the spot.[10]

7.2 Oversight

Independent oversight is important to monitor the working of the prison system and ensure that reforms are sustainable. In India the National Human Rights Commission and the commissions at the state level have detention monitoring in their remit. Some countries, including South Africa, have a statutory prisons inspectorate. In some countries prison oversight is a judicial responsibility and in others it is done by the ombudsman's office. Strengthening the oversight mechanisms and raising their profile with the public is an effective way of stimulating and sustaining prison reform. In South Africa the judicial prisons inspector makes inspection material available through a website (http://judicialinsp.pwv.gov.za/Default.asp).

8. Common challenges faced and how to overcome them

8.1 Lack of resources

In some states, poverty and lack of capacity are at a level where large-scale prison reform in the short term is an impractical aim. Yet even in these circumstances, the situation can be improved. Small-scale inputs can have significant impacts on prison life. Examples include supporting better catering to provide food for prisoners, prison staff and their families; providing sewing machines and books for education; and supporting local NGOs that provide basic medical care. The fact that a large prison reform programme is not possible should not inhibit all activity. Where possible, international actors may be able to leverage assistance from ongoing donor-funded NGO and government programmes in health, education and women and children's rights, and extend these to address prisons.

8.2 Maintaining security

In some countries, prisons are dangerous places for prisoners and personnel. Strengthening the security of prisons to prevent escapes should be combined with measures to foster a prison environment where all parties have a stake in safety and good order.

9. Particular features of post-conflict settings

In addition to the general lessons above, a number of specific prison reform challenges and opportunities arise in states emerging from conflict or internal turmoil.

9.1 Providing secure detention facilities

Strengthening policing is usually seen as the first priority for SSR in post-conflict settings. However, policing will not be very effective unless there are detention facilities to hold the people arrested. Secure, safe and humane detention facilities with adequate living conditions will be needed as soon as the post-conflict transitional authority (domestic or international) begins its work. There may be a need to deal with people suspected of having committed severe human rights abuses or war crimes, and it will be important for the confidence of the population in the transitional body that action is seen to be taken. Special detention facilities or processes may also be required for special needs groups, such as child soldiers who are accused of war crimes and high-profile cases where the personal security of the accused may be at risk. A functioning criminal justice system is an essential part of the return to an ordered society under the rule of law. The re-creation of a prison system is a part of that process.

9.2 Establishing a framework of legality

All detention facilities need to be administered according to the rule of law and respect for the basic human rights of all prisoners. In cases where there is no useable local law, relevant international instruments can provide a legal basis (UN Regulation No. 2001/28 On the Rights of Persons Arrested by Law Enforcement Authorities and the Fourth Geneva Convention of 1949 Relative to the Protection of Civilian Persons [GC IV]). The Model Codes[11] developed by the Irish Centre for Human Rights and the United States Institute of Peace may provide useful guidance in this situation, since these codes comprise a legal framework that can respond to justice needs in post-conflict environments. The consequences of not operating within a legal and human rights framework can be severe for the success of the transitional authority.

9.3 Providing staff for prisons in post-conflict environments

Often in these situations, peace support operations and donor governments supply prison staff. It is best that those doing so have previous international experience; cultural sensitivity and good communication and interpersonal skills; an ability to adapt to different environments; and a broad range of prison management experience.

Case Study 7.7.1
Prison reform in the Dominican Republic

Context

As part of its movement towards full democracy, the government of the Dominican Republic recognised the need for prison reform. In March 2001 the United Nations published a critical report on the country's progress towards meeting its obligations under the International Covenant on Civil and Political Rights. Poor prison conditions were a specific area of concern. One of the major obstacles to reform was the fact that there was no separate prison administration. Some prisons were under the control of the police and some under the military.

Entry point

The government wished to respond to criticism that was coming from international sources and also nationally from legal sources and groups in civil society.

Lessons learned

Political will — In previous years advisers and technical experts visited from a number of countries, but their involvement and recommendations had not led to major reform. It had been amply demonstrated that no real reform could get under way until there was clear political will in favour of it. In 2003 a number of internal and external factors resulted in greater political will to tackle these issues.

Identifying a cost-effective starting point — Intergovernmental bodies had provided capital funding to build a number of new prisons, but no thought was given to the running costs involved. As a result some of the new units were lying unused, while in others corruption and poor treatment of prisoners continued. A decision was made that this time reform would concentrate on recruiting and developing new prison staff.

Identifying champions of change — The attorney-general placed the process of change in the hands of a respected academic, assisted by one of the most senior prison administrators. They were invited to the United Kingdom, where they studied that country's system for training prison staff and had discussions with experts who had wide international experience. They were then given continuous support as they developed and implemented the reform programme.

Impact

A follow-up visit in 2006 by the international expert who first visited in 2003 found a number of clear examples of change. Once new prison staff are recruited and trained, they are posted *en bloc* to take over existing prisons that have been refurbished or new prisons that have been established. Nine out of 35 prisons are managed by newly trained staff, with the proportion increasing on an ongoing basis. The new prisons are well-managed with decent living conditions. A new staff training school has been opened. The number of prisoners has decreased by 16% between 2001 and 2006.

Case Study 7.7.2
Management of tuberculosis linked to prison reform in Kazakhstan

Context

In the early 1990s Kazakhstan was left with a terrible legacy: a network of Soviet-era prison colonies (labour camps). By 1997 the financial foundation of these colonies had collapsed. There were insufficient resources to provide the necessities of daily life for the prisoners, who were confined in dilapidated, unsanitary and grossly overcrowded conditions. This environment provided a fertile breeding ground for infectious diseases; tuberculosis was rampant. In the new post-Soviet society it was no longer possible to maintain total secrecy within the prison system, and a number of key individuals realised that outside help was needed. The Netherlands provided funding for a project jointly managed by Penal Reform International (PRI) and the Royal Netherlands Tuberculosis Association (KNCV).

Entry point

The immediate trigger for the project was the pressure from the ministry of health and other regional authorities to address the high number of released prisoners who were coming back into the community with active tuberculosis. A preliminary report stressed the need to deal with the prison conditions that were leading to this, as well as with the disease itself. The report was accepted by the authorities and a joint project containing these two elements was agreed.

Lessons learned

The immediate problem of infectious disease could only be dealt with by a wider programme of prison reform — There was an immediate health problem that needed to be dealt with urgently. The project partners were able to convince the authorities that in the longer term this could only be dealt with in a wider context.

A local champion — The regional head of the prison administration determined that the problem should be dealt with and was willing to use his initiative, at some professional risk to himself, to seek a solution.

A pilot project in one region — In 1997 the national government was not willing to commit itself to far-reaching reform but was prepared to sanction a pilot project in one region. When the initiative began to show positive results, the national government became more closely involved.

Impact

PRI and KNCV carried out an evaluation of the outcomes of the project between 1998 and 2006 on behalf of the funder. The assessment concluded that the rationale of adopting a joint strategy when dealing with penal reform and health in prisons was now accepted by a large number of stakeholders in criminal justice in Kazakhstan, and that there was a firm basis for the sustainability of reforms. The prison population had been significantly reduced and legislation was in place for a sustained reduction and stabilisation (from 88 000 in 2001 to 52 000 in 2006), including the use of alternatives to prison. In terms of managing tuberculosis, the prison strategy was now closely linked to that of the National TB Programme, and TB mortality and morbidity in prisons had reduced significantly. Kazakhstan took on a role of regional leader in assisting reform in neighbouring states.

Case Study 7.7.3
Legal and penal reform in Niger

Context

Since Niger's democratic transition began at the end of the 1990s, the country has made substantial progress with regard to rule of law and human rights. However, after a period of great political and institutional instability — including two *coups d'état*, three constitutions and ten prime ministers — a number of problems remained in the legal and penal sectors, including the inadequacy of prison sentences, weak training of prison guards and overcrowding of prisons.

Entry point

The Niger government agreed an extensive programme for judicial and penal reforms in 2003 *(Programme d'appui aux réformes judiciaries,* or PARJ*)*. The French government has provided assistance to reforms in this sector since 1997 and supports the PARJ through a comprehensive approach that includes assistance to the penal sector, the search for alternatives to incarceration, support to legal reforms and the promotion of human rights.

Lessons learned

Adopt an integrated approach and train the trainers — The programme has included all relevant actors and trained judges, social workers and prison personnel, sensitising them to specific issues such as human rights, prison standards, health and conflict prevention. Local trainers were trained,

and they in turn have trained a wide range of stakeholders. All prison directors, managers, chief guards and registrars/filing clerks, as well as the prison guards, have received training.

Training needs to be combined with initiatives to address wider issues — It became clear early on that the project to train prison guards needed to take into account the conditions in which they worked in order to be sustainable. Most of the guards — who are all drawn from the National Intervention and Security Forces *(Forces nationales d'intervention et de sécurité,* or FNIS*)* — viewed their secondment to the penal administration very negatively, and the fluctuation of personnel was very high. Improving their working conditions and addressing this perception were vital.

Impact

The social climate within justice and penal institutions and the dialogue and co-operation between them have improved as a result of the programme. The judiciary has been strengthened, there is increased public awareness of human rights, and the penal code and the codes on penal and civil procedures have been amended. New guidelines on alternatives to prison have been agreed and are now being piloted in six sites to deal with minor offenders. The status of the prison guards has been improved by officially creating the post of prison guards, as a result of which their role is more respected. They now receive special professional training for their task and have better working conditions. This has stabilised the high turnover of prison staff, who currently stay in the post for at least three years.

Additional Resources

The following are recommended resources for further information on prison reform that have helped inform this section:

1. **Association for the Prevention of Torture and Inter-American Institute of Human Rights (2004), *Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: A Manual for Prevention*, Association for the Prevention of Torture and Inter-American Institute of Human Rights Geneva/San José,**
   www.apt.ch
   A practical guide to providing independent oversight of all places of detention.

2. **Bastick, M. (2005), *Women in Prison: A Commentary on the Standard Minimum Rules for the Treatment of Prisoners,* Quaker United Nations Office, Geneva, discussion draft,**
   http://www.quno.org/geneva/pdf/humanrights/Commentary-SMR-women-in-prison.pdf
   Argues the urgent need for attention to women and girls in prison and analyses the different needs of female prisoners from their entry into the system to their release.

3. **Chesterman, S. (2002), *Justice Under International Administration: Kosovo, East Timor and Afghanistan*, International Peace Academy, New York,**
   http://www.ipacademy.org/
   Lessons learned from the experience of rebuilding criminal justice in post-conflict states.

4. **Coyle, A. (2002), *A Human Rights Approach to Prison Management*, International Centre for Prison Studies, London,**
   www.prisonstudies.org in 14 languages
   A practical handbook relating the principles of prison management to the international human rights framework.

5. **Coyle, A. and V. Stern (2004), "Captive Populations: Prison Health Care" in J. Healy and M. McKee (eds.), *Accessing Healthcare: Responding to Diversity,* Oxford University Press, Oxford.**
   A summary of current knowledge and good practice in providing healthcare to prisoners.

6. **Penal Reform International (2003), *Good Practices in Reducing Pre-trial Detention*, Penal Reform International, London.**
   A compilation of examples from Africa and Asia of programme interventions.

7. **Friends World Committee for Consultation (2005), *Submission to the Study of the Secretary-General of the United Nations on Violence against Women and Girls in Prison*, Geneva,**
   http://www.un.org/womenwatch/daw/vaw/ngocontribute/Quaker%20United%20Nations%20Office,%20Geneva.pdf#search=%22Bastick%20Women%20prison%20commentary%20%22
   Examines the vulnerability of women and girls to violence in prison and the use of protective custody for women victims of violence.

8. **International Centre for Prison Studies (2005), *Guidance Notes on Prison Reform*, International Centre for Prison Studies, London,**
   Available for download from www.prisonstudies.org in English, French, Spanish and Arabic.
   A set of 15 separate pamphlets covering the main prison reform topics within a human rights framework.

9. Kelly, M.J., T.L.H. McCormack, P. Muggleton and B.M. Oswald (2001), "Legal Aspects of Australia's Involvement in the International Force for East Timor", *International Review of the Red Cross*, No. 841, Geneva.
Lessons learned from reinstating a detention function in a legal vacuum post-conflict.

10. Office of the United Nations High Commissioner for Human Rights (2005), *Human Rights and Prisons: Manual on Human Rights Training for Prison Officials,* United Nations, Geneva.
A training manual for use with prison staff.

11. Shankardass, R.D. and S. Haider (2004), *Barred from Life, Scarred for Life: Experience and Voices of Women in the Criminal Justice System,* Penal Reform and Justice Association, Gurgaon, India.
A research study of the experiences and attitudes of women staff and prisoners in India.

12. United Nations (2004), *Gender and Corrections, Chapter 20: Gender Resource Package for Peacekeeping Operations*, Peacekeeping Best Practices Unit,
http://pbpu.unib.org/pbpu/genderpact/START-GRP.html
Provides background on the needs of women and girls in prison as well as international principles on the treatment of female prisoners.

Reader's Notes:

Footnotes:

[1] The term "prison" as used here also refers to "pre-trial detention facilities".

[2] See www.apt.ch for details of the Optional Protocol and current ratifications.

[3] Under Article 36 of the Vienna Convention on Consular Relations, 1963, local authorities must notify all detained foreigners "without delay" of their right to have their consulate informed of their detention. At the request of the detained foreigner, the authorities must then notify the consulate without delay, facilitate unfettered consular communication and grant consular access to the detainee.

[4] Datinguinoo, Vinia (2006), "Congress Passes Juvenile Justice Measure", Center for Investigative Journalism (PCIJ), 22 March. See further www.pcij.org.

[5] The Jali Commission of Inquiry: report presented to the Parliamentary Portfolio Committee on Tuesday, 20 August 2002, Pretoria, South Africa.

[6] The number of female prisoners is, however, increasing. In more than ten countries, women prisoners make up more than 10% of the prison population, and more than 20% in two countries. World Prison Brief, www.prisonstudies.org.

[7] Friends World Committee for Consultation, Civil and Political Rights: Independence of the Judiciary, Administration of Justice, Impunity, E/CN.4/2006/NGO/94, United Nations.

[8] Kalinin, Y. I. (2002), *The Russian Penal System: Past, Present and Future*, International Centre for Prison Studies, London.

[9] "Prisons in Mozambique: Report on a Visit April 4-14 2001" by Dr. Vera Chirwa, Special Rapporteur on Prisons and Conditions of Detention in Africa, African Commission on Human & Peoples' Rights, Banjul.

[10] Penal Reform International (2003), "Good Practices in Reducing Pre-trial Detention", December. See further www.penalreform.org.

[11] The Model Codes were developed by the Irish Centre for Human Rights (ICHR), the Office of the UN High Commissioner for Human Rights (OHCHR), and the UN Office on Drugs and Crime (UNODC) in conjunction with USIP. They can be found at www.usip.org/ruleoflaw/projects/codes.html.

The OECD DAC Handbook on Security System Reform – 978-92-64-022287 – © OECD 2007

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.8: PRIVATE SECURITY AND MILITARY COMPANIES

Key issues

- Develop and strengthen statutory regulation and enforcement.
- Promote professionalism and voluntary regulation.
- Increase transparency, accountability and oversight.
- Clarify the role of the private security sector and its relationship with public security agencies, and increase co-operation.
- Improve training for private security staff in human rights and humanitarian law, gender awareness, use of force and firearms, first aid, and professional operating standards.
- Integrate private security sector reforms into broader SSR programmes.

1. The significance of this sector for SSR

The private security sector is here defined as those commercial companies directly providing protective military or security-related services for profit, whether domestically or internationally. This sector has several distinctive features in relation to SSR. The number of private security company (PSC) personnel and the size of PSC budgets both exceed those of public law enforcement agencies in many countries, including South Africa, the Philippines, Russia, the United States, the United Kingdom, Israel, and Germany (see Additional Resources 3 and 9). Yet despite its size, the private security sector is typically neglected in SSR assessments and programmes. As a result, there is a considerable lack of experience for practitioners to draw on when designing and implementing SSR programmes. This section provides practical guidance based on the examples of effective regulation that do exist.

Table 7.8.1 **Different services provided by private military and security companies**

Military services	Private security services
• Military training/consulting • Military intelligence • Arms procurement • Combat and operational support • Humanitarian de-mining • Maintenance	• Physical security (static/transport) • Close protection (bodyguard assignment) • Rapid response • Technical security • Surveillance services • Investigative services • Risk assessment and analysis

The size and importance of the private security sector in national and regional security systems are especially significant in countries undergoing transition, market reform and wider SSR programmes, and in conflict/post-conflict contexts. In some cases the increasing demand for private security services reflects serious shortcomings on the part of public security services. If the sector is neglected in broader SSR, then in time it may come to represent an unaccountable and essentially parallel sector in competition with reformed state security provision. Without effective regulation, the private security industry is often narrowly accountable to clients and shareholders rather than democratically accountable to the public. An unaccountable private security sector can facilitate human rights abuses or inappropriate links between it and political parties, state agencies, paramilitary organisations and organised crime. Furthermore, due to its commercial nature, private security provision can reinforce exclusion of the poor and unequal access to security.

Despite these potential problems, the growth of the private security industry is a global trend that could produce beneficial results. If healthy, the sector can allow scarce public resources earmarked for security service provision to be usefully redirected for other purposes, including the public provision

of security to those who cannot afford it by private means. In this respect, a professional, accountable and well-regulated private security industry can complement rather than undermine the state's ability to provide security.

2. Important linkages to wider SSR

Reform of the private security sector should be undertaken in concert with other SSR programmes, to ensure a comprehensive approach to system-wide problems.

2.1 Civilian oversight and accountability

Programmes to enhance civilian and democratic oversight of security institutions should take account of the structure and activities of the private security sector. Programmes to improve the knowledge and capacity of parliamentary bodies, civilian-controlled regulatory agencies and civil society groups should include regulation and oversight of the private security sector as a component.

2.2 Police and defence sector reform

It is important to clearly define the boundaries between the roles and responsibilities of state security services and private security providers when undertaking police and defence sector reform, and to embed these arrangements at an operational level through the development of co-operative working agreements. In the absence of effective regulation and oversight the private security sector can, as noted above, become an unaccountable extension of state security forces, and it is important that public-private working agreements do not merely reinforce this. Conversely, private security services can develop as an opposing force to the public security forces, thereby seriously threatening the stability of the state. Ill-intentioned opponents of the government may take advantage of ongoing police and defence reforms in order to destabilise the state and seize or extend their power.

Box 7.8.1. Linkages between police reform and the private security sector in Moldova

A 2005 assessment of the private security sector in the Republic of Moldova found that the state guard service, within the ministry of the interior, was directly competing with national private security companies for guarding contracts, while at the same time operating as national regulator for the private security sector. Private security companies were also found to have been actively employed by the police to undertake police tasks, such as arresting criminals and combating organised crime. A review of the relationship between public and private security in Moldova is presently under way.

Source: Page, M. et al., 2005 (Additional Resource 9).

Police and military restructuring that involves reducing the number of personnel should take into account the likely impact of such reductions on the private security sector. In post-conflict countries, this is a key issue for DDR and small arms control programmes (see Section 2). Downsizing can create a pool of unemployed ex-service personnel who are willing to offer their services on the national or international commercial market, and so the vetting of private security personnel is a key issue. This was highlighted by the International Centre for Transitional Justice, which has developed vetting guidelines for security and justice sector employees in post-conflict contexts (see Case Study 7.8.1 on the vetting of employees in Bosnia and Herzegovina).[1] In addition, regulators unprepared for the sector's rapid growth can find it difficult to ensure adequate governance of private security companies, especially with regard to their operations overseas.

3. How to conduct an SSR assessment in this sector

Efforts to improve regulation and civilian oversight of the private security sector must be based on a thorough assessment of the context, including a mapping of the sector and an analysis of the existing regulatory framework. SSR assessments in this area should seek to answer questions including those in Table 7.8.2.

Table 7.8.2 **Questions to address in a private security sector assessment**

Context	• What are the factors contributing to supply of and demand for private security services? • Who are their clients, and what security threats are they hired to protect clients from? • How do the public perceive private security companies (PSCs)? Do perceptions differ according to gender or the socioeconomic, regional or ethnic background of the respondent? • What is the impact of the private security sector on public law enforcement services, crime levels, public safety, human rights, and business confidence? • Is there demand for reform of the sector from government, civil society, client groups or PSCs? • To what extent are private security company employees affiliated and identified with former armed groups, ex-combatants or arms trafficking?
Accountability and oversight	• What laws and regulations are in place to govern the private security sector and the use of firearms by civilian corporate entities? • How effective is their enforcement and which agencies are responsible for that enforcement? • Which government agencies or ministries are involved in the control and regulation of PSCs (for example trade, economy, industry, the interior)? • What procedures and criteria exist for licensing and registering companies? • What systems and standards exist for vetting and licensing private security personnel? • Have private security companies or their personnel been implicated in crime, including gender-based violence or trafficking, and have incidents led to trials or prosecutions? • What voluntary codes of conduct, industry bodies and standards exist? • Do procurers of private security services have procurement criteria or report information on the companies or individuals that they employ? • Are there regulatory restrictions on the use of force and firearms by private military companies (PMCs) and/or PSCs?
Capacity	• What is the size and profile of the private security industry operating in the country and overseas (*e.g.* size and number of companies, number of personnel, annual turnover)? • What services can PSCs offer, and which are they actually providing? • What is the capacity and coverage of private security provision compared with the police and public providers?
Management	• What is the ownership structure of the private security industry (*e.g.* national, international, subsidiaries of international companies)? • What is the role of shareholder groups/boards of trustees/directors in the control and management of PSCs? • What kind of training is provided to staff? Is there a code of conduct? Is it enforced? • What are the human resource and recruitment policies and practices, including the promotion of equal opportunities and recruitment of female staff? • Do PSCs vet recruits for criminal convictions, disorderly conduct or, in post-conflict situations, for human rights abuses? • What are the command and control arrangements for staff while on duty? • How are small arms and ammunition controlled, stored and managed by PSCs?

>>> continued

Co-ordination with other parts of the security system	• What affiliations and relationships do companies have with government officials, law enforcement agencies, the military, intelligence agencies, political parties, criminal groups and militias? • What is the functional relationship and division of responsibilities between public and private security providers? • How are state security providers involved in training, licensing and support of private security providers?
Engagement of the international community	• Do existing SSR programmes contain a private security component? • Have donors undertaken a security or conflict assessment prior to their SSR interventions, and if so was the private security sector considered as a factor? • Do international actors operating in the country, such as humanitarian and donor agencies, procure private security services, and what are their procurement criteria?

4. Potential starting points for SSR

The development of the private security industry follows a trajectory that is similar in many countries. A rapid and relatively unregulated proliferation of providers is often followed by a period of consolidation and professionalisation, in which a more sophisticated domestic control regime is established and the most questionable operators are marginalised. The likely entry points for reform depend upon the context, including the position of the security industry within this continuum and the broader security environment. In addition to areas identified in Section 3, illustrating links to other aspects of SSR, the following are useful starting points.

4.1 National regulation, oversight and enforcement mechanisms

Strengthening national laws and regulations, oversight, and enforcement mechanisms governing private security companies can be a starting point for reform of the domestic private security sector. National legislation and regulation should cover, *inter alia*: the roles of private security companies and types of services they can provide; licensing criteria and extra-territorial controls; the use of force and firearms; requirements for training, vetting and licensing PSC personnel; and basic requirements for transparency and oversight.

4.2 Voluntary codes of conduct and self-federation

Some private security providers have formed federations and established voluntary codes of conduct that promote professionalism and set industry standards. A good example of a voluntary code is the "Code of Conduct and Ethics for the Private Security Sector" developed by the Confederation of European Security Services (CoESS) and the Union Network International, Europa (UNI-Europa), in 2003. The formation of federations and business associations has helped build consensus around common policies and operational standards, and has promoted self-regulation. For example, the British Association of Private Security Companies (http://www.bapsc.org.uk), formed in 2006, regulates the activities of UK-based firms providing protective security services overseas.

4.3 Selective procurement practices

Client groups can encourage professionalism by employing only reputable private security companies. Selective procurement practices are especially important for international organisations, and humanitarian and development organisations working in transition or conflict/post-conflict environments. Several noteworthy initiatives to promote these practices have taken place at the national, regional and international level; they include CoESS and UNI-Europa's "Selecting Best Value: A Manual for Organisations Awarding Contracts for Private Guarding Services" (http://www.securebestvalue.org/ftp/man_en.pdf).

4.4 Small arms and light weapons control

Introducing regulation and oversight of the use of firearms by PSCs can be an important component of national small arms control strategies and action plans. In this regard, practical measures can include prohibiting the use of military specification weapons; introducing conditions for safe storage of weapons owned by private security providers; stipulating procedures for recording and investigating the use and discharge of weapons; and training in the use of force and firearms.

Box 7.8.2. Private security provision and small arms control in Uganda

In order to provide a framework for concerted action to tackle the small arms problem in all parts of the country, the government of Uganda, with assistance from the NGOs Saferworld and SaferAfrica, developed a National Action Plan for Arms Management and Disarmament (NAP). The NAP was based on a comprehensive national assessment of the small arms situation that included the use of firearms and force by private security providers. The NAP consequently called for a review (currently under way) of small arms policy and legislation, which included the development of national guidelines on the use of force and firearms applicable to private security providers.

4.5 Promoting community safety

Community safety programmes should assess the impact that private security providers have on community perceptions of safety and security, and include measures to improve relations between communities and the providers. These can include increasing the oversight of the private security sector by local authorities and community groups; encouraging dialogue; and encouraging local co-operative agreements between security providers and communities that outline the roles and practices of the different actors in maintaining local security, law and order.

5. What are some of the design issues?

5.1 Dynamics of demand for and supply of private security services

Understanding the factors driving supply and demand for private security services is crucial to the design of programmes, which may include a mix of supply-side and demand-side measures. Demand can be stimulated by a withdrawal of the state from certain areas of security provision, such as commercial guarding; by a lack of public trust in the police, particularly among minority communities and the wealthy; by the presence of multinational companies or major infrastructure projects; by the development of a community stratum with disposable income; and by a legacy of conflict that leaves people feeling safer if they are protected by those with whom they have built trust and relationships during difficult times. Key supply-side drivers include a readily available pool of potential private security personnel; salary differentials caused by poor public sector remuneration; and limited career prospects for middle-ranking military and police officials.

5.2 Industry size and structure

Factors such as the size, structure and degree of organisation of the industry will influence whether it is ready for voluntary regulation. The presence of international providers can also affect the way the industry operates, and can create distinct regulatory challenges.

5.3 Achieving the right balance between public and private security provision

It is important to find the right balance between building the capacity of the state to protect communities, and building its capacity to regulate and manage private actors. The state has an irreducible role with regard to providing the regulatory framework within which private service delivery is provided. Building that regulatory capacity is essential, especially in areas such as security and justice.

5.4 Industry buy-in and support for reform

Private security industry representatives are key stakeholders in the reform process, and their views are essential to programme design. Support from progressive elements within the industry can be

crucial to success, as Case Study 7.8.1 illustrates. It is important to understand differing views within the industry and how affiliations between it and formal and informal power-holders will affect the chances of success.

5.5 Public perceptions of private security providers

Understanding diverse public perceptions of the private security sector is crucial to the design of effective programmes. For instance, in some contexts, the public may perceive private security providers to be more effective in aspects of crime control or law enforcement than state providers, making it more likely that there will be public resistance to reform. In other instances, women and girls may see the PSCs as intimidating and a source of violence against women. In these cases, women and women's organisations could become strong supporters for reform.

5.6 Ensuring that PSCs and PMCs respect human rights

Private security companies and private military companies must respect basic human rights and dignity. Their policies and actions must not be discriminatory or provide an enabling environment for criminal activities such as human trafficking, proliferation of small arms or gender-/ethnic-based violence. These issues need to be addressed when designing SSR programmes and in the development of effective accountability and enforcement mechanisms.

6. Sequencing effective programmes

6.1 Avoid creating a security vacuum

Private security companies may be the only provider of security in areas or sectors where state provision is weak. In order to avoid creating a security vacuum, it may be necessary to strengthen state security provision and capacity for oversight, as a precondition for effectively regulating the private security sector.

6.2 Attempt early interventions for maximum success

The sequencing of reforms will depend on the degree of development, consolidation and regulation of the industry. Intervening early is essential to ensuring that the industry is regulated effectively during its formative period.

J.B. Russell/Panos Pictures

IRAQ, Baghdad: Private security contractors on an escort mission at Baghdad International Airport.

7. Lessons learned to guide implementation

7.1 Including regulation and oversight in SSR assessments and programmes

Due to the commercial nature of the private security industry, often there is no single regulatory agency or oversight mechanism; the sector is regulated, overseen and enforced by a number of different state agencies and authorities. Typically those with a regulatory role will be ministries of trade, economy, industry and the interior. Enforcement is undertaken by the police and sometimes the military (depending on the functions of the private security provider); the sector is held accountable by a combination of judicial authorities, parliamentary oversight bodies, ombudsmen, auditing companies and commercial regulators. This makes it almost impossible to address the sector in isolation, and so integration at some level with SSR assessments and other SSR programmes is critical for effective reform.

7.2 Clarifying the roles and functions of private security providers

Legislation should establish licensing systems that clearly define the types of military and security services that can be provided and that set out the relationships between and functions of private security providers and state agencies. In addition, co-operative working agreements between public and private security providers can enhance co-ordination and provide clarity in areas such as private sector involvement in law enforcement or military operations, procedures for reporting to the police, and the role of the police in enforcing private security legislation.

7.3 Establishing transparent licensing criteria

The criteria with which licences to operate as private security providers are assessed should be transparent and set out in legislation. These criteria might include adherence to standards for vetting and training of personnel, equal employment practices, recording and reporting operations, oversight and management structures, responsibilities to the public, and relations with public service providers.

7.4 Extra-territorial controls on companies operating overseas

Control over the activities of personnel — wherever they are working — is essential to ensure that they are accountable for all wrongful acts — wherever committed — particularly when the domestic regulatory environment is weak. Criteria for licensing companies to operate overseas should include whether the company or its proposed activities are likely to: pose a threat to law and order; undermine economic development; enhance instability and human suffering; increase threat perceptions in neighbouring countries; contribute to or provoke internal intervention or external aggression; or violate international embargoes or sanctions. Case Study 7.8.2 highlights the efforts in South Africa to regulate private security and military companies operating overseas.

7.5 Training of private security personnel

Regulatory authorities should establish and oversee training for private security staff, ensuring that personnel are given a solid grounding in human rights and humanitarian law, first aid and gender issues. While in some circumstances private security companies may be responsible for the delivery of training, state bodies should ensure that training curricula meet minimum standards, that trainers are trained effectively, and that periodic compulsory refresher training is provided for all staff.

7.6 Establishing transparent and competitive policies for awarding contracts

All private security contracts should be tendered and awarded on the basis of criteria that go beyond cost — *e.g.* a history of strict adherence to national and international laws and regulations — as well as on the basis of effective company policies relating to transparency, governance, and the training and vetting of personnel.

8. Common challenges faced and how to overcome them

8.1 Industry resistance to change

In an under-regulated environment, private security providers and client groups may have strong economic and political interests that would be undermined by efforts to reform the sector. For instance, change may be particularly difficult where providers have strong affiliations with organised crime or political parties. Even in these circumstances, it is likely that other companies would benefit from improved regulation and oversight, for instance, where this would strengthen their legitimacy. It is important to identify those companies that would benefit from change and support them in, for instance, organising private security trade associations and developing voluntary codes of conduct.

8.2 Conflicts of interest and competition

Understanding the relationships between government and the private security industry, and identifying potential conflicts of interest, are critical to the development of reform programmes. It is not unheard of for senior public officials (including those responsible for awarding government tenders) to sit on the board of directors of specific private security providers, creating conditions for corruption and misuse of power. The blurring of boundaries between police and private security providers can also create conflicts of interest, particularly as public security providers are typically the main body responsible for enforcing regulations governing the private industry. For instance, in an unregulated environment it is typical for police officers to work for commercial security companies when off-duty, sometimes using state-issued weapons, or for private and public security providers to compete for contracts or personnel. Conflicts of interest can also occur within large companies for whom private security provision is one interest among many or is connected to another primary business activity. Major companies that are otherwise legitimate, such as banks, may have internal security divisions that exist without any legal basis. It is important to clarify the roles and responsibilities of public and private security providers through national regulations, and to ensure that regulations and licensing procedures are applied to companies with internal security divisions.

8.3 Security is a public good

The expansion of private security provision available to those able to afford it can undermine the notion that security is a public good, and hinder access to security for the poor. A major challenge is regulating the sector so it does not compete with or substitute for the state's role in protecting the public, but rather complements it and frees up public resources that can be used to improve security service delivery.

8.4 The private security industry is non-unitary

Unlike its public sector equivalents, the private security industry is comprised of numerous individual companies that compete against each other to provide clients with a variety of services. Even where trade associations exist, they cannot in reality dictate the conduct of their membership and exist as much to advance their members' interests as to govern. It is consequently difficult to engage effectively or even communicate with the sector as a whole.

8.5 Immunity agreements

International private security providers may acquire immunity agreements to prevent prosecution of their officials under national laws. These agreements are in some cases a condition of undertaking work on behalf of governments, particularly in conflict or post-conflict situations. They can have the effect of weakening the rule of law in the host country, often at a time when establishing and enforcing it is essential to the provision of security.

9. Particular features of post-conflict SSR

In addition to the general lessons above, a number of specific private security issues arise in post-conflict settings.

9.1 Weak national regulatory frameworks post-conflict

National legal and regulatory frameworks are often weakest post-conflict. At the same time, high levels of insecurity and armed violence create an environment in which there is a significant demand for private security services. Due to the range of international actors often involved in post-conflict reconstruction, international providers may be particularly prominent. However, they may be largely unregulated if law and order has broken down, or be subject to immunity agreements. Extra-territorial controls are therefore particularly important for regulating private security actors in post-conflict contexts.

9.2 Inappropriate company affiliations

A thorough assessment of the ownership and command (and control) structure of private security companies is essential in order to ensure that they do not operate based on previous or ongoing affiliations with criminal groups, armed combatants or political parties, and that they are not ethnically or religiously exclusive in their recruitment of personnel or areas of operations. These issues are in some cases extremely difficult to address, but they can be mitigated by implementing a stringent system of background checks and vetting procedures.

9.3 Links between DDR and the private security industry

DDR programmes may need to specifically include private security personnel, who are often recruited locally and may have played an active role in conflict. Among them may be ex-combatants implicated in war crimes or human rights abuse. Furthermore, former combatants may provide a recruitment pool because they frequently possess specialised military skills but lack alternative economic opportunities. This can lead to a proliferation of private security firms and a lack of effective oversight if former combatants are not adequately vetted and trained. It is important that DDR programmes carefully consider these issues so that they do not contribute to insecurity in post-conflict contexts through maintaining command structures and legitimising weapons possession under the guise of legitimate private security provision.

9.4 Balancing best practice regulation with a need to create security

In some post-conflict environments, private security provision is essential for stabilisation of the security situation. While it is important to ensure that all private security providers work within the existing human rights and humanitarian frameworks, as well as in line with specific operational guidelines such as the UN Basic Principles, preventing their operations until a comprehensive local regulatory framework covering all aspects of conduct might not be a viable option.

Reader's Notes:

Case Study 7.8.1
Reform of the private security sector in Bosnia and Herzegovina

Context

In 2006, over ten years after the Dayton Accord ended the war in Bosnia and Herzegovina (BiH), responsibility for the police was still divided between the country's two state entities. A similar division marks the private security industry. Significantly different laws operate in each entity, making it illegal for a private security provider registered in one to operate in another. This resulted in an industry structured along largely ethnic lines. In 2005, initiatives to introduce nationwide regulation of the industry stalled in the face of wider bureaucratic and political problems, leading civil society organisations and progressive private security providers to conclude that the problems facing the industry should initially be tackled voluntarily. In June 2006, the "the Sarajevo Process" was launched to agree a voluntary code of conduct for private security providers and a set of voluntary procurement guidelines for client organisations, both of which were later adopted by those utilising the services.

Entry point

Delays in the introduction of national legislation frustrated some private security providers, who felt that their business potential was being undermined. This provided an important entry point for discussion on the subject.

Lessons learned

Mapping the problems and the stakeholders — A national mapping of the private security industry and its regulatory framework was completed in 2005 by the Sarajevo-based Centre for Security Studies. This identified the key regulatory problems and stakeholder groups, and pointed to voluntary regulation as the most appropriate entry point for reform.

Engagement with private security providers, user groups and civil society — An inclusive dialogue process provided the opportunity for all stakeholders to contribute to the development of the code of conduct and client procurement guidelines. This ensured that the initiative was transparent, context-specific and well-supported.

Building on previous SSR initiatives — By including representatives from key institutions responsible for security sector reform and oversight in BiH, such as the EU Policing Mission (EUPM), OSCE and the ministry of security, the Sarajevo Process was able to take careful account of the difficult political and institutional setup in BiH and ensure that its proposals were workable.

Impact

The voluntary code of conduct and client procurement guidelines were adopted by key stakeholders in August 2006[2] and a process is under way to create a national private security industry association to promote these documents. By allowing for dialogue between the relevant stakeholders, the Sarajevo Process has revived interest in and momentum towards the introduction of national legislation, which will now be developed in consultation with the Process participants.

Reader's Notes:

Case Study 7.8.2
Regulating private security and military companies in South Africa

Context

Downsizing of the South African Defence Force (SADF) in the late 1990s and early 2000s had a significant impact on the growth of the private security sector and the state's ability to regulate the industry's activities both domestically and overseas. In the absence of an effective social reintegration scheme, many former security officers found employment in private military companies (PMCs) operating in conflict and post-conflict contexts in Africa. The industry was only loosely regulated throughout the 1990s. In 1998, the South African government passed legislation[3] that prohibited mercenary organisations from operating outside of South Africa, and required South African citizens employed by private military organisations overseas to obtain the approval of the National Conventional Arms Control Committee (NCACC), a cabinet committee. In August 2006, the National Assembly approved a new bill intended to prohibit all mercenary activities.[4]

Entry point

The highly publicised involvement of South African companies such as Executive Outcomes (EO) in African conflicts (including in Angola, the Democratic Republic of Congo and Sierra Leone) in the 1990s led to the demand for regulation by the public, civil society and government.

Lessons learned

Political will — The South African government supported the legislation because it was concerned that activities of South African PMCs were undermining its foreign policy objectives. The legislation was therefore drafted quickly.
The involvement of civil society — Civil society organisations were centrally involved in developing the legislation.

Popular support — There was broad public support for improved controls, generated by considerable negative publicity surrounding activities of South African citizens and PMCs in African conflicts.

Morris Carpenter/Panos Pictures

SOUTH AFRICA, Johannesburg: A private security guard practices shooting at a gun range.

Impact

The 1998 legislation limited the operations of PMCs from South Africa. (In 1999, EO officially terminated its operations within South Africa.) The most highly publicised incident was the arrest of close to 90 former South African soldiers accused of conspiring to overthrow the government of Equitorial Guinea in March 2004. Regulation of the industry through the 1998 law has nonetheless been challenging, due to difficulties enforcing extra-territorial controls and lack of clarity over what constitutes mercenary activity and what is legitimate private security work. The law has resulted in only five convictions involving small fines. Foreign PSCs continued to recruit South Africans, though to a lesser degree, and thousands of South Africans are reportedly employed by PSCs in Iraq without the permission of the NCACC. The anti-mercenary law approved in 2006 aims to strengthen controls, but has been controversial due to concerns that it will frustrate the efforts of South African humanitarian relief agencies, as well as the recruitment of South African citizens into legitimate foreign militaries.

Additional Resources

The following are recommended resources for further information on regulating private security and private military companies that have helped inform this section:

1. **Bryden, A. and M. Caparini (2006, forthcoming), *Private Actors and Security Governance*.**
   Considers from a security governance perspective the broader policy context of security privatisation. Includes regional and national case studies and an assessment of the challenges to regulation and democratic control.

2. **Cockayne, J. (2006), *Commercial Security in Humanitarian and Post-Conflict Settings: An Exploratory Study*, International Peace Academy, New York,**
   http://www.reliefweb.int/rw/lib.nsf/db900SID/OCHA-6NZURL/$FILE/ipa-gen-mar06.pdf?OpenElement
   Explores the role of the private security industry in humanitarian and post-conflict settings. Outlines the potential negative impact of the industry, the responsibility of users in these settings, and the role of the international community.

3. **Confederation of European Security Services and Uni-Europa (2004), *Panoramic Overview of the Private Security Industry in the 25 Member States of the European Union*,**
   http://www.coess.org/pdf/panorama1.pdf, http://www.coess.org/pdf/panorama2.pdf,
   http://www.coess.org/pdf/panorama3.pdf
   A profile of the private security industry in each EU member state, including the legal, economic and social aspects.

4. **Confederation of European Security Services and Uni-Europa (2003), *Code of Conduct and Ethics for the Private Security Sector*, CoESS and Uni-Europa,**
   http://www.coess.org/documents/code_of_conduct.pdf
   Voluntary code of conduct that has been adopted by the private security industry in the European Union.

5. **Confederation of European Security Services and Uni-Europa (1999), *Selecting Best Value: A Manual for Organisations Awarding Contracts for Private Guarding Services*, CoESS and Uni-Europa,**
   http://www.securebestvalue.org/ftp/man_en.pdf
   In-depth guide on procuring private security services for public sector organisations.

6. **Foreign and Commonwealth Office (2002), "Private Military Companies: Options for Regulation 2001-2002" (Green Paper), The House of Commons Stationery Office, London,**
   http://www.fco.gov.uk/Files/kfile/mercenaries,0.pdf
   Overview of options for national regulation of private security companies working overseas.

7. **Lily, D. (2000), *The Privatization of Security: Framing a Conflict Prevention and Peacebuilding Policy Agenda,* International Alert, London,**
   http://www.international-alert.org/publications/105.php
   Exploration of the role of the private security industry in, and its effect on, conflict prevention and peacebuilding.

8. **Makki, S. et al. (2001), *Private Military Companies and the Proliferation of Small Arms: Regulating the Actors, Biting the Bullet Briefing 10*, International Alert and Saferworld, London,**
   http://www.saferworld.org.uk/publications.php?id=133
   Investigation into the possibility of developing an international regulatory framework for the private security industry.

9. **Page, M. et al. (2005), *SALW and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity*, SEESAC, Belgrade,**
   http://www.saferworld.org.uk/publications.php?id=13
   Study of the private security industry in South East Europe and the national regulatory frameworks in place in each of the region's countries.

10. **Schreier, F. and M. Caparini (2005), "Privatising Security: Law, Practice and Governance of Private Military and Security Companies", DCAF Occasional Paper No. 6, DCAF, Geneva,**
    http://www.dcaf.ch/_docs/op06_privatising-security.pdf
    Study of the relationship between public and private security, and options for better national and international regulation of the private security industry. Includes case studies on South Africa, the United States, the United Kingdom and Germany.

11. **Spaninks, L. (1999), *European Vocational Training Manual for Basic Guarding*, European Commission, DG Education and Culture,**
http://www.coess.org/documents/training_manual_en.pdf
Training manual for private security guards developed by the European Commission.

12. **United Nations Congress (1990), *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, New York,**
http://www.unhchr.ch/html/menu3/b/h_comp43.htm
Outlines universal basic standards on the use of force and firearms by law enforcement officials. Also applicable for private security guards.

13. **United Nations General Assembly (1979), *Code of Conduct for Law Enforcement Officials*,**
http://www.unhchr.ch/html/menu3/b/h_comp42.htm
International code of conduct guiding the operations of public law enforcement officials. Also applicable to private security guards.

14. **Voluntary Principles on Security and Human Rights, 2005,**
http://www.voluntaryprinciples.org/
International initiative to ensure that companies working in the extractive industry do not endanger human rights or fundamental freedoms when using private security.

Reader's Notes:

Footnotes:

[1] For an operational framework for vetting public employees, see Office of the UN High Commissioner for Human Rights (2006), *Rule of Law Tools for Post-Conflict States — Vetting: An Operational Framework*, http://www.ohchr.org/english/about/publications/docs/ruleoflaw-Vetting_en.pdf. For further information about the International Center for Transitional Justice research project on vetting and additional guidelines being developed, see http://www.ictj.org/en/research/projects/vetting/index.html.

[2] "The Sarajevo Process" documents are available on the SEESAC website, www.seesac.org.

[3] The South Africa Regulation of Foreign Military Assistance Act (No. 15 of 1998).

[4] The Prohibition of Mercenary Activities and Prohibition and Regulation of Certain Activities in the Areas of Armed Conflict Bill (No. 42 of 2005).

SECTION 7: IMPLEMENTING SSR SECTOR BY SECTOR
SECTION 7.9: CIVIL SOCIETY

Key Issues

- Increasing the capacity of civil society to monitor government policy and practice on security and justice issues.
- Strengthening the legal and regulatory framework within which civil society operates.
- Building trust and partnerships between the government, security forces and civil society on security and justice issues.
- Improving the research capacity of civil society and its role in representing the views of local communities.
- Developing civil society organisations' technical capacity to provide policy advice and security and justice services.
- Building wider constituencies in favour of SSR by increasing media coverage and raising public awareness.
- Facilitating the emergence of a broader and more representative civil society.

1. The significance of civil society for SSR

Civil society can be defined as the political space between the individual and the government, expressed by membership of non-governmental organisations (NGOs), social groups, associations and other organisations and networks. Civil society organisations include NGOs at the national level, community-based organisations, faith groups, professional and interest groups such as trade unions, the media, private business companies, bar associations, human rights groups, independent consultants, universities and independent policy think tanks. The involvement of civil society in SSR programmes is a precondition for wider and more inclusive local ownership and, ultimately, sustainability. Civil society organisations (CSOs) have an important role to play owing to their potential for giving voice to the interests and concerns of the wider population and encouraging reforms that respond to popular security and justice needs.

Too often, SSR programmes are focused primarily on the state and fail to adequately engage civil society. While in some situations short-term progress may be possible by working solely with state structures, longer-term effectiveness requires the development of a popular and vibrant local constituency for change. CSOs can serve as beneficiary, informal overseer, partner and advocate of reforms as well as service provider. Support to SSR can also be provided by international civil society actors that can play a role in building capacity and designing, advocating, implementing, monitoring and evaluating reforms.

2. Important linkages to wider SSR

2.1 Police reform

The police are normally the organisation in the security and justice sectors that citizens interact with most on a day-to-day basis. There is often a high level of distrust between communities and the police, and CSOs can play a valuable role in addressing this. Developing partnerships between the police and the public through the establishment of community-based policing forums can build confidence and help tackle crime.

Box 7.9.1. Supporting police reform in Kenya

The Security Research and Information Centre (SRIC) is a Kenyan NGO that has been involved in small arms control and police reform work in partnership with the international NGO Saferworld. SRIC and Saferworld's approach of dialogue rather than confrontation has helped cultivate trust with the Kenyan government's law enforcement agencies. The Kenyan police requested that SRIC carry out research to inform the police reform process. This involved collecting views from the public and other security agencies on the police and the services they provided, as well as technical support in analysing data produced in an internal police survey. These activities led to SRIC's involvement in the Police Reforms Taskforce, which drew up the Kenya Reforms Framework, and their participation in the committee responsible for developing the current Kenya Police Strategic Plan. Saferworld and SRIC have also worked with the police and the office of the president to develop national guidelines on community-based policing and on curricula for training courses in community-based policing.

Source: *http://www.srickenya.org/programmes.php?sub=27&cat=2*

2.2 Human rights and access to justice programmes

CSOs play an important role in advocating human rights and increasing access to justice. Many bar associations, independent lawyer groups and NGOs provide human rights training for security forces, campaign for legislation, monitor allegations of abuses and provide legal and paralegal assistance. Work in these areas is particularly important in countries with a repressive government or countries emerging from violent conflict and political transitions, where rights are often not respected.

3. How to conduct an SSR assessment in this sector

SSR programmes should include a firm analysis of the context, role and position of CSOs, since their capacity, effectiveness and space to engage vary greatly from country to country. Civil society assessments must take into account the range of local actors beyond those "approved" by the state, and identify those that genuinely focus on improving the security of the poor, of women, of children and youth, and of other groups often excluded from security debates.

Table 7.9.1 **Questions to address in a civil society assessment**

Context	• What are the political, policy and legal frameworks in which civil society operates? • Is there a national NGO network that provides co-ordination and support for CSOs? • Does the government take an adversarial or a partnering relationship with CSOs? • Which CSOs work on security and justice issues, and how credible are they? What is their relationship with the government? How representative are CSOs of the views and needs of local people? Is their work based on research? What is the configuration of power relations and institutional dynamics among local CSOs?
Accountability and oversight	• Does civil society play a role as an informal oversight actor? Which CSOs help oversee security and justice institutions? • What mechanisms exist to ensure that CSOs are equally accountable to their constituencies and to their external partners?
Capacity	• Which CSOs are the possible agents of change on security and justice issues? What are their key influences? Are they effective and efficient? • Have certain CSOs demonstrated a capacity to engage in security-related issues, including advocacy and raising awareness on small arms and light weapons? • What capacity do CSOs have for research, advocacy, training and policy advice?

>>> continued

Management	• How strong are the internal managerial systems of CSOs? What is the level of internal consultation, participation and feedback on the programmes undertaken by the organisation? • Do they possess effective mechanisms for organisational learning? Do they handle budgeting activities competently and transparently?
Co-ordination with other parts of the security system	• What institutional mechanisms exist for CSOs and state sector interaction? • What activities can be used as a vehicle for engaging with civil society? • Are members of CSOs put at a security risk by interacting with security and justice institutions? • Which CSOs have linkages and mutually respectful relations with security and justice actors?
External partners' engagement	• What is the relationship between CSOs, international NGOs and external partners? • Is there primarily a need for project or institutional support to CSOs, or both? • How can sustainability be built among targeted CSOs? • Are there any potential risks involved in interacting with specific CSO groups? • What is the likely impact of external partners' involvement/assistance on the local conflict dynamics? How can negative impacts be avoided, or at least minimised? • Is there a risk that external support may endanger members of CSOs, and how can they be protected from human rights abuses?

4. Potential entry points for CSO engagement in SSR

4.1 Peace processes

Civil society can play a central role in peace processes and sometimes even in peace negotiations, as was the case in Guatemala during the 1990s. Their active role in negotiations helped to press for the inclusion of relevant SSR provisions in peace agreements.

4.2 Disarmament, demobilisation and reintegration (DDR) programmes

DDR programmes tend to be central components of peace processes, and constitute entry points for SSR. They also allow for re-evaluation of the roles, mission and needs of the defence and other security forces, if the process is conducted in an inclusive manner. The weakest aspect of DDR programmes is often reintegration. CSOs have the potential to contribute in this area, through their involvement in economic and social reconstruction programmes that support reintegration efforts of ex-combatants and assist the communities that receive them. (See Section 5 on post-conflict aspects of SSR for more detail on the links between SSR and DDR.)

4.3 National security and defence reviews: building awareness for policy making

National security and defence reviews provide an opportunity to engage civil society in SSR issues. For example, in South Africa, CSOs were involved in the Defence Review Work Group and its sub-committees (1995 to 1998), and played an important role in the development of the Defence White Paper and Defence Act.

4.4 Poverty reduction strategy papers (PRSPs) and national development plans

Governments and international actors are obliged to consult civil society in the development of poverty reduction strategies and country assistance plans. This creates an opportunity to hear the views of CSOs on security and justice issues, and provides them with a chance to help set development priorities and have direct input into policy making.

Box 7.9.2. Participatory process in the design of the Sierra Leone PRSP

In Sierra Leone a wide range of stakeholders — including government representatives, parliamentarians, CSOs, NGOs, the private sector, co-operative associations, local authorities, religious leaders, development partners and beneficiaries — were involved in the development of the PRSP. Through civic engagement processes, sensitisation meetings, focus group discussions, district consultations and participatory poverty assessments, the consultative process ensured better understanding of the PRSP and created opportunities for networking and collaboration. The process enabled a broad national consensus on the countries' priorities and the inclusion of a section on "Strengthening National Security" in the final PRSP document. This section refers to the importance of the capacity development and oversight of security institutions, including partnerships with non-security actors. That was a significant achievement as previously, PRSPs in post-conflict and transitional countries tended not to address SSR issues.

Source: *Sierra Leone Poverty Reduction Strategy Paper 2005-2007*, Government of Sierra Leone, February 2005, http://www.wds.worldbank.org

4.5 National budget discussions in parliament

CSOs can provide input to discussions on the national budget by generating debate in the media, publishing budget framework papers and making available reports to members of parliament and providing them with the required technical assistance in analysing the proposed allocation to the security sector. A good example of research and awareness-raising on defence budgets is the work undertaken by a joint Stockholm International Peace Research Institute/African Security Dialogue and Research (SIPRI/ASDR) project on budgeting for the military sector in Africa. This has produced a book that will be used for parliamentary capacity development.

Box 7.9.3. CSO work to counter trafficking of women

The La Strada Foundation works to raise awareness and knowledge of the problem of trafficking of women, as well as providing services for its victims. The programme helps mobilise government officials and legislators to seek solutions to the problem of human trafficking, and works with law enforcement agencies to develop procedures and training.

In Poland, La Strada lobbies national authorities on the human rights aspects of human trafficking and the need for reform. It has an active prevention programme that aims to raise the awareness of potential victims on the dangers involved and provides direct assistance, referrals and counselling for the victims. Within the security sector, La Strada has trained 120 law enforcement representatives to be trainers within the police and border guard academies. The training focuses on raising awareness of the complexity of the problem; developing strategies to monitor and prevent trafficking; and how to deal with its victims. This resulted in the police academy adding the issue to their curriculum and the harmonisation of procedures and working methods to prevent and combat trafficking between the police and border guards.

Source: *La Strada Foundation*, http://www.strada.org.pl/index_en.html

4.6 Delivering justice services

In many countries, CSOs deliver essential justice services that the state fails to provide, and they have a significant impact in advancing justice by addressing grassroots needs. They seek to use legal services to increase disadvantaged populations' control over their lives. Services are often delivered on a *pro bono* basis or for a relatively small fee. Case Study 7.9.2 highlights the important work of CSOs in Bangladesh.

Box 7.9.4. Addressing prison reform in Nigeria

Prisoners' Rehabilitation and Welfare Action (PRAWA) is a Nigerian CSO created in 1994 with three main goals: providing accessible justice to the community; developing a more humane environment in prisons; and introducing alternatives to imprisonment. PRAWA advocates criminal justice reform and has established a network of journalists to investigate prison conditions and report on reform efforts. It also undertakes research in areas such as torture, provides training on human rights standards, and offers victim-offender mediation for prison guards and judges. PRAWA also delivers justice services directly to poor communities, such as impact litigation in selected cases of torture and inhumane and degrading treatment, healthcare services, rehabilitation and reintegration, vocational training, and care and support services. Their beneficiaries include prisoners, ex-prisoners, victims, youth at risk, and torture survivors and their families.

Source: http://www.ngprawa.org

4.7 Public education programmes

In many countries, CSOs run ongoing public education programmes that focus on a broad range of subjects, from human rights to the proliferation of small arms. Often these have served as a useful entry point for raising awareness of public security and justice issues, as well as engaging local communities in SSR programmes.

5. Important issues for programme design

5.1 Strengthening civil society oversight of security and justice institutions

CSOs can help advise, influence and assess the performance of formal civilian oversight bodies and security system institutions. Moreover, innovative mixed systems can be developed — as in the case of Rwanda, where under a new constitution and judicial reform process civil society became entitled to seats in high judicial councils.

5.2 Supporting capacity development

Building the capacity of CSOs requires a long-term perspective in programme planning, particularly when civil society is weak or underdeveloped. International actors can often usefully provide support for capacity development in areas such as skills acquisition, internal accountability, management procedures, monitoring and evaluation. CSOs with the capacity for providing technical assistance can become valuable partners for states that aim to undertake security and justice reforms but suffer from limited capacity. With the necessary support, CSOs can make significant contributions to SSR through providing training, policy-making advice and implementation assistance.

5.3 The role of international CSOs in capacity building

International CSOs can help strengthen their equivalents in the partner countries by helping create political space for the latter's engagement with their governments on security and justice issues, as well as providing moral support, protection and security. International NGOs can moreover provide important technical and capacity-building support through, for example, skills development and training programmes. However, after a while, partner country CSOs may seek direct donor support and resist being mediated by another international partner.

5.4 Ensuring transparency of engagement with CSOs

It is important that governments and international actors be transparent in their dealings with CSOs to avoid misperceptions. Opaque engagement could lead to other CSOs growing suspicious of the relationship with government, and national governments becoming distrustful of the relationship between external actors and local CSOs.

5.5 Co-ordinating assistance

Co-ordination with other local and international actors is essential to avoid duplication, to pool resources and to concentrate efforts in supporting CSOs, while fostering their independence and sustainability. Lack of funding and co-ordination, as well as competition between external actors to sponsor a small group of influential CSOs or individuals, can distort their legitimacy and effectiveness, promoting inter-CSO rivalry instead of co-operation.

5.6 Institutional funding and sustainability

In countries with emerging CSOs acting in the security and justice arena, it is important to ensure the provision of core institutional funding. While experience demonstrates that external partners are more likely to support project-based activities, this in fact limits CSOs' ability to engage in the longer term and to develop or seize emerging opportunities in domestically driven security reforms. On the other hand, openness towards longer-term funding must be balanced with concerns for sustainability. There is a benefit for CSOs to develop balanced sources of funding in order to sustain their independence and avoid becoming too reliant on one main donor. This can be done, for example, through harnessing the support of the private business sector and charity campaigns.

5.7 Supporting civil society networks

CSOs are generally more powerful when they speak with a common voice. Networks provide strength in numbers and can help protect CSOs from targeting and abuses. One of their key functions is to demonstrate the support for reform from a range of diverse groups in society. This can give CSO networks the potential for significant impact on security and justice issues.

Jocelyn Carlin/Panos Pictures

FIJI: The media have an important role to play in holding the government and security services to account. Interim Prime Minister Dr Jona Baravilalala Senilagakali fields the media questions after being sworn in, two days after a military coup led by Commodore Frank Bainimarama.

6. Sequencing effective programmes

The issue of sequencing in this sector relates to key questions on where, when and how to enable and promote civil society access and participation.

6.1 Supporting regional and international networks/partners as a bridge to the national level

In many countries it may be difficult for CSOs to engage directly in security and justice issues at the national level because of a closed political environment. Participation in security-related discussions and mechanisms at the regional level tends to be a good means of exerting indirect pressure on the national level: local CSOs are normally seen to have more credibility if they are members of regional or international networks or have international partners. This support and legitimacy can sometimes be used as a lever for national engagement with governments on SSR.

Box 7.9.5. Building a security sector network in Africa

The African Security Sector Network (ASSN) comprises a wide range of security system stakeholders, including CSOs, parliamentarians, government officials, members of security forces, academics and researchers. Its objectives are to assist in capacity building within the security sector in Africa, support and facilitate SSR processes, enhance security literacy, support security sector policy development through applied research, and serve as a continental information repository. The network is still developing but counts on strong Southern and Western African "chapters" that are helping to create sub-networks in the Horn and East and Central Africa. Recently the ASSN has co-sponsored a seminar to discuss lessons learned from the Uganda Defence review process; organised two major dialogue sessions on SSR in Liberia; co-ordinated a research project on SSR provisions in peace agreements; and developed and delivered SSR training in various African countries.

Source: http://www.africansecurity.org

7. Lessons learned to guide implementation

7.1 Promoting public-private sector partnerships

Public-private partnerships are an effective means of establishing co-operation between the state and CSOs. The private sector (business and NGOs) can often provide technological, financial and technical expertise and experience that the state normally lacks. In addition, initiatives involving the corporate sector for financing might help ensure sustainability of the provision of security, as long as programmes are devised to incorporate the security of society at large and not exclusively that of the business interests.

7.2 Building media capacity to report on SSR and including media strategies in programming

The media are the main channel to help raise public awareness on security and justice issues and ensure local buy-in. Their reports and analysis often shape how the public perceive and understand these issues. In many countries the media are underdeveloped, and journalists lack the capacity and knowledge to cover security and justice issues effectively. CSOs can play an important role in helping to develop these skills; developing the capacity of CSOs to effectively engage with the media can be an important area for assistance.

7.3 Training the trainers

Experience shows that cascade training, in which representatives of leading CSOs are provided with the capacity to train others in turn, can be very effective. It helps in building local training capacity, ensures that content is relevant and sensitive to local contexts, and maximises the outreach to community level.

7.4 Supporting research institutions

Academic and research institutes are sometimes insulated from some of the control that watchful regimes might impose on CSOs engaging in security and justice issues. Developing their capacity for research can help generate a better understanding of the context, situation, relevant actors and challenges faced in a given country. Think tanks and policy institutes can also play an important role in providing independent analysis and briefings to parliamentarians and government officials.

Box 7.9.6. Southern African Defence and Security Management (SADSEM) Network: advocacy through research and training

The Southern African Defence and Security Management (SADSEM) Network, which is co-ordinated by the Centre for Defence and Security Management (CDSM) at the University of the Witwatersrand, South Africa, is a network of eight university-based institutions in the region contributing to the democratic management and governance of defence and security in Southern Africa. The network specialises in research, training, teaching and policy support. It began by running training programmes on defence management and peace missions in the post-apartheid period, helping to develop skills and building confidence among the region's security practitioner community. Recently two new programmes were established — one specifically targeting parliamentarians and another focusing on security sector governance.

www.sadsem.net

8. Common challenges and how to overcome them

8.1 Lack of domestic legitimacy

Supporting CSOs without broad domestic legitimacy may jeopardise reforms with the government and alienate wider civil society. Some CSOs are more closely connected to national élites and external partners than to local communities. Engagement should target CSOs that have local networks of partners and reach out beyond capital cities to engage women and community-based and faith organisations that are more in touch with grass roots movements. It is necessary to be attentive to the fact that not all CSOs are progressive or democratic, that some have fairly obvious political leanings or connections, and that others are mere shadow organisations "hunting" for funding. For these reasons, a comprehensive assessment of potential civil society partners is vital before embarking on an assistance programme.

8.2 Reluctance to engage

Although CSOs tend to be very involved in conflict resolution, peacebuilding and democratisation efforts, many of them are reluctant to engage in SSR. This could be due to a lack of knowledge of the issue and the fact that the security system often has a reputation for being oppressive and opaque. Helping CSOs to increase their security and justice literacy and develop networks of peers will build their self-assurance.

Sven Torfinn/Panos Pictures

KENYA, Nairobi: Civil society has an important advocacy and oversight role to play in relation to security and justice institutions and issues.

8.3 Tension between roles of watchdog and partner

Tension often results when CSOs perform a watchdog role, holding government to account, while seeking to be a partner in the implementation of SSR. When CSOs move from playing a watchdog role and start to participate, their domestic audience may perceive them as no longer being neutral. On the other hand, governments may not trust them as partners if they are being publicly critical. Some trade-offs will have to be made, and training in how to raise sensitive issues without being overtly confrontational may be essential for CSOs performing advocacy roles. It is important for CSOs to consider the political environment and judge when it is necessary to speak out and when longer-term SSR may benefit from a different approach.

Box 7.9.7. Managing tension between watchdog/partner roles: the case of CLEEN

The CLEEN Foundation began its work during the transition from military dictatorship to democracy in Nigeria, through promoting respect for human rights and co-operation between civil society and law enforcement agencies. It has been very involved in working with the police, attempting to move them from being a tool of oppressive government to a public service. This has implied building trust with police authorities (for example through their assistance in undertaking National Crime Victimisation Surveys). While most projects involve co-operation and partnership with the police, the organisation has been able to keep its critical posture through, for example, its work on and advocacy of police accountability. It has established partnerships with international research institutes — such as the Geneva-based Small Arms Survey — to expand its capacity to undertake high-quality and continuous survey-based assessments.

Source: http://www.cleen.org

8.4 Unintended consequences

There is a danger that aid for local CSOs could quickly become politicised in different contexts; the implications of support should be carefully thought through. If a local CSO is perceived to be influenced by an international actor, this may compromise the autonomy of its contribution to SSR and taint it in the eyes of the government. Where resources are scarce, targeting assistance to one CSO at the expense of others may fuel competition between local actors rather than build alliances. These challenges can be overcome by being transparent in engagement with CSOs, using open tenders and awarding contracts or funds based on clear criteria. Balancing assistance for different actors and supporting national networks that encourage coalition building will also facilitate the process.

9. Particular features of post-conflict SSR

In addition to the general lessons above, a number of specific civil society issues arise in post-conflict settings.

9.1 Nature of the peace agreement

The role and impact of civil society may depend on the nature of the peace agreement. For example, in both the DRC and Liberia, civil society became party to the peace agreement, taking up seats in the transitional parliament — and this had implications for perceptions of its neutrality. In Guatemala, CSOs have played a critical role in leading important reforms in the security sector that have helped cement the peace process, as highlighted in Case Study 7.9.1.

9.2 The possible negative role of some civil society groups

Violent conflict often engulfs, politicises and splinters civil society. Some organisations that may be seen to have played a negative role in the conflict could act as a “spoiler” of the peace process. For example, civil society groups participated in promoting hate propaganda that contributed to the genocide in Rwanda in 1994. That example underlines the importance of conducting a comprehensive assessment of CSOs prior to engagement, since SSR is a political and highly sensitive process.

9.3 Ensuring the security of NGO and CSO partners

In many contexts NGOs are targeted with violence by belligerent factions. For example, numerous women leaders have been assassinated in Colombia due to their engagement with, and criticism of, various factions. In Guatemala there are instances where judicial staff have been murdered and where NGOs outspoken in SSR issues have been harassed by security forces and have received veiled threats. Such examples highlight the need to pay additional care so those CSOs that are asked to partner with external partners and government-led SSR initiatives are not put at additional security risk by doing so.

Case Study 7.9.1
Civil society involvement in SSR in Guatemala

Context

After 36 years of armed confrontation, Guatemalan society went through a double transition in the 1990s: from dictatorship to democracy and from conflict to peace. The government and the rebel Guatemalan National Revolutionary Unit signed the "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society" in 1996. This contained a number of commitments for security system reform, but implementation of the agreement met with a number of challenges. By 1999 aspects of the military's autonomy, impunity and involvement in public security were still untouched, and civilians were still removed from key security decision making. A project "Towards a Security Policy for Democracy" was launched by the War-torn Societies Project (now known as Interpeace) in partnership with local CSOs to address these issues.

Entry point

The commitments to SSR in the Guatemalan peace accords, the move towards democratisation, and the presence of the UN peacekeeping mission provided important entry points for civil society to become engaged in SSR. From an initial focus on dialogue and research, the project broadened and has had a significant policy and confidence-building impact.

Lessons learned

The central role of civil society — The involvement of a core group of CSOs provided continuity and retained institutional knowledge throughout the process, and helped sustain the process through periods of political change.

Establishment of structures for reform — The CSOs' broad range of expertise led to their appointment as technical advisers to the parliamentary commissions on reform issues and to the president within the mandate of the Security Advisory Council. Working groups were also established to support government-convened, research-based policy dialogues on specific reform issues such as intelligence legislation.

Distinguishing between sceptics and spoilers — A dialogue process enabled CSOs to engage with the military while raising legitimate concerns over aspects of their actions. The response of different military officers helped distinguish between those who were keen to try and understand their future role in a democratic society, and those preoccupied with justifying their wartime role. The "modernising" officers developed an institutional interest in sustained dialogue with civil society and opposed attempts by others to derail the process.

Impact

The final report of the UN peacekeeping mission concluded that, "The active social participation and the projects implemented by civil society organisations interested in matters of security and defence were the main instruments that actively interacted with members of the National Defence Ministry (NDM)…generating spaces for dialogue which increased the trust between parties and diminished historical ideological confrontation" (MINUGUA Final Report, Guatemala, 15 November 2004).

Case Study 7.9.2
Civil society providing legal aid in Bangladesh

Context

One of the main challenges facing governments in countries with large numbers of deprived populations like Bangladesh is the provision of public goods. This shortcoming is especially critical in relation to the judicial system, which tends to exclude poor people. The Bangladesh Legal Aid and Services Trust (BLAST) raises legal awareness, conducts research and advocacy, and provides services such as mediation, free legal support in the form of litigation, and investigation and monitoring of violation of law and human rights.

Entry points

The idea of establishing an organisation for providing legal aid and access to justice for the disadvantaged was launched in 1992 at a national conference of lawyers held under the auspices of the Bangladesh Bar Council. BLAST was created as a result of these deliberations.

Lessons learned

Important role of alternative dispute resolution — Resolving disputes through mediation and legal aid leads to improvement in the economic conditions of poor people, particularly women (60% of the BLAST clients said so in a survey).

Benefits for family disputes — Family disputes can be resolved better and more quickly through mediation than through formal court processes.

Need to reach out beyond the capital — One reason why BLAST's work has had an impact is that they have 19 offices and five legal aid clinics across the country, enabling them to provide services to the rural poor.

Impact

BLAST has made a significant difference through its advocacy activities, including public interest litigation and public lobby events on justice issues. Successes include the enactment of legal aid legislation by the government, protection of slum dwellers from eviction, and a reduction in the number of arbitrary arrests.

See further: http://www.blast.org.bd

Reader's Notes:

Additional Resources

The following are recommended resources for further information on civil society and SSR that have helped inform this section:

1. **Caparini, M. (2003), "Civil Society and Democratic Oversight of the Security Sector: A Preliminary Investigation" in A. Bryden and P. Fluri (eds.), *Security Sector Reform: Institutions, Society and Good Governance*, Nomos Verlagsgesellschaft, Baden-Baden, pp. 153-169,**
   http://www.isn.ethz.ch/5isf/5/Papers/Caparini_paper_V-2.pdf
   Reviews the concept of civil society, defining its relevance to the security sector and discussing its importance to democratic control of state security functions.

2. **Hutchful, E. (2003), "A Civil Society Perspective" in A. Lala and A. Fitzgerald (eds.), *Providing Security for People: Security Sector Reform in Africa*, Paper No. 23, GFN-SSR, Shrivenham, pp. 35-43.**
   Provides reasons for and contributions and lessons learned from CSOs' involvement in SSR.

3. **OECD-DAC (2005), *Engaging With Civil Society*, Issues Brief,**
   http://www.oecd.org/dataoecd/26/55/35785435.pdf
   Presents a comprehensive introductory note for general support to CSOs.

4. **GFN-SSR (2005), "Civil Society Organisations and Security Sector Reform", in *Compendium of Good Practices on Security Sector Reform*,**
   http://www.ssronline.org/good_practice.cfm?id=22&p=22
   Provides a quick guide to the principles, practical steps and risk management of CSOs' capacity building and engagement in SSR.

5. **Farr, V. (2004), "Voices from the Margins: A Response to Security Sector Reform in Developing and Transitional Countries", *Berghof Handbook for Conflict Transformation,* Berghof Research Center for Constructive Conflict Management,**
   http://www.berghof-handbook.net/uploads/download/dialogue2_farr.pdf
   Examines the flaws of SSR approaches in relation to the marginal voices of disempowered groups such as women and grass roots organisations.

6. **Born, H., P. Fluri and A. Johnsson, eds. (2003), "The Role of Civil Society and the Media", *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians, Geneva Centre for the Democratic Control of Armed Forces and Inter-Parliamentary Union, Geneva, pp. 36-43,**
   http://www.dcaf.ch/publications/hb_parliamentary_oversight.cfm?nav1=4
   Details the input of NGOs, research institutes and the media in strengthening democratic and parliamentary oversight of the security sector.

7. **Ball, N. and K. Fayemi, eds. (2004), *Security Sector Governance in Africa: A Handbook,* Centre for Democracy and Development, Lagos,**
   http://www.ssronline.org/ssg_a/index.cfm
   Covers extensively the challenges of governance in the security sector in Africa and provides multiple examples of African CSOs' engagement in SSR endeavours.

8. **Bryden, A. *et al.* (2005), "Democratising Security Sector Governance in West Africa: Trends and Challenges", *Conflict, Security & Development*, 5:2, August, pp. 201-226.**
   Contains a discussion of the challenges of civil society engagement in security sector governance in West Africa.

9. **Scheye, E. and G. Peake (2005), "To Arrest Insecurity: Time for a Revised Security Sector Reform Agenda", *Conflict, Security & Development*, 5:3, December, pp. 296-327.**
   Questions the concept and analyses the practical implications of local ownership.

10. **Tait, S. (2005), "Strengthening Police Oversight in South Africa: Opportunities for State-Civil Society Partnerships", paper presented at the conference "A New Decade of Criminal Justice in South Africa: Consolidating Transformation", Western Cape, 7-8 February,**
    http://www.csvr.org.za/confpaps/tait.htm
    Reviews the needs of police oversight and CSOs' engagement in a changing environment, based on the experience of South Africa.

11. **Golub, S. (2003), "Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative", Carnegie Endowment for International Peace, *Rule of Law* series, No. 41,**
    http://www.carnegieendowment.org/files/wp41.pdf
    Argues that state-centred approaches to law reform use top-down programmes, which do not address the needs of the poor. Instead, the author argues for a legal empowerment service delivery approach.

SECTION 8: MANAGING, MONITORING, REVIEWING AND EVALUATING SECURITY SYSTEM REFORM ASSISTANCE PROGRAMMES

Objectives of this section

This section offers guidance on how to manage SSR assistance programmes, review and evaluate their progress and impact, and strengthen international co-ordination for implementation. Issues addressed include :

1. The mulitdisciplinary skill required for SSR.
2. Managing a bilateral assistance programme.
3. Options for programme management.
4. Reviewing the progress and evaluating the impact of assistance programmes.
5. Developing an effective communications strategy.
6. Strengthening international co-ordination.

Key lessons

- SSR assistance programmes require continuous oversight by officials from donor governments and international organisations.
- Adapt assistance programmes to respond to review findings and changing local contexts, and ensure that such flexibility is integrated into their design from the outset.
- Involve partners in reviews and evaluations to help build ownership and capacity.
- Developing an effective communications strategy can create a wider understanding of assistance programmes in potentially politically sensitive areas.
- Supporting the establishment of structures to facilitate international co-ordination, harmonisation and alignment with partner country work is central to the effectiveness and impact of assistance programmes.

International actors often invest heavily in SSR programmes without investing sufficiently in their capacity to manage and oversee them — and that capacity is key to effective international assistance. Partly this is an issue of identifying the right people with the right skills. But it is also about recognising that the means through which an assistance programme is developed and implemented often determines its outcome. A patient and sensitive approach is required, one that is focused on building local ownership and partnerships with other actors to co-ordinate support. It is important to design each programme activity to achieve the objectives that programme has set, and to assess its success in doing so. Ongoing monitoring and review is needed to track progress, and assistance programmes must be sufficiently flexible to adapt to changing contexts accordingly.

1. The multidisciplinary skill sets required for SSR

Many international organisations are lacking in personnel with a broad range of SSR experience, *i.e.* who are able to assess needs and reform opportunities across the security system and manage programmes linking different sectors. These organisations rely either on generalist civil servants with little SSR expertise, or on technical experts narrowly focused on specialist issues such as police or defence reform. Detailed technical knowledge is clearly important for reform programmes, but it needs to be complemented by input from people who can take a system-wide view. This challenge to donor governments can be bridged to some extent through cross-government training initiatives.

2. Managing a bilateral assistance programme

Effective support means coherent support. Given the nature of SSR, a number of departments within the donor government may be involved in developing bilateral programmes, including the development agency, the ministry of defence and the ministry of foreign affairs. In addition, technical expertise might be seconded from other government departments and agencies, *e.g.* the police service, the civil service and the national justice system. Ensuring that all these actors speak with a coherent voice and follow a joint strategy — while respecting their individual mandates - is a real challenge.

Efforts have been under way to work toward this type of coherence for SSR and for other conflict prevention and peacebuilding endeavours for a number of years. In 2004, through the DAC Guidelines on SSR and Governance, donors committed to improving the coherence of their policies and practices by taking whole-of-government approaches, and several early models that are still ongoing are described in the Guidelines.

2.1 Ensuring whole-of-government approaches to SSR

Box 8.1 Creating integrated cross-government units to support SSR

The United Kingdom established a Defence Advisory Team (DAT) in 2001 consisting of serving and retired military officers, ministry of defence civil servants and a DFID senior governance advisor. The role of the DAT was to support country teams in the design and implementation of SSR strategies funded through the Conflict Prevention Pools. Informed by experience in the field and the needs of partner countries, in 2004 the team recruited additional expertise in police, justice and intelligence reform. This transition and broader capacity to provide integrated advisory support across the security system was reflected in the team's change of name when in 2005 it was established as the Security Sector Development Advisory Team (SSDAT).

This handbook provides a framework around which whole-of-government discussions can take place on a joint country-specific strategy for SSR. Identifying what instruments and expertise are available and how they can be brought together in a co-ordinated manner is critical. Decisions on which department should lead and how the joint strategy will be developed on a policy and field level will take time and patience. A number of donor countries have established cross-government working groups or units dealing with post-conflict peacebuilding, security and justice reform issues. Canada, the Netherlands, the United Kingdom and the United States have all established units that bring together the multidisciplinary skills required for effective SSR, together with experience from foreign affairs ministries, development agencies and in some cases departments dealing with defence, justice and policing issues. These units have helped break down cultural barriers between different government bodies, while at the same time ensuring a shared understanding of different mandates and objectives. The question with such inter-agency units is whether their work is having an impact on country-level programming; possibly the best way to ensure their effect is to verify that they are indeed being used as an operational resource by different government departments. Box 8.2 below lists the practical components of developing a joint country-level strategy, through which whole-of-government coherence can be more effective.

Box 8.2 How can country strategies contribute to policy coherence?

The major components of joined-up working are: analysis, policy, strategy, programming and monitoring. The strategy development process is key to linking these different components together, by:

- Encouraging consultation and shared analysis and joints assessments, where possible, of political, security and development issues, as a basis for agreeing policy.
- Linking departmental priorities in the country in question to a donor country's foreign policy objectives.
- Providing a tool for managing joined-up working through the development of action plans with bench marks.
- Providing a basis for ensuring that departments speak with a common voice when dealing with different host government interlocutors.
- Officially committing departments to work more closely with each other in a particular area.

Source: OECD DAC (2006), *"Whole of Government Approaches to Fragile States"*, www.oecd.org/dac/fragilestates.

2.2 Creating the right incentive structures

Greater whole-of-government coherence takes time, effort and — inevitably — compromise. It may also mean that one government department will not have as much say if they are in a supporting rather than a leading role in a particular country programme. For this reason, efforts are needed to ensure that the right incentive structures are in place for a more coherent and joined-up approach.

An increase in resources, or greater access to them, is one such incentive; senior political-level support announced through a joint policy statement by key ministers is another. Since SSR requires multidisciplinary skills, the strongest incentive for cross-government co-ordination remains access to a broader pool of expertise and knowledge to make country programmes more effective.

2.3 Flexible funding for a comprehensive SSR approach

Comprehensive support to SSR includes activities that do not necessarily qualify as Official Development Assistance (ODA). These are related mainly to defence or intelligence reform, or more specifically, to enhancing the fighting capacity of the military or intelligence-gathering. Most other SSR-related activities can be claimed and funded through ODA sources. Tables 8.2 and 8.3 at the end of this section examine in greater depth what SSR activities can and cannot be claimed as ODA. A number of countries have developed flexible financing arrangements that allow greater use of cross-government resources for these activities, as well as ODA and non-ODA funding sources; these arrangements encourage whole-of-government co-ordination. The United Kingdom established the Global Conflict Prevention Pool (GCPP) and the Africa Conflict Prevention Pool (ACPP) in 2001 to support priorities agreed by the Foreign Office, the Department for International Development, and the Ministry of Defence, each of which contributes to both conflict pools. A number of SSR programmes have been funded through the pools, with priorities set jointly by the three departments and reviewed regularly by ministers.

Similarly, the Netherlands has developed a "Stability Fund" that also promotes coherence through pooled funding and promotes an integrated policy-driven approach to security and development issues (Box 8.3).

Box 8.3 Flexible funding mechanisms for a more integrated approach

The Netherlands' Stability Fund

The government of the Netherlands created a financing facility called the "Stability Fund" in order to support and improve the effectiveness of a more integrated approach to peace, security and development. The Fund draws on ODA as well as non-ODA sources.

The fund is designed to finance activities at the interface of peacekeeping and peacebuilding. It comes into play where traditional assessments — establishing whether an activity can be classified as ODA according to the current OECD DAC criteria — complicate the comprehensive and integrated approach to security issues essential for poverty reduction and sustainable development. It is policy-driven; the question of ODA eligibility, which can limit a quick action response to immediate needs, is purposefully left out of the decision-making process. The aim of the new set-up is to ensure effective linkages between conflict prevention, crisis management, reconstruction and rehabilitation. There is no retroactive ODA assessment of activities at the end of each budget year.

The fund supports an integrated foreign policy based on a multidimensional approach that includes political analysis, peacekeeping operations, civil-military tasks, human rights and strengthening of civil structures.

Source: Ministry of Foreign Affairs of the Netherlands and DAC Guidelines on SSR and Governance.

2.4 Country-level whole-of-government co-ordination

Experience has shown that — in addition to the challenges in an overall policy framework, a country-level strategy and sufficiently flexible funding — challenges remain in ensuring coherence at field level. There may be more than one reporting line back to headquarters and in those cases, joined-up reporting can enhance co-ordination and help move agendas at headquarters in the same direction. A number of countries have found that establishing steering committees in-country helps ensure that donor government representatives speak with a coherent voice to partner country interlocutors. While chaired by the ambassador, these committees could bring together the defence attaché and foreign affairs and development officials. Other proposals include having compatible or joined-up information systems, as well as establishing the right security clearance for key personnel to ensure that information can be shared or accessed easily.

3. Options for programme management

International support programmes can be run by in-house staff, contracted to external consultants, or outsourced to implementing partners, such as international organisations, NGOs and management consulting companies. Each option has its advantages but in every case the challenge is to manage human resources to achieve a predetermined objective. International actors retain maximum control and find the task simpler when they manage programmes in-house. While there may be difficulties in finding the right personnel with the appropriate skill sets, keeping a programme in-house often provides greater flexibility in responding to changing contexts as well as greater political control. It also increases the public accountability of assistance. This increased visibility, at home and in the partner country, also has its disadvantages.

Many donor-funded SSR programmes are now being implemented by private sector companies and NGOs. At a time when development agencies are scaling up development assistance without similar increases in staffing levels, this approach is likely to become more prevalent. The trend towards contracting out has potentially significant implications for accountability and quality control. As emphasised in Section 2, SSR is a very political area and the sensitivity increases when non-state actors are involved. Regardless of any increased private sector involvement, there remains a need for desk officers within governments and international organisations to be able to hold contractors accountable. It is important that donor governments remain engaged and do not consider SSR a purely technical issue, and avoid contracting out the politics to the private sector.

Outsourcing a support programme to an international organisation, NGO or management consulting company requires the international organisation to develop skills in contract management. One of the advantages of outsourcing is that in the marketplace, donors are more likely to find the professional, technical and managerial skills required to implement their support programmes than they are in-house. The private sector and NGOs can provide much-needed skills and capacity to help support SSR programmes, but this needs to be supplemented with political support and engagement from donors and international organisations. Furthermore, due to the sensitivity of SSR, partner governments may prefer to work with public bodies and experts who are government officials or civil servants and perceived to have the legitimacy and confidentiality requirements essential for providing assistance to a SSR programme. For example, in the case of military or police reform, there is great value to be found from having serving officers representing their institutions engage directly with their counterparts within a partner country in terms of access, credibility and building rapport.

One of the biggest difficulties with outsourcing a support programme is the split client issue. An outsourced implementing partner in effect works simultaneously for the international actor and the national government or other local partners. It takes direction and guidance from both; it is paid by the international actor and, because of local ownership principles, is essentially responsible for its activities to local stakeholders. This is a challenging position for the implementing partner and the international actor.

Hiring external consultants (international and/or local), individually or in small groups, is an intermediate position between the two previous alternatives. The consultants report directly to the international actor and there are fewer bureaucratic and organisational barriers. Increased control, however, imposes its own managerial burdens, although it does make for greater flexibility and avoids the split client dilemma.

Table 8.1 **Advantages and risks of subcontracting SSR implementation**

Advantages	Risks
Knowledge management and vision – Contractors can provide the professional, technical, and managerial skills required for SSR. They use the most up-to-date methodologies to provide advice on strategic planning, performance measurement and personnel evaluation.	*Two-client issue* – The contractor becomes entrapped between line management and accountability in relation to the international actor who provides the funding for, and interfaces with, the local institution or programme beneficiary.
Effective engagement – Contractors' involvement allows employment of military or police expertise without recourse to national army or police services, whose resources tend to be overcommitted or unavailable.	*Background and high costs* – There is a need to check the earlier conduct of the NGO or company, the quality of its service delivery and the reputation of its personnel. Private companies tend to be expensive.
Discreet presence – Politically contrators can maintain a more discreet presence on the ground since they do not represent governments or wear uniforms.	*National policy extension* – They can be seen to represent the extension of the official policies of the external partners that fund them, while not feeling accountable or the need to follow the donor's policy guidance.
Multidimensional skills – Management consulting companies bring highly qualified staff and are able to deliver multidisciplinary services.	*Democratic deficit* – The private sector is not subject to the same legislative oversight as the public sector. In addition, there tends to be a lack of national legislation in the field of quality control.
Flexibility – Contractors offer flexibility in comparison with the state's lengthy internal hiring procedure. They are quickly deployable or mobilised for action, and are more results-oriented.	*Project design and mid-term changes* – The disconnection between those who design projects and those who implement them may cause problems of understanding. This tends to be worsened when mid-term review and adjustments are necessary.
Contribution to development of policy framework and guidelines – As "the actor" on the ground and in touch with the reforming institution on a closer basis, the contractor is in a privileged position to collect best practices which can in turn help donors reformulate policy frameworks and guidelines.	*Complex co-ordination* – When there is a proliferation of projects in a new area (such as SSR) without an overarching policy framework, the multiplicity of actors on the ground poses challenges of co-ordination that can be aggravated when contractors implement programmes.

Source: Table created on the basis of Mancini (2005), *In Good Company? The Role of Business in Security Sector Reform*, DEMOS and IPS, Chapter 5: "Assessing the Private Sector Contribution", pp. 55-76.

4. Reviewing progress and evaluating impact

The objectives of international assistance, as highlighted in Section 4 on programme design, should be to strengthen governance and enhance service delivery of security and justice institutions while increasing local ownership and sustainability. One of the key management challenges is to measure and evaluate how the assistance programme is helping achieve these objectives, and if it is leading to changes in the behaviour of local state and non-state actors. This requires continuous monitoring, which can then be used as a management tool to adjust assistance programmes to respond to changing contexts and local needs. It also requires an analysis of the context, and, where applicable for SSR, a conflict analysis. Evaluators and reviewers should seek to gather any information on existing assessments and then possibly conduct their own short one in order to have a better understanding of the context in which a programme operates, and to take account of changing dynamics.

Progress can be monitored using indicators — developed in the programme design — for objectives along the results chain. Progress can be measured against baseline data that have been collected in the original assessments (Section 3). For example, follow-on surveys could be commissioned to track changes in local people's perceptions of security, and conflict assessments can be reviewed to assess how the SSR assistance programme is impacting on, and is being impacted by, conflict dynamics.

Reviews should take place periodically throughout an assistance programme to assess performance (see Figure 1.2, "Overview of an external assistance programme for SSR", in Section 1). Reviews are designed to suggest the adjustments and refinements necessary to help achieve the programme goals. Evaluations, on the other hand, normally take place at the end of a programme to identify the broad lessons learned and inform subsequent programming. A framework for review and evaluation should be established in the design of the programme (Section 4). When managed effectively, these can be valuable management tools. Building reviews into programmes is important to help address the common feeling among programme staff that reviews take up precious time, resources and energy. Reviews should not be seen as an optional extra but as an intrinsic part of assistance programme delivery. Case Study 8.1 highlights some of the lessons learned from an evaluation of an SSR programme in Sierra Leone.

The OECD DAC has developed general criteria for evaluating development programmes that can serve as a useful guide for reviews and evaluations of SSR assistance programmes (Box 8.4). These criteria can be incorporated in the terms of reference for a review, for instance. The DAC is also currently developing guidance on evaluating conflict, peace and security interventions and activities, which will include some explanation of how to use the DAC criteria in contexts where SSR may be conducted.

Box 8.4 DAC criteria for evaluating development assistance

When reviewing and evaluating programmes and projects, it is useful to consider the following DAC criteria, as laid out in the DAC Principles for Evaluation of Development Assistance:

Relevance: the extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor. In evaluating the relevance of a programme or a project, it is useful to consider the following questions:

- To what extent do the objectives of the programme remain valid?
- Are the activities and outputs of the programme consistent with the overall goal and the attainment of objectives?
- Are the activities and outputs of the programme consistent with the intended impacts and effects?

Effectiveness: a measure of the extent to which an aid activity attains its objectives. In evaluating the effectiveness of a programme or a project, it is useful to consider the following questions:

- To what extent were / are the objectives achieved / likely to be achieved?
- What were / are the major factors influencing the achievement or non-achievement of the objectives?

Efficiency: a measure of the outputs — qualitative and quantitative — in relation to the inputs. It is an economic term which signifies that the aid uses the least costly resources possible in order to achieve the desired results. This generally requires comparing alternative approaches to achieving the same outputs, to see whether the most efficient process has been adopted. When reviewing and evaluating the efficiency of a programme or a project, it is useful to consider the following questions:

- Were activities cost-efficient?
- Were objectives achieved on time?
- Was / is the programme or project implemented in the most efficient way, given the alternatives?

>>> continued

Impact: the positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended. This involves the main effects resulting from the activity according to the local social, economic, environmental and other development indicators. The examination must also include the positive and negative impact of external factors, such as changes in terms of trade and financial conditions. When evaluating the impact of a programme or a project, it is useful to consider the following questions:

- What has happened or is happening as a result of the programme or project?
- What real difference has the activity made to the beneficiaries?
- How many people have been affected?

Sustainability: a measure of whether the benefits of an activity are likely to continue after donor funding has been withdrawn. When evaluating the sustainability of a programme or a project, it is useful to consider the following questions:

- What are the major factors that influence the achievement or non-achievement of sustainability of the programme or project?

Sources: OECD (1991), *DAC Principles for the Evaluation of Development Assistance*, www.oecd/dac/evaluation; OECD (1986), *Glossary of Terms Used in Evaluation, in Methods and Procedures in Aid Evaluation*; and OECD (2000), *Glossary of Evaluation and Results Based Management (RBM) Terms.*

4.1 Building local ownership through participatory reviews and evaluations

An important way to overcome the scepticism of some stakeholders about reviews and evaluations is to ensure that these are designed to encourage learning and are not confrontational. The objective is to improve the delivery of assistance programmes, not to point fingers. Incorporating benchmarks and preparing for monitoring and evaluation as early as programme design can also promote a learning dynamic and improve accountability. Another part of the solution is to dispel the negative perception that reviews and evaluations are more a reflection of the mindset, rules, regulations, priorities and objectives of the international actor than of the needs of the partner countries. To do so requires a process that identifies the core issues/problems, produces agreement on those issues among relevant stakeholders, and finds evaluators with the correct blend of skill sets to conduct the work in a positive spirit of inclusion.

Traditionally, evaluation has tended to be managed from an outsider perspective that often does not recognise local expectations or the potential for national stakeholder contributions. In effect, stakeholders were the objects of evaluations rather than key participants in the process. Beneficiaries, local civil society organisations and governments in partner countries were often left without substantive roles to play.

However, reviews and evaluations of SSR programmes provide an important opportunity to build local ownership and capacity. With participatory approaches, key stakeholders become truly involved in:

- Setting up frameworks for measuring and reporting on results.
- Reflecting on results achieved, proposing solutions and responding to challenges.
- Promoting the implementation of recommendations.

Experience has shown that if stakeholders have participated in the review or evaluation process, they are more likely to contribute to the implementation of their findings. Demonstrating that the views of local stakeholders can impact on the design of international assistance programmes can also be empowering for local actors and help increase ownership. Reviews and evaluations should therefore be seen as processes, rather than reports. An inclusive process of recruiting the right staff to conduct the review, consulting widely, listening and responding to stakeholders creates a positive learning environment that can yield beneficial results.

4.2 Managing information to inform reviews and evaluations

Two of the biggest challenges often facing review and evaluation teams are high levels of staff turnover and poor recordkeeping. This can make it very difficult to establish what happened in a programme and for what reason. If programme managers keep a record of why certain decisions were made, that can help demonstrate how the programme has adapted to changing contexts, and be a valuable resource for reviews. Another problem is that previous reviews and evaluations are often not readily available. Although a number of international actors have set up information "hubs" where staff can access a range of material on topics of interest and relevance to their work, these sites often do not contain the requisite information or are not kept up-to-date. This can result in reviews going over ground that has already been covered. Ensuring that international actors find an effective means to disseminate and share knowledge both within their organisations and with partners (see co-ordination section below) is vital.

4.3 Ensuring that findings inform the revision of assistance programmes

When SSR programmes are reviewed and evaluated, the lessons identified are often not heeded and so do not lead to improved assistance programmes. This is partly a problem of weak management. But it also highlights the need to ensure that the people conducting a review fully understand the context within which the assistance programme operates, and that they recognise the difficulty of change. It is vital that recommendations are informed about the nuances of the local context (for example, the history of inter-communal relations or the barriers to reform of the police). If not, such reports understandably meet resistance as they are viewed as being based on assumptions about what is desirable rather than what is feasible. This underlines the importance of taking a participatory approach to reviews and picking the right staff to conduct them.

If reviews are to lead to revisions in assistance programmes, their recommendations need to be clear and practical. Recommendations that are abstract, that are critiques, that ignore local contexts or that convey no sense of how they should be implemented will simply not work: they will lead to inaction or even undesirable action. This means moving reviews away from "why" and towards "how to" advice, including how to encourage change when working with institutions that often are very traditional and resist reform.

5. Developing an effective communications strategy

Failure to communicate the objectives and activities of assistance can seriously undermine SSR processes, in particular due to their often politically sensitive nature. Developing an effective communications strategy is a requirement that donors need to take more seriously, and should be more frequently incorporated into programme design. Clearly communicating intentions, raising awareness of commitments to change and highlighting progress are important to help sustain political and public support for reform processes.

Box 8.5. A newsletter on police reform creates a platform for policy discussions in Serbia

The Law Enforcement Department of the Organisation for Security and Cooperation in Europe (OSCE) Mission to Serbia and Montenegro developed, as part of their support to the police reform process in Serbia, a quarterly newsletter entitled Police Reform that was published in both English and Serbian. The newsletter acted as a means of keeping the international community and the policing community abreast of the reforms currently under way. It also acted as a policy forum to discuss issues related to the reform process and as a means of co-ordinating the engagement of the international community around specific reform objectives.

For an example of the newsletter see http://www.osce.org/publications/fry/2005/05/18200_541_en.pdf.

Communication needs to occur at many levels, including among international actors, between international actors and national partner country governments, among government departments in the partner country, and between partner country governments and the public. Getting SSR onto the government agenda requires raising the public's awareness of justice and security issues and developing the capacity of the media, research institutions and academia to engage in policy debates and provide oversight of security and justice policy and practices. Keeping all local stakeholders up to date with programme implementation and activities, explaining intentions and communicating progress are all vital, particularly with regard to supporting champions of change and lessening the impact of resisters. International assistance programmes should appoint someone to be responsible for communications and develop a strategy to ensure that their message gets across effectively and consistently. Case Study 8.2 highlights the communications strategy developed by the UN in Kosovo as part of the internal security sector review (ISSR). Partnering with civil society organisations and women's groups can be an effective means of delivering messages, as such groups are often closer to the target population and have experience with communication and advocacy in the community.

6. Strengthening international co-ordination

6.1 Ensuring compatibility with the Paris Declaration on Aid Effectiveness

As with all development activities, donor co-ordination is a key — and challenging — issue. The political nature of and cross-government interest in security issues make co-ordination of SSR all the more difficult. There is, however, broad agreement on the purposes of aid co-ordination: resources should be delivered efficiently and effectively, and the contributions of the many donors involved should be complementary and allocated in line with local priorities and policies.

When considering co-ordination mechanisms at field level, it is important to retain the key factor of local ownership as a point of departure and to ensure that, where possible, the partner country government leads on co-ordination. External assistance must build on, and not be a substitute for, national capacities, resources and initiatives. Donor co-ordination should be based, wherever possible, on the principles of the Paris Declaration on Aid Effectiveness (2005). The international actor supporting the co-ordination process should engage for the medium to long term, as that is the required timeline for SSR and other conflict prevention and peacebuilding activities to be effective. One innovative approach has been the establishment of joint donor offices — as in South Sudan, where resources and technical expertise are pooled. This is a more efficient means of providing country-level support to countries where a donor government might not have a diplomatic presence. Another has been the establishment of the "Afghanistan Compact" in 2006, which commits donors and the Afghan government to work together and take concrete steps that ensure support is aligned to the country's priorities and national development strategy, respecting the Paris Declaration. This kind of arrangement can promote ownership and harmonisation.

Box 8.6. Enhanced harmonisation through the Joint Donor Office in South Sudan

A Joint Donor Office was opened 27 May 2006 in South Sudan. JDO is a co-operation framework established initially by five countries: Denmark, the Netherlands, the United Kingdom, Norway and Sweden. The areas of activity include policy dialogue, donor co-ordination, technical support to the Multi Donor Trust Fund secretariat, monitoring, reporting and programme management.

Each of the above countries helps fund and sends technical advisors in key sectors, *e.g.* health, justice, governance, security and social services.

Source: Ministry of Foreign Affairs of Denmark.

Given that co-ordination among donors is voluntary, its success depends on the extent to which it adds value to the operations of individual donors and agencies. Such value-added results might include independent needs assessments, access to information or negotiations with partner institutions on behalf of all donors, to establish where donor support is required. The voluntary character of aid co-ordination also makes it fundamentally different from the concept of management, which implies firm control over the various elements present. Good co-ordination should not be construed as forcing all activities into a single mould. A diversity of approaches, including experimentation with new methods, can contribute greatly.

6.2 Added value of joint assessments, reviews and evaluations

One area where co-ordination yields significant benefits is assessment, review and evaluation of SSR assistance programmes. Conducting these jointly can in turn result in more co-ordinated approaches to programme design and implementation. At the very least, the sharing of reports helps develop common understanding. The OECD DAC recently published a practical guide designed to help managers deliver effective joint evaluations (see Additional Resource 5 at the end of this section). The potential benefits of undertaking assessments, reviews and evaluations jointly include mutual capacity building, harmonisation of policy, reduced transaction costs, the participation of partner countries and thus greater alignment, and enhanced objectivity and legitimacy.

6.3 Clarifying roles and responsibilities

There needs to be clarity regarding the division of roles and responsibilities within the international community: ambiguity about divisions of labour will hamper implementation and undermine the legitimacy of engagement. Experience suggests that the co-ordination of technical and financial assistance benefits from the leadership of a bilateral or multilateral agency or donor that is recognised as credible by other donors and aid recipients. Different agencies and donors have performed this role and it appears useful to maintain a certain flexibility with regard to leadership. The lead agency is responsible for proper dissemination of information in the otherwise disorderly environment that is likely to exist during or in the aftermath of the crisis. Box 8.7 below highlights the lesson learned from attempts to co-ordinate the international community supporting SSR in Afghanistan.

Box 8.7. An analysis of international co-ordination in Afghanistan

A large number of international actors are often involved in SSR programmes. These can include international development agencies, ministries of defence, intelligence services, UN agencies and programmes, international financial institutions, non-governmental organisations, private sector companies and regional organisations. It is important that this broad set of actors form a "contact group" or technical committee to support and help co-ordinate, harmonise and oversee the coherent contribution of the international community to an SSR programme. Where possible, such a body should be chaired by a representative from the host government.

Agencies often seek involvement in a large number of diverse areas rather than focus their attention and resources on areas where they have a comparative advantage. However, it is important to ensure that the allocation of roles and responsibilities does not lead to a "stovepiped" approach to SSR as has been seen in Afghanistan. The Bonn agreement (signed in December 2001) established five pillars for SSR-related issues, each with a lead donor. But this approach failed to take account of linkages between sectors or to recognise the importance of local ownership in ensuring sustainability.

See further Additional Resource 10 at the end of this section: Sedra, 2006.

6.4 Co-ordinating funding

Too often, funding mechanisms for international assistance strategies are fragmented, under-resourced, and precariously dependent on the reliability and generosity of specific donor agencies and lending mechanisms. A key element of long-term planning is predictability of funding. Emerging priorities in other countries or budget tightening can suddenly lead to cuts with a potentially damaging effect on programme implementation and relations with partners.

Box 8.8. Trust funds as a co-ordination mechanism: the example of the Multi-Country Demobilisation and Reintegration Programme (MDRP) in the Great Lakes Region of Central Africa

The MDRP process and the MDRP trust fund, co-ordinated by the World Bank, provides an interesting example of a co-ordination mechanism for the international community in the field of disarmament, demobilisation and reintegration (DDR) of ex-combatants. The need to establish a comprehensive framework for security system reform within a country can lead to difficulties in ensuring medium- to long-term funding from the international community; ad hoc approaches could well undermine a longer-term vision of security reform. With the MDRP, projects are funded if they advance the overall objectives of the programme agreed by the board of the MDRP, which includes representatives from the donor community, the national governments from the Great Lakes Region and experts on DDR. A similar process would be an innovative initiative within the SSR domain and would help to support a shared and long-term vision of the reform process. To be effective it would be necessary to have a clear division of roles and responsibilities between those who would co-ordinate the fund and evaluate its activities, and those who would work on programme/project implementation.

For details of how the MDRP Trust Fund works, see further www.mdrp.org.

The use of multi-donor trust funds can be a means for developing shared goals and ensuring greater co-ordination of donor efforts to support SSR processes. The example of the MDRP process as outlined in Box 8.8 highlights how such trust funds could be used for SSR processes, and how a trust fund can help international harmonisation and alignment even on a regional scale.

6.5 Country-level co-ordination mechanisms

Co-ordination efforts should concentrate on promoting coherent approaches to critical objectives. Whatever the mechanisms established, co-ordination should not inhibit rapid responses or innovation by individual donors. Donors must agree on a strategic framework within which to conduct their operations in line with their own comparative advantages, while working together. This underscores the value of including security and justice considerations in national development frameworks or Poverty Reduction Strategy Papers (PRSPs). In fragile states, Transitional Results Matrices (TRMs) can help identify key priorities, measure early results, provide a framework for assistance programmes and capacity-building initiatives, and function as a vehicle for donor co-ordination.

This handbook aims to help improve donor co-ordination in SSR, by providing:

- An agreed understanding of the political nature of SSR, which makes it imperative for donors and development agencies to take a co-ordinated approach on sensitive issues (Section 2).
- An agreed assessment framework to which donors have signed up and which is comprehensive in terms of governance, context and capacity development issues (Section 3).
- An agreed process for SSR programming and the main facets of a development approach to supporting SSR processes (Section 4).
- A process for developing a common strategy agreed among donors, partner governments and civil society.

The EU, in its SSR joint paper on the Democratic Republic of Congo (DRC) presented to the EU Political and Security Committee (December 2006), proposes a practical co-ordination structure to facilitate harmonisation of the international community around key SSR principles and alignment with the DRC government's security and justice reform needs. Recognising that SSR is a political issue requiring cross-government co-ordination, the structure includes a senior political-level steering committee, chaired by the prime minister, consisting of senior DRC government officials and the international community at ambassadorial level. This co-ordination body is supported by technical working groups on issues such as policing, rule of law, defence reform and democratic oversight and accountability. It not only facilitates the necessary political-level support for SSR, but also ensures

that the support provided by the international community aligns with the government's priorities and the commitments within the Paris Declaration on Aid Effectiveness.

Checklist: Useful questions when managing SSR assistance programmes

- Have you carefully considered the options for programme management?
- If you are contracting out implementation, is there sufficient capacity in your organisation to ensure effective oversight and political engagement?
- Do you have a system in place to monitor the implementation of the assistance programme, to ensure it is relevant to the changing context?
- Are you keeping a record of major events and political changes to explain decisions made and to inform reviews and evaluations?
- Have you developed a communications strategy to keep key stakeholders informed?
- Do structures already exist for donor co-ordination that could be used for work on SSR, or are new mechanisms needed?

How this section links with the rest of the handbook

This section has highlighted the central (but different) roles that monitoring, review and evaluation play in making donor support to security and justice reform more effective. These three elements, as well as issues of donor co-ordination, should be integrated into the design of donor programmes (see Section 4).

Case Study 8.1
Managing donor programmes — reviewing UK support for SSR in Sierra Leone

Context

Sierra Leone is one of the poorest countries in the world, and has suffered through years of conflict. The United Kingdom has been supporting a range of SSR-related initiatives for the country since 1999. Now in its third iteration, the Sierra Leone Security Sector Reform Programme (SILSEP) funded by the UK DFID has focused on supporting the institutional development of the ministry of defence and the office of national security. This institutional focus aims to improve the management and governance of the security sector in line with democratic principles of civil control. These efforts are complemented by support for the reform of Sierra Leone's armed forces, primarily through the International Military Advisory Training Team, and by the DFID Justice Sector Development Programme.

Entry point

As a DFID programme, SILSEP III is structured around a coherent framework that defines the goal and objectives of the programme and identifies agreed verifiable indicators for measuring progress. An "output to purpose" review is required at the mid-point of the three-year programme to assess delivery and furnish recommendations on its future direction and approach.

Lessons learned

Use multidisciplinary teams — The review team was comprised of individuals with expertise in defence, intelligence, strategic analysis, police and justice. This helped establish trust and credibility with programme staff and partners. The team benefited from combining members with prior experience of working on these issues in Sierra Leone with those who could provide a fresh perspective. However, in spite of its relatively large size, the team lacked specific expertise on monitoring and evaluation that would have helped it take a more effectively co-ordinated and structured approach to the review.

Be constructive, support programme managers and help implementers achieve objectives — The review focused on developing constructive and realistic recommendations in full consultation with those delivering on the ground. It was therefore seen by most Sierra Leonean and UK stakeholders as an opportunity rather than as a threat and, through this collaborative approach, it was able to effectively influence the programme's future direction. Indeed, members of the review team worked with programme staff to develop ideas for the future programme as a direct follow-up activity. However, by not conducting the review in formal partnership with a local institution, an opportunity was lost to develop national monitoring and evaluation capacity.

Assess coherence with wider initiatives — A key issue was to assess how best to align the SILSEP programme with broader related initiatives. The review team spent their first week working in partnership with a UNDP team; the latter was performing an assessment that would feed into the design of their future programme. Efforts were also made to work closely with the Justice Sector Development Programme team to explore opportunities for co-ordination, collaboration and coherence across these related programmes.

Move beyond institutions and assess impact — Given the nature of the SILSEP programme, the review team gravitated towards an approach focused on assessing progress in terms of institutional development. While satisfying the terms of reference for the review, this focus led to team members spending the majority of time in the capital Freetown, engaging with partners working within the security system. Very little time was spent outside Freetown and even less actually engaging with local communities, the intended beneficiaries of the programme. This made it difficult for the review team to make any proper assessment of the overall impact of the programme in terms of creating an environment in which people feel safe and secure, and in which sustainable development is possible.

Impact

The impact of the review has been positive in terms of support for the programme, broader and deeper engagement across the security system in Sierra Leone, and better understanding of the need for strong coherence across a range of programmes for improved delivery of security and justice. As a result, the proposed follow-up programme to SILSEP III will enjoy a longer planning period. It will promote a locally led, sector-wide approach with sustainability as a core issue, and focus on helping the government of Sierra Leone address key priorities that it has identified through its national security system review process.

Giacomo Pirozzi/Panos Pictures

SIERRA LEONE: Child soldier checking passes at road block during the civil war.

Case Study 8.2
Communication and outreach on SSR in Kosovo

Context

United Nations Resolution 1244 placed Kosovo under United Nations administration in 1999, following the NATO bombing campaign that put an end to the conflict between the Albanian population and the Serbian regime run by Slobodan Milosevic. Since then, Kosovo has had two parliamentary and two local elections that created the Provisional Institutions of Self Government (PISG), and more control is being transferred to these local authorities. A Kosovo Internal Security Sector Review (ISSR) is currently under way to help define security needs and analyse the institutional capacity required to address threats via a consultative process involving local experts and citizens. The ISSR has been one of the most ambitious and holistic efforts at SSR undertaken in recent years, in both scope and methodology.

Entry point

One of the main principles guiding the ISSR in Kosovo has been to firmly establish public ownership. The goal was to ensure that all of Kosovo's communities were not only aware of, but had the opportunity to be engaged in, the ISSR process. The campaign aimed to enhance the level of public dialogue about security and to encourage the transparency of Kosovo's security institutions and policy-making process. Under the slogan "Have Your Say on Security", the ISSR Communications Team opened a number of channels through which the public could contribute, including: 1) public opinion surveys conducted in over 800 homes, 2) recorded commentaries from citizens gathered by the "Have Your Say" Bus, which travelled through urban and rural areas of Kosovo, 3) comment boxes located in every municipal building or in cultural centres in areas inhabited by minority groups, 4) emails sent directly to the ISSR address, 5) phone calls made to the ISSR hotline, 6) questionnaires completed by individual citizens, 7) public debates among Kosovo's key security figures regarding issues outlined in the ISSR report, 8) television and radio programmes on national and local stations with active participation of the audience, 9) town hall meetings facilitated by the OSCE across all of Kosovo's municipalities.

Lessons learned

Ownership — The success of SSR will depend on the degree to which the process is driven by the local population from the initial stages. Media and outreach campaigns must reflect that ownership by featuring local personalities and key politicians who are seen as leading the process. Every outreach initiative should be sensitive to the local context and culture; the means of communication and messages must be designed accordingly. The communications strategy, designed in full co-operation with the local population, must be created and tested by a variety of focus groups representative of all ethnic populations.

Tailoring the message to the audience — The effectiveness of the communications and outreach strategy must take into account the variety of audiences — their backgrounds, interests and fears. The message and outreach modalities must be formulated and delivered in a culture- and context-sensitive manner.

Not raising expectations — A large-scale outreach initiative aimed at ensuring full public ownership of the process is likely to raise high expectations, which the international community (due to lack of funds or due to political circumstances) may not be able to deliver.

Impact

At this stage it is too early to assess the full extent of the outreach initiative's impact. However, over 800 people participated in consultative town hall meetings, 700 took part in TV debates on the most popular television channel, 20 000 leaflets were distributed to the inhabitants of urban and rural areas, over 70 billboards were placed on Kosovo's main and secondary roads, and over 800 television spots encouraged the public to "Have Their Say" on security. For three months an ISSR bus travelled

throughout Kosovo collecting input by videotaped message, sealed letters and responses to a questionnaire. In addition, 40 suggestion boxes were placed in public buildings as a method of gathering anonymous comments. Quantitative results were gained from the 1 039 questionnaires received by ISSR.

Table 8.2 **What SSR activities can be claimed as Official Development Assistance (ODA)?**

Security system management and reform	Technical co-operation provided to parliament, government ministries, law enforcement agencies and the judiciary to assist review and reform of the security system and so improve democratic governance and civilian control. Technical co-operation provided to government to improve civilian oversight and democratic control of budgeting, management, accountability and auditing of security expenditure, including military budgets, as part of a public expenditure management programme. Budgetary actions taken in order to improve democratic control of defence funding and as part of public expenditure management programmes would be eligible — unlike, for example, providing technical co-operation to the army to introduce a new payroll system.
Civilian conflict prevention and peacebuilding	Support for civilian activities related to peacebuilding, conflict prevention and resolution, including capacity building, monitoring, dialogue and information exchange; assistance to civil society to enhance its competence and capacity to scrutinise the security system so that the latter is managed in accordance with democratic norms and principles of accountability, transparency and good governance. This includes support to NGOs and other civil society organisations, the media, universities and research institutions. It excludes training in military skills. Assistance to the defence ministry or the armed forces, as they are part of government and not civil society, is excluded.
Post-conflict peacebuilding (UN)	Participation in the post-conflict peacebuilding phase of United Nations peace operations (activities such as human rights and elections monitoring, rehabilitation of demobilised soldiers, rehabilitation of basic national infrastructure, monitoring or retraining of civil administrators and police forces, training in customs and border control procedures, advice or training in fiscal or macroeconomic stabilisation policy, repatriation and demobilisation of armed factions and disposal of their weapons, support for landmine removal).
Demobilisation and disarmament	Integration of demobilised military personnel into the economy; conversion of production facilities from military to civilian outputs; technical co-operation to control, prevent and/or reduce the proliferation of small arms and light weapons (SALW) — see below for SALW activities covered.
Child soldiers (prevention and demobilisation)	Technical co-operation provided to government — and assistance to civil society organisations — to support and apply legislation designed to prevent the recruitment of child soldiers, and to demobilise, disarm, reintegrate, repatriate and resettle (DDRRR) child soldiers. Assistance to improve educational or employment opportunities for children so as to discourage their recruitment as soldiers and to build capacity (including advocacy) within civilian government and civil society to prevent children from becoming soldiers is eligible. On the other hand, support to the armed forces themselves is not eligible. Assistance that contributes to the strengthening of the military or fighting capacity of the armed forces is excluded.
Public sector financial management	Strengthening financial and managerial accountability; public expenditure management; improving financial management systems; tax assessment procedures; budget drafting; field auditing; measures against waste, fraud and corruption.
Legal and judicial development	Constitutional development, legal drafting; institutional strengthening of legal and judicial systems; legal training and education; legal advice and services; crime prevention.

>>> continued

Government administration	Systems of government including parliament, local government, decentralisation; civil service and civil service reform. Includes general services by government (or commissioned by government) not elsewhere specified, *e.g.* police, fire protection and administrative buildings. This does not include work on defence/military capacity-related issues.
Strengthening civil society	Community participation and development; co-operatives; grass roots organisations; development of other participatory planning and decision-making procedures and institutions.
Small arms and light weapons (SALW)	Technical co-operation to control, prevent and/or reduce the proliferation of small arms and light weapons (SALW). Development of laws, regulations and administrative procedures for the control and reduction of weapons proliferation; development of institutional structures for policy guidance, research and monitoring; public awareness campaigns on SALW; promotion of regional co-operation and information exchange on SALW programmes; weapons collection and destruction. Funding of action to seize arms by force is excluded. Engagement in weapons collection and destruction programmes by military personnel is excluded.

Table 8.3 **What SSR activities cannot be claimed as Official Development Assistance (ODA)?**

Aspects of military reform	Assistance that contributes to the strengthening of the military or fighting capacity of the armed forces is excluded.
Aspects of police reform	Training of police in routine civil policing functions can be claimed as ODA, but not training in counter-subversion methods, suppression of political dissidence, or intelligence gathering on political activities.
Counter-terrorism and training on counter-subversion	Assistance that contributes to increased capacity on counter-terrorism is not included; however, activity that increases the oversight capacity of institutions, such as the parliament or external oversight institutions, could be included.

For further information on what is or is not ODA eligible, and for the exact wording of ODA directives, see www.oecd.org/dac/stats.

Reader's Notes:

Additional Resources

The following are recommended resources for further information on managing SSR programmes that have helped inform this section:

1. **European Commission (2004), *EC Support to Programmes at a Glance*,**
   http://ec.europa.eu/comm/europeaid/reports/ec_support_sector_programmes_guidelines_ataglance_en.pdf
   Overview of sector programmes in general and the EC programmes in particular. Introduction to seven key areas of assessment.

2. **European Commission (2004), *Project Cycle Management Guidelines*,**
   http://ec.europa.eu/comm/europeaid/reports/pcm_guidelines_2004_en.pdf
   Comprehensive guide covering all stages of a project cycle. The objective is that projects (and programmes) are feasible, relevant and effective.

3. **Mancini, Francesco (2005), *In Good Company? The Role of Business in Security Sector Reform,* Demos,**
   http://demos.co.uk/publications/ingoodcompany
   Argues that all involved agencies — including government departments, international organisations, recipient governments and private contractors — need to work together to put an effective governance framework into place.

4. **Mozammel, Masud and Galia Schechter (2005), *Strategic Communication for Community-Driven Development — A Practical Guide for Project Managers and Communication Practitioners,***
   http://siteresources.worldbank.org/EXTDEVCOMMENG/Resources/cddcommguidefina.pdf
   Provides a useful communications framework, presenting a step-by-step process for a comprehensive strategic communications programme and explaining the basic concepts and ideas of such an intervention.

5. **OECD (1991), *DAC Principles for the Evaluation of Development Assistance*,**
   http://www.oecd.org/dataoecd/secure/9/11/31779367.pdf

6. **OECD (2000), *Glossary of Evaluation and Results-Based Management (RBM) Terms*,**
   www.oecd.org/dataoecd/secure/14/57/31950400.pdf

7. **OECD (2005), *Paris Declaration on Aid Effectiveness,***
   http://www.oecd.org/document/18/0,2340,en_2649_15577209_35401554_1_1_1_1,00.html

8. **OECD DAC Network on Development Evaluation, Key documents and publications,**
   http://www.oecd.org/document/35/0,2340,en_21571361_34047972_31779555_1_1_1_1,00.html

9. **OECD DAC Network on Development Evaluation, *Guidance for Managing Joint Evaluations*,**
   http://www.oecd.org/dataoecd/29/28/37512030.pdf
   This booklet provides practical guidance to help donors deliver more effective joint evaluations. Joint evaluation enables development agencies and partners to assess collectively the relevance, efficiency, effectiveness, sustainability and impact of programmes.

10. **Sedra, Mark (2006), "Security Sector Reform in Afghanistan: The Slide towards Expediency", *International Peacekeeping*, Vol. 13, No. 1.**
    Argues that the SSR agenda in Afghanistan has shifted from ensuring democratic governance and accountability of the sector to maximising security force effectiveness, which threatens the underlying goals of the process.

11. **UNDP (2002), *Aid Coordination and Management: Considerations, Lessons Learned and Country Examples*,**
    http://www.aidharmonization.org/download/243241/Aid_Coordination_&_Mangt_(country_examp).pdf
    Gives an overview of issues related to aid co-ordination, using case studies from countries that have employed a variety of mechanisms and schemes to manage donor funding, examining bilateral and multilateral relations.

12. **UNDP, *User Guide — Programme Management* (including a section on evaluating a programme),**
    http://content.undp.org/go/userguide/results/programme/

13. **Is it ODA?,**
    http://www.oecd.org/dataoecd/21/21/34086975.pdf
    A DAC fact sheet to help a donor decide whether a particular expenditure is or is not ODA-eligible.

14. **"The Afghanistan Compact" signed in London in February 2006 incorporating commitments of the Paris Declaration on Aid Effectiveness (2005),**
    www.cmi.no/afghanistanid=327/?&The-London-Conference-and-the-Afghanistan-Compact)
    The compact encompasses a commitment on the part of "the Afghan Government and the international community to improving the effectiveness of aid being provided to Afghanistan in accordance with the Paris Declaration on Aid Effectiveness (2005), recognizing the special needs of Afghanistan and their implications for donor support" (see Annex 2 of the compact).

Reader's Notes:

Reader's Notes:

2007 CALENDAR

JULY

Mon	Tue	Wed	Thu	Fri	Sat	Sun
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

AUGUST

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
31					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

2008 CALENDAR

JANUARY

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH

Mon	Tue	Wed	Thu	Fri	Sat	Sun
31					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

APRIL

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE

Mon	Tue	Wed	Thu	Fri	Sat	Sun
30						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

JULY

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

CONTACTS

For general information about the OECD Development Assistance Committee (DAC) see further: **www.oecd.org/dac**

To contact the DAC Secretariat write to: **dac.contact@oecd.org**

For information on the OECD DAC Network on Conflict Peace and Development Cooperation (CPDC) see further: **www.oecd.org/dac/conflict**

To download a copy of this manual go to: **www.oecd.org/dac/conflict/if-ssr**

For general enquiries about the OECD contact the main switchboard on:
tel: +33 1.45.24.82.00
fax: +33 1.45.24.85.00

The OECD DAC Handbook on Security System Reform – 978-92-64-022287 – © OECD 2007

OECD DAC Handbook on Security System Reform

SUPPORTING SECURITY AND JUSTICE

How can conflict-prone countries ensure better delivery of security and justice services? How can they establish structures and mechanisms which will ensure effective and accountable security and justice institutions? Although there has been significant work undertaken over the past decade in a number of security and justice reform programmes, this landmark publication fills a void. The *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* provides guidance to operationalise the 2005 DAC Guidelines, *Security System Reform and Governance,* and closes the gap between policy and practice. It largely follows the external assistance programme cycle and contains valuable tools to help encourage a dialogue on security and justice issues and to support a security system reform (SSR) process through the assessment, design and implementation phases. It also provides new guidance on monitoring, review and evaluation of SSR programmes, and highlights how to ensure greater coherence across the different actors and departments engaged in SSR.

This work is aimed not only at development practitioners but also defence and diplomatic personnel working to support security and justice reform. The challenge now for the OECD DAC's Network on Conflict, Peace and Development Co-operation (CPDC) is to ensure that the SSR Handbook is implemented at field level. After all, security is fundamental to people's livelihoods, reducing poverty and achieving the Millennium Development Goals.

The full text of this book is available on line via these links:
www.sourceoecd.org/development/9789264022287
www.sourceoecd.org/governance/9789264022287

Those with access to all OECD books on line should use this link:
www.sourceoecd.org/9789264022287

SourceOECD is the OECD's online library of books, periodicals and statistical databases.
For more information about this award-winning service and free trials ask your librarian, or write to us at **SourceOECD@oecd.org**.

OECD*publishing*
www.oecd.org/publishing

ISBN 978-92-64-02228-7
43 2007 11 1 P

9 789264 022287