Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework

Prepared by the Clingendael Institute for the Netherlands Ministry of Foreign Affairs

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About the Authors

The Netherlands Institute of International Relations 'Clingendael' was formed in 1983 by a merger of various Dutch Institutes that were active in the field of international relations. The objective of the Clingendael Institute is to promote understanding of international affairs by means of research, the publication of studies and the organization of courses and training programmes. It acts as an advisory capacity to the Dutch government, parliament and social organizations. Clingendael actively works together with similar research and training institutes in the Netherlands and abroad.

The Conflict Research Unit (CRU) started in 1996 as a long-term project at the request of the Netherlands Ministry of Foreign Affairs. Currently, the CRU is a special unit within the Research Department of the Clingendael Institute. The CRU has since focused its activities on issues of conflict prevention and post conflict reconstruction with the aim to provide policy options, assessment instruments and tools to the (inter)national policy community. The project on Improving Democratic Governance of the Security Sector was executed at the request of the Netherlands Ministry of Foreign Affairs.

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Ball has published close to 100 journal articles, monographs and books since 1975. Some recent publications include: "Democratic Governance in the Security Sector," Prepared for UNDP Evaluation Office, 2002, http://www.undp.org/eo/afghanistan/index.html.
"Transforming Security Sectors: The IMF and World Bank Approaches," Conflict, Security, Development, Issue 1:1 (2001):45-66. "Enhancing Security Sector Governance: A Conceptual Framework for UNDP, " October 9, 2002,http://www.undp.org/bcpr/ruleoflaw/index.htm.
"Integrating Defense into Public Expenditure Work" (with Malcolm Holmes), January 2001, commissioned by UK Department for International Development, www1.worldbank.org/publicsector/pe/defense.htm.

Preface

Poverty reduction is the central objective of Dutch development co-operation. The Netherlands Ministry of Foreign Affairs therefore promotes the adherence to human rights, democratisation, peace building and good governance, offers humanitarian assistance and focuses on conflict prevention.

Peace and stability are preconditions for development and poverty reduction, which makes security a sustainable development issue. The poor are disproportionately affected by insecurity – both poor people and poor nations. The poor see insecurity as a central source of ill-being and poor countries often lack the capacity to address security issues, thereby creating a poverty–insecurity trap.

Security sector reform should therefore be an integral part of development assistance, especially in post-conflict countries, which are particularly prone to revert into violent conflict.

This institutional assessment framework for the security sector is designed to assist Governments and their partners to determine how best to strengthen democratic governance of the security sector, as part of a broader national vision. This implies an involvement of all relevant actors from the political, developmental and security field. The framework is designed to promote dialogue between these stakeholders.

In addition, the framework focuses on those areas that represent important entry points for policy: justice and the rule of law; policy development, planning and implementation; professionalism; oversight; and management of security sector expenditures. It also provides Governments with a mechanism for engaging constructively with their external partners in order to strengthen democratic governance of the security sector. The framework's purpose is to contribute to strategy development. As such, it provides the basis on which projects can be developed and implemented.

Content

Executive Summary

1. Strengthening Security Sector Governance

Security sector reform has assumed an increasingly prominent role on the international agenda over the last five years. It has been linked with debates on poverty alleviation, sustainable development, professionalization of the security forces, and good governance. This institutional assessment framework is designed to assist the Government to determine how best to strengthen democratic governance of the security sector. The framework is not intended to generate information about a country's security bodies, force structure, defence plans, intelligence gathering systems, or the level of expenditure on any of the security bodies. Rather, the focus is squarely on process, both formal and informal.

The framework is designed to promote dialogue among local actors from the political, developmental and security fields in countries that are contemplating engaging in security sector reform. Also, based on independent analysis, the framework provides the Government with a mechanism for engaging constructively with its external partners in order to promote strategies that strengthen the democratic governance of the security sector.

2. The Assessment Process

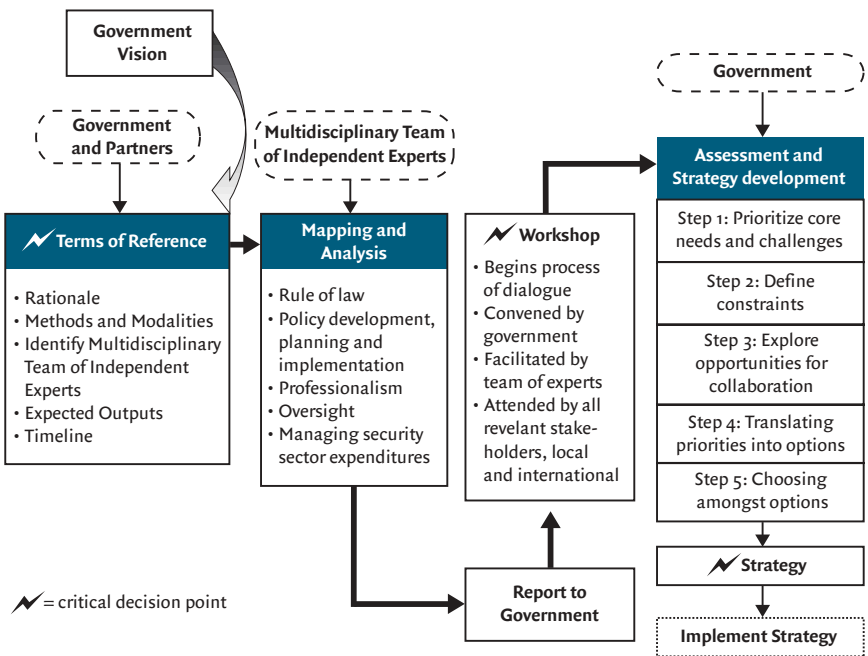
The assessment process consists of three parts: 1) developing the terms of reference to guide the overall process, 2) mapping and analyzing the status of security sector governance, and 3) assessing options and developing strategy. The mapping and analysis provides the understanding of the current situation that is necessary to decide what changes need to occur and how to carry them out. A workshop to be attended by key local and international stakeholders is proposed as a link between the steps 2 ("what is") and 3 ("what is to be"). This entire process is portrayed schematically in Figure 1.

2.1 Terms of Reference

While this framework is designed to assist the Government to identify its priorities and shape them into a strategy for strengthening democratic governance of the security sector, the success of the assessment process will be enhanced by the extent to which it is participatory in nature. A second fundamental requirement for the ultimate success of this process is that it be as transparent as possible throughout. Therefore, the first stage in the process is for the Government in close consultation with its partners to develop a terms of reference for the assessment process. The terms of reference should include agreement on why the assessment will be undertaken (the rationale); how it will be carried out (methods and modalities); the composition of an independent team of experts; the deliverables (expected outputs); and the timeline.

Developing the terms of reference is the first critical decision point ↗ of the assessment process. That is because without mutual agreement of the part of all stakeholders on the nature of the assessment process, the likelihood that the parties will be able to agree on a strategy is significantly reduced. The aim of the terms of reference is to promote a process that is characterized by transparency and information sharing, as well as to create an agreed basis for discussion of issues related to security sector governance for all partners involved. Annex 1 contains a draft terms of reference that may be useful as a starting point for a discussion between the Government and its partners.

Figure 1. Framework for Developing a Security Sector Governance Strategy



2.2 Mapping and Analysis

Once the terms of reference are agreed it will be possible to move on to the second stage of the assessment process. This involves mapping and analyzing the actual situation in five areas that are key for a well-governed security sector (entry points). The terms of reference will identify who will conduct the mapping and analysis exercise. It is strongly recommended that a small multidisciplinary team of independent experts carry out this exercise. The team will be strengthened to the extent that it is possible to recruit both local/regional and international experts. A checklist to assist

in identifying a multidisciplinary team of independent experts is found in Annex 2.) The five entry points that the team of experts will examine are: 1) the rule of law, 2) policy development, planning and implementation, 3) professionalism of the security forces, 4) oversight and 5) managing security sector expenditures. The analysis will result in a report containing findings and options, which will be discussed by all the stakeholders involved during a workshop.

2.3 Workshop

The workshop is the second critical decision point in the assessment process. It will be convened by the Government, facilitated by the team of experts, and attended by all relevant stakeholders, local and international. The quality of the process will gain to the extent that civil society is fully engaged. This workshop will provide the opportunity for Government and its partners to request clarification from the experts in order to help them assess the team's findings and recommendations, as well as the options for strategy development. During the workshop, the Government and its partners will explore areas of mutual interest and determine if they are able to move forward to the assessment and strategy development stage.

2.4 Assessment and Strategy Development

The assessment process itself aims at developing a strategy. The Government will, in consultation with its partners, have to agree upon core needs to be addressed, the constraints to overcome and the types of collaboration (with internal and external partners) required. Based on this, Government can develop a series of short, medium and long-term options for action and assess these options for feasibility. The final step is to formalize a strategy, which is the third critical decision point.

3. The Assessment Framework

The assessment framework is intended to guide the participants through the process described above. It consists of three parts. Part One discusses how to use the framework. Part Two guides the team of independent experts through the mapping and analysis exercise. Using the team's report as the starting point, Part Three helps the Government develop a strategy to strengthen democratic governance of the security sector. From this the Government and its partners can flesh out the specific activities that will form part of the strategy and the means of executing these activities.

3.1 Part One: Preparing to Use the Assessment Framework

Part One prepares the team of independent experts to apply the framework. It explains the most important principles of security sector governance, as well as its main actors. It also identifies and defines the five entry points that are considered

key for interventions aimed at strengthening the quality of governance in the security sector. Finally, it outlines four cross-cutting issues that should be taken into consideration while carrying out the assessment: 1) transparency, 2) human capacity, 3) formal versus informal institutions, and 4) change management.

3.2 Part Two: Mapping and Analysis

Part Two guides the team of experts through the in-depth analysis of each of the five entry points.

The first step in the mapping and analysis exercise is to understand the dynamic context in which the security sector operates. This requires an examination of a range of security, political, economic and social factors, with a view to identifying main impediments to sound democratic security sector governance in each area. However the contextual analysis is ultimately carried out, the objective is to inform the analysis of the five key entry points and the subsequent assessment and strategy development carried out in Part Three.

Once the team of experts is thoroughly familiar with the local context, it is ready to move on to gather and analyze information on each entry point. To start this exercise, the framework provides the team of experts with background information, explaining why each entry point is important and what crucial aspects should be taken into consideration during the analysis.

3.2.1 Focus of the Five Entry Points

A. The Rule of Law
A fundamental principle of any democratic system, which seeks to foster and promote rights – whether civil, political, economic, social or cultural – is the primacy of the law. This notably entails means of recourse enabling citizens to defend their rights as well as shaping the structure of the state and the prerogatives of various powers, with a view to placing limitation on their power. The aim of the mapping and analysis of this entry point therefore is to determine:

- Whether there are formal roles and mandates of the security bodies;
- What the hierarchy of authority is among the security bodies, the executive, the legislature and other oversight bodies;
- Whether there are clear constitutional provisions and/or legislation enshrining the agreed roles, mandates and hierarchies; and
- If these provisions operate effectively.

B. Policy Development, Planning and Implementation
The security policy process ideally consists of security environment assessments forming the basis for policy papers and operational plans, the implementation of these policies and plans, and their monitoring. From the perspective of security

sector governance, this process should be transparent and participatory. The aim of the mapping and analysis of the entry point therefore is to determine:

- How governments develop security policies:
  - Assessment of security environment;
  - Development of policy papers and operational plans on the basis of a comprehensive strategy.
- How governments implement these policies.

C. Professionalism

Professionalism of the security forces has both a normative and a technical component. It includes doctrinal development, skill development, rule orientation, internal democratization, and adherence to democratic principles (especially accountability to the elected civil authorities and to civil society) and the rule of law. The aim of the mapping and analysis of this entry point therefore is to determine:

- If there are clearly defined, widely accepted roles of the security bodies in relation to their functions and in relation to their interactions with domestic society;
- Whether there are external and internal regulations that define the responsibilities of security actors both as corporate bodies and as individuals;
- Whether the security bodies receive adequate resources (financial, training, materiel) to execute their roles as professionals;
- Whether security body personnel have the necessary expertise to fulfil their functions effectively and efficiently;
- Whether the organization and internal structures of the security bodies support democratic governance of the security bodies and their ability to function effectively, and, if not, how they could be strengthened.

D. Oversight

Oversight of the security actors is key to developing an accountable security sector. Oversight has both an internal and an external component. Besides the official actors such as the legislature, auditors-general, inspectors-general and so on, civil society also has an important role to play. The quality of oversight is shaped by factors such as independence, access to resources, clear delineation of tasks and responsibilities, knowledge of security issues and governing processes, and, most important, confidence between the oversight and the security actors. The aim of the mapping and analysis of this entry point therefore is to determine:

- The various aspects of internal and external oversight;
- The factors that influence the quality of internal and external oversight such as independence, access to information and funding, and knowledge of security issues and governing processes.

E. Managing security sector expenditures

The security sector should be subject to the same rules and procedures as apply to other sectors. Budgets should be prepared against a sectoral strategy; defence policies must be affordable; resources must be allocated according to priorities both

within the defence sector and between defence and other sectors; and resources appropriated must be used efficiently and effectively. Key principles of public expenditure management such as accountability, transparency, and contestability are as relevant in the security sector as in other sectors. The aim of the mapping and analysis of this entry point therefore is to determine:

- Whether the security sector is subject to the same rules and procedures of financial management as applied in other sectors and whether these rules and procedures reflect sound public expenditure management practice;
- The extent of the controls over how security actors manage financial resources; and
- Whether there is a link between policy, planning, and the budget process in the security sector.
- The analysis is facilitated by a checklist for each entry point that helps the team of experts gather critical information and to translate that information into options for policy makers. An example of this checklist can be found in Box 1.

3.2.2 Report

The report prepared by the team of experts should contain the following elements:

- Contextual factors that critically affect the opportunities for engaging in efforts to strengthen security sector governance;
- Core needs and challenges for each entry point;
- Means of addressing these needs and challenges in the short-, medium and long-term; and
- Key actors – local and international – who should be involved in addressing these needs and challenges and their capacity for engagement.

The team will deliver its report to the Government.

4. Part Three: Assessment and Strategy Development

4.1 Workshop

The assessment process starts with a workshop convened by the Government, facilitated by the team of experts, and attended by all relevant stakeholders, local and international. The purpose of the workshop is to review the findings and options provided by the team of experts in their report. The team of analysts can provide clarification on issues raised in the report. The workshop itself is a starting point of a dialogue between the Government and its external partners to determine whether and how they will move forward.

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Box 1. Sample Box for Mapping and Analyzing Entry Points

Mapping the Status of the Rule of Law

The following questions are intended to help the team of experts to map the status of the rule of law for defence, justice/public security and intelligence. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, team of experts should adapt the questions to the country context.

Effectiveness

1. What are the major constraints in applying the rule of law in the security sector?
2. Does the criminal justice system (police, judiciary, corrections system) work effectively? E.g., do all components adhere to the rule of law? Are people who are arrested released by the courts for political reasons without standing trial? Is pressure put on the police to drop charges?

Legal Basis of the Security Sector

3. What are the relevant formal regulations governing the security sector? E.g. does the country adhere to international law such as human rights laws? Are there military/police/intelligence acts guiding the actions of the security bodies? Have internal codes of conduct been developed?
4. Is the independence of the judiciary guaranteed in the constitution? If so, does this work in practice? E.g., do judges have adequate subpoena, contempt, and/or enforcement powers, which are utilized, and are these powers respected and supported by other branches of the government?
5. In addition to formal (inter)national regulations governing the security sector, are there informal regulations governing the security sector?
6. Are these regulations transparent? E.g., are they publicly known?
7. Are these regulations implemented? If not, why not? (e.g. is human or institutional capacity a problem? Is political will a problem?)
8. What are the formal regulations governing legal non-state security actors? Are there codes of conduct, regulations for licensing and holding non-state security actors accountable?
9. Are these regulations transparent? Are they publicly known?
10. Are these regulations implemented? If not, why not?
11. Does customary law affect governance of the security sector? If so, how?

Accountability

12. If security sector actors violate the rule of law, is there some way to hold them accountable for their actions?
13. If non-state security actors violate the rule of law, is there some way to hold them accountable for their actions?
14. Does the issue of leadership (e.g. the conduct of heads of states, the legislature, et cetera) affect governance of the security sector? If so, how?
15. Is the environment such that civil society is able to create watchdog organizations, participate in consultation processes, and constructively propose solutions to problems in the security sector?
16. If not, what factors constrain civil society from doing so?

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17. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis of the Quality of the Rule of Law

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - Identify key actors who need to be involved in improving the situation.
   - What major obstacles to change exist?
   - How might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?
5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

4.2 Assessment and Strategy Development

In order to arrive at a security sector governance strategy, the Government and its partners should follow a five-step assessment: 1) Prioritize core needs and challenges; 2) Define constraints; 3) Explore opportunities for collaboration; 4) Translate priorities into options; and 5) Choose amongst options. For each of these five steps, the framework provides a series of questions designed to generate the information needed to develop a strategy.

Prioritizing core needs and challenges across the five entry points is a first requirement for developing strategies. Developing a strategy also implies the need for identifying the constraints that will be encountered and adjusting the priority list accordingly. The priority list will be further refined by considering the opportunities for collaboration.

In order to translate priorities into options, it is necessary to firstly specify the Government's objectives in the area of security sector governance. Based on this, a number of options and associated activities can be identified and assessed. A consideration of the costs and benefits of different activities will assist in the process of choosing amongst options.

Finally, the Government, in close consultation with its partners, should consider how the most feasible options fit into a strategy that reflects its overall objectives and priorities in the area of security sector governance.

Box 2. Five Steps to a Security Sector Governance Strategy

The following five-step process is suggested to develop a strategy aimed at strengthening the quality of security sector governance:

Step 1: Prioritize core needs and challenges

- Based on all available information, including the report of the independent experts, what are the core needs and challenges facing the government in each of the five areas: rule of law; policy development, planning and implementation; professionalism; oversight; and managing security sector expenditures?
- Which needs and challenges are priorities for action? Why?

Step 2: Define constraints

- Are there political constraints facing the stakeholders?
- Are there human-resource constraints?
- Are there financial constraints?
- Other constraints, namely...?
- How do these constraints affect the priorities identified in Step 1?

- Which of the core needs and challenges identified cannot be addressed at this time?
- What core needs and challenges remain that can be addressed?

Step 3: Explore opportunities for collaboration

- Given the new priority list established in Step 2, who are the key local and external actors that should be involved?
- What is the comparative advantage of involving external actors?
- What is the comparative advantage of specific local and external actors?
- How can the most important actors (local and external) be engaged?
- What are the implications of this assessment for the priorities identified in Step 2?

Step 4: Translate priorities into options

Objectives

- What are the Government's objectives in the area of security sector governance in view of the priorities identified in Step 3?
- How are these linked to broader national objectives? Were they developed with the national objectives in mind? Are they supportive of those national objectives? Do they risk undercutting national objectives?

Options

- What options are available to the Government to address the priorities established in Step 3 and the objectives identified in Step 4?
- Are any of the options identified in the report by the team of independent experts relevant here?
- Can the Government better meet its objectives by developing short, medium and long-term options?

Activities

- What activities can be undertaken in order to achieve each of the options identified?
- How do ongoing activities relate to these options?
- Do current activities need to be adapted in order to achieve the objectives set?
- Is it necessary to develop new activities?
- How should the proposed activities be sequenced in order to best achieve the Government's objectives?

Costs vs. Benefits

- Who benefits from particular forms of action or inaction?
- Do the benefits of proposed activities outweigh the costs involved or vice versa?
- What are the costs and benefits of not undertaking any activities?

Step 5: Choose amongst options

- Based on the foregoing assessment, which options are most feasible?
- How do these options fit into a strategy for addressing the Government's main objectives in the security sector? In order to determine how options fit into a strategy, the Government will want to review:
  - What it is trying to achieve
  - What changes are necessary to achieve its objectives
  - What measures of performance are to be affected
  - What indicators will show success
- Which actors (local and external) need to be involved to implement this strategy? If any of these actors require incentives to encourage their participation, are they affordable politically, financially?
- Is it likely that the Government will be able to find the resources to implement the strategy?
- What is the relationship of the strategy to the country's national vision?
- What are the short, medium and long-term components of the strategy?

1. Introduction

1.1 Purpose

Security sector reform has assumed an increasingly prominent role on the international agenda since the late 1990s. It has been linked with debates on poverty alleviation, sustainable development, professionalization of the security forces, and good governance. As such, the agenda of security sector reform is rather broad and will not be dealt with in its entirety in this institutional assessment framework.

1.1.1 Filling a Gap

This framework was developed to fill a vacuum in the fields of both security sector reform and assessment tools. While tools exist to assess needs in the areas of governance and financial management, none of them focuses in particular on the challenges of security sector reform, let alone the governance aspects of this reform process. The UK's Department for International Development has developed guidelines for engaging in and supporting security sector reform. These guidelines do not, however, constitute an assessment process aimed at identifying core needs and challenges in specific countries, how to prioritize these, and who to involve in efforts to strengthen the democratic governance of the security sector. This framework, therefore, builds on the experience gathered with other assessment frameworks to provide its users with a means for identifying priority security sector governance needs and a method of developing a strategy for addressing these needs.

Box 1.1 Selected Assessment Tools

- The Netherlands Ministry of Foreign Affairs (The Hague, 2000), *Guidelines Institutional Assessment for Sectoral Assistance Programmes.*
- DFID (London, 1995), *Technical Note 14: Institutional Appraisal.*
- DFID (London,2002), *Conducting Conflict Assessments: Guidance Notes,* http:www.dfid.gov.uk, search under title.
- Center for Democracy and Governance / USAID (Washington DC, 1999), *A Handbook on Fighting Corruption,* http://www.usaid.gov/democracy/pdfs/ pnace070.pdf.
- Center for Democracy and Governance / USAID (Washington DC, 2000), *Conducting a DG Assessment: A Framework for Strategy Development,* http://www.usaid.gov/democracy/pdfs/pnach305.pdf.
- Center for Democracy and Governance / USAID (Washington DC, 1998), *Civil-Military Relations: USAID's Role,* http://www.usaid.gov/democracy/pdfs/pnacc887.pdf.
- World Bank (Washington DC, nd), *Toolkit for Assessing Public Expenditure Institutional Arrangements,* http://www1.worldbank.org/publicsector/toolkitPEM.xls

1.1.2 A Framework for Governments

This institutional assessment framework is designed to assist governments and their local and international partners to determine how best to strengthen democratic governance of the security sector. The framework is not intended to generate information about a country's security bodies, force structure, defence plans, intelligence gathering systems, or the level of expenditure on any of the security bodies. Rather, the focus is squarely on process, both formal and informal.

This exercise can only be successful to the extent that there is a genuine partnership between a Government and other actors with a stake in sound security sector governance as well as a high degree of transparency. Therefore, the first stage in the process is for the Government, in close consultation with its partners, to develop a terms of reference for the assessment process. The terms of reference should derive from the Government's vision of how the security sector is to be governed and include agreement on why the assessment will be undertaken (the rationale); how it will be carried out (methods and modalities); the composition of the independent team of experts; the deliverables (expected outputs); and the timeline.

Embarking on this process offers the Government and its partners an opening to explore their comparative advantages, and provides them with a mechanism for conducting joint assessments, as well as developing shared analyzes and planning.

Finally, it is important to point out that although the framework aims at shared analysis and strategic planning, it is not an instrument for project management in the field of security sector reform. The framework's purpose is to contribute to strategy development. As such, it provides the basis on which projects can be developed and implemented.

1.1.3 Need for a Broader Vision

There can be no real change without a clear vision of the desired objective. To the extent possible, therefore, security sector reform should be part of a broader, national vision: a higher goal that the country is aiming for (e.g., the country twenty years from now). Such a national vision and the aims set require more specific goals for various sectors, such as the economic sector, the social-cultural sector, the political sector), and, ideally, the security sector. Besides setting goals (what ultimately is aimed for), it is important to clarify why these goals are set and how they are to be achieved. This assessment framework assumes that improvement of the quality of security sector governance can be such a goal. Hence, if this framework is to help governments in improving security sector governance, it should be embedded in a broader sectoral and national strategy.

1.2 Using the Framework

The institutional assessment framework is a means of generating dialogue on the quality of governance in the security sector among the Government, local stakeholders, and external partners. It is also intended to help develop a shared analysis as well as to generate strategies for reform. The framework aims to make this process of strategy development in all its stages as transparent as possible.

In order to develop a transparent, viable and government-owned strategic policy approach, it is strongly recommended that a small multidisciplinary team of independent experts be constituted to provide an analysis of the quality of security-sector governance as described in Part Two of this assessment framework. Diversity within the team will make it more likely that its report will be informed by knowledge of informal processes and key informants, a comparative perspective, and familiarity with international good practice. The precise size and composition of this team will be decided upon by the Government in the terms of reference. A checklist to assist in identifying a multidisciplinary team of independent experts is found in Annex 2.)

The major sources that the team of independent experts should consult include
- secondary literature, previous assessments,
- official documents and reports,
- reports by (inter)national organizations.

Since not all the information will be available on paper, the experts will also want to carry out interviews with local and international stakeholders. It is expected that the team of independent experts will require three weeks in the field, two weeks to analyze and write the first draft of the report, and two weeks to finalize the report.

The findings of the analysis will be presented in a report and discussed during a meeting organized by the Government that will bring together a wide range of stakeholders and partners in the process of security sector reform. The report on core needs and challenges and the subsequent discussions will provide input for the Government-led process of strategy development and the assessment of strategic options as presented in Part Three. At the end of this process, the Government will be in a position to determine, in consultation with its partners, how the most feasible options fit into a strategy that reflects its overall objectives in the area of strengthening democratic security sector governance.

During the assessment stage, the Government will take the lead in reviewing and evaluating the various options that are available for developing an overall strategy toward improved quality of democratic security sector governance. It will be essential to link the various options developed to the core needs and challenges and to the national vision of which the security sector reform activities should be part.

The assessment itself will furthermore focus on the opportunities for collaboration, as well as the costs or benefits of specific actions or inaction. At the conclusion of the assessment process, the Government will be in a position to develop a strategy that supports both the ambitions of the national vision and the aim of improving the practice of security sector governance.

1.3 Structure of the Framework

The framework consists of three parts. Part One, 'Preparing to Use the Assessment Framework', provides the key background information for working on security sector governance. It explains the most important elements of democratic security sector governance, as well as its main actors. It also discusses four cross-cutting issues which should be taken into consideration while carrying out the in-depth analysis of Part Two, and the assessment in Part Three. Finally, Part One introduces five areas (entry points) that are considered key for interventions strengthening the quality of democratic governance in the security sector: 1) the rule of law, 2) policy development, planning and implementation, 3) professionalism of the security forces, 4) oversight and 5) managing security sector expenditures.

Part Two, 'Mapping and Analysis', explains how to conduct the analysis of the five entry points. The first step in the mapping and analysis exercise is to understand the context in which the security sector operates and the dynamic features of this context. This requires an examination of a range of security, political, economic and social factors, with a view to identifying the factors that impede or create the conditions for democratic security sector governance in each area. However the contextual analysis is carried out, the objective is to inform the analysis of the five key entry points and the subsequent assessment and strategy development carried out in Part Three.

Once the team of experts is thoroughly familiar with the local context, it is ready to gather and analyze information on each entry point. To start this exercise, the framework provides the team of experts with background information, explaining why each entry point is important and what crucial aspects should be taken into consideration during the analysis.

In order to facilitate a detailed analysis of the entry points, Part Two of the framework provides the team of experts with a checklist that consists of two sets of questions. The first set is tailored to each entry point and is aimed at helping the team map the status of governance in each area. The second set of questions is the same for each of the five entry points and is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

Part Three helps the Government to assess and translate the findings resulting from the analysis in Part Two into a concrete overall strategic policy approach. This

assessment process starts with a meeting/workshop convened by the Government, facilitated by the team of experts, and attended by all relevant stakeholders, local and international. The purpose of the workshop is to review the findings and options provided by the team of experts in its report. The team of analysts can provide clarification on issues raised in the report. The workshop itself is furthermore a starting point of a dialogue between the Government and its partners to determine whether and how they will move forward.

In order to arrive at a security sector governance strategy, the framework provides the Government and its partners with a five-step assessment: 1) Prioritize core needs and challenges; 2) Define constraints; 3) Explore opportunities for collaboration; 4) Translating priorities into options; and 5) Choosing amongst options. For each of these five steps, the framework provides a series of questions designed to generate the information needed to develop a strategy.

Box 1.2 Important Selected Publications on Security Sector Reform

- DFID (London, 2002), *Understanding and Supporting Security Sector Reform*
- DFID (London, 2000), *Security Sector Reform and the Management of Military Expenditure: High Risks for Donors, High Returns for Development*, Report on an International Symposium Sponsored by the UK Department for International Development.
- GTZ (Eschborn, 2000), *Security Sector Reform in Developing Countries: An Analysis of the International Debate and Potentials for Implementing Reforms with Recommendations for Technical Cooperation.*
- BICC (Bonn, 2000), *Brief 15: Security Sector Reform.*
- Clingendael, International Alert and Saferworld (London/The Hague, 2002), *Towards a Better Practice Framework in Security Sector Reform: Broadening the Debate.*
- Damian Lily, M. Von Tangen Page (International Alert, London 2002), *A Goal Oriented Approach to Governance and Security Sector Reform.*
- Nicole Ball (UNDP, New York 2002), *Enhancing Security Sector Governance: A Conceptual Framework for UNDP.*
- Nicole Ball and Malcolm Holmes (DFID, 2002), *Integrating Defence into Public Expenditure Work.*
- Nicole Ball and Dylan Hendrickson (DFID/CSDG, London 2002), CSDG Occasional Papers #1 *'Off-Budget Military Expenditure and Revenue: Issues and Policy Perspectives for Donors'.*
- Hans Born, P. Fluri and A.B. Johnsson (DCAF/Inter-Parliamentary Union, Geneva/Belgrade 2003), *Handbook for Parliamentarians No. 5, 'Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices'.*
- Dylan Hendrickson and Andrzej Karkoszka (Oxford UP, 2002), *SIPRI Yearbook, 2002. Armaments, Disarmament and International Security, 'The Challenges of Security Sector Reform'.*

- Nicole Ball, J. 'Kayode Fayemi, 'Funmi Olonisakin, and Rocklyn Williams with Martin Rupiya (Palgrave, 2003), *Beyond Structural Adjustment: The Institutional Context of African Development, 'Governance in the Security Sector'.*
- *'Security Issues and Development Co-operation: A Conceptual Framework for Enhancing Policy Coherence,' The DAC Journal*, vol. 2, no. 3 (2001):II-31 – II-71.
- *Justice and Security Sector Reform: BCPRs Programmatic Approach* (UNDP/BCPR, New York November 2002) http://www.undp.org/erd/jssr/docs/jssrprogramaticapproach.pdf

Part One: Preparing to Use the Assessment Framework

2. Strengthening Security Sector Governance

2.1 Why be Concerned about Security Sector Governance?

Why should governments and their partners be concerned about the quality of security sector governance? Although "good governance" has increasingly been recognized as central to consolidating democracy and to promoting good development outcomes, very little attention has been given until quite recently to the question of how the security sector is governed.

In fact, sound governance of the security sector is crucial for the success of democratic consolidation and sustainable economic and social development. It is also essential for the quality of security, i.e., creating a safe and secure environment for the state and its entire population. If people and states are not secure from the fear of random, capricious, systemic or unsanctioned violence at the local, national, regional and international levels, development will not become sustainable. This means both that states must be adequately protected against aggression and internal subversion and that the lives of individuals must not be crippled by state repression, violent conflict, or rampant criminality. Governments and security bodies must adhere to the principles of democratic governance, which is closely linked to human rights and the rule of law.

The security sectors in many developing and transition countries are unable to provide the safe and secure environment necessary for sustainable economic and political development. Indeed, in too many countries, politicized or ineffective security bodies and justice systems are a source of instability and insecurity. This situation arises to a large degree out of poor governance – both government-wide and in the security sector.

For all these reasons, this assessment framework focuses on strengthening democratic governance of the security sector.

2.2 Key Aspects of Democratic Security Sector Governance

The principles of democratic governance in the security sector are summarized in Box 2.1. In promoting democratic governance of the security sector, there are several points to take special note of:

- **Strengthening the democratic governance of the security sector of developing and transition countries is a deeply political process.** It cannot be addressed solely by technical measures. In order to achieve improved governance, it is important to understand relationships among key actors and to look beyond formal legislation and organizational structure to develop a picture of how local institutions actually function.

- **Developing sound governance of the security sector requires a sense of the desired outcome.** It is widely agreed that the principles outlined in Box 2.1 define objectives that are desirable for all governments and effectively describe an ideal-type of security sector governance. As such they constitute the objectives societies should be striving to attain, but which no country currently meets in their entirety.

  The purpose of starting with good practice is that it provides a clear vision of the objectives of policy reform – in this case, a democratically governed security sector under the control of the civil authorities that adheres to the rule of law. Without such a vision, it is impossible to develop either a strategy for reaching the ultimate objective or benchmarks to measure progress along the way. It is also impossible to determine where the problems lie with existing policy and practice. The principles of democratic security sector governance in Box 2.1 thus provide a point of reference against which actual practice can be measured.

- **Efforts to enhance democratic security sector governance must form part of a more comprehensive governance agenda.** Strengthening security sector governance must be rooted in efforts to improve democratic governance and promote the rule of law throughout the state. Specifically with regard to the security sector, an environment conducive to democratic governance of the security sector requires:
  - Accountable and professional security forces;
  - Capable and responsible civil authorities;
  - Accessible and impartial judicial system;
  - High priority to human rights protection;
  - Capable and responsible civil society/high public awareness and engagement;
  - Transparency;
  - Regional approaches to security problems.

Box 2.1 Principles of Democratic Governance in the Security Sector

Democratic governance comprises the rule of law, including legal protection of citizens' rights, interests, and personal security as well as fairness in the administration of justice and independence of the judiciary. Democratic governance also includes the right of political participation, and transparent and accountable government institutions. In the security sector, this means:

- Accountability of security bodies to civil authorities and civil society.
- Adherence of security bodies to international law and domestic constitutional law.
- Transparency of security-related matters;
- Adherence of security sector to the same principles of public-expenditure management as non-security sectors.

- Acceptance of clear hierarchy of authority between civil authorities and security bodies, clear statement of mutual rights and obligations between civil authorities and security bodies.
- Capacity among civil authorities to exercise political control and constitutional oversight of security sector.
- Capacity within civil society to monitor security sector and provide constructive input into political debate on security policies.
- Political environment conducive to an active role on the part of civil society.
- Access of security forces to professional training consistent with requirements of democratic societies.
- High priority accorded to regional and sub-regional peace and security by policy makers.

Source: Derived from Nicole Ball, "*Democratic Governance in the Security Sector,*" Prepared for UNDP Workshop on "Learning from Experience for Afghanistan," February 5, 2002, p.3, www.undp.org/eo/Publication/Afghanistan.htm

2.3 Actors Influencing the Quality of Security Sector Governance

In order to work effectively in the security sector, it is important to involve all relevant actors. There are five categories of actors that influence the quality of security sector governance: 1) Bodies authorized to use force; 2) Civil management and oversight bodies; 3) Judicial and public security bodies; 4) Non-state security bodies; and 5) Civil society bodies. Each of these is described briefly in Box 2.2.
The first three of these groups together comprise what is commonly known as "the security sector", and most analyzes focus on these. While not denying the importance of these bodies, this framework recognizes that non-state security force institutions and civil society bodies can affect the quality of governance to such an extent that they warrant inclusion here.

Box 2.2 Major Categories of Actors Influencing Security Sector Governance

- **Bodies authorized to use force** - armed forces; police; paramilitary forces; gendarmeries; intelligence services (including both military and civilian agencies); secret services; coast guards; border guards; customs authorities; reserve or local security units (national guards, presidential guards, militias, etc.).
- **Civil management and oversight bodies** - the president/prime minister; national security advisory bodies; legislature and legislative select committees; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit & planning units); and statutory civil society organizations (civilian review boards and public complaints commissions).

- **Judicial and public security bodies** - judiciary; justice ministries; defence attorneys; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; correctional services; customary and traditional justice systems.
- **Non-state security force institutions:** liberation armies, guerrilla armies traditional militias, political party militias, private security companies, civil defence forces.
- **Civil society bodies:** professional organizations, including trade unions; research/policy analysis organizations; advocacy organizations; the media; religious organizations; non-governmental organizations; concerned public.

Some non-state security bodies may have legal standing (for example private security companies, traditional militias, civil defence forces). Others do not (for example liberation armies, guerrilla armies, political party security units), and are a manifestation of low levels of democratic governance. Internationally agreed forms of accountability, codes of conduct and clear procedures of licensing for legal non-state security actors must be developed in order to properly govern these bodies. Others need to be disbanded, which is likely to require significant changes in either overall governance or performance of state security bodies.

An effective and responsive civil society is recognized as an important component of democratic governance. Experience in countries such as Ghana, Indonesia and South Africa demonstrates that civil society actors can play an important role in moving the security sector reform process forward.

2.4 Identifying Entry Points

Strengthening democratic security sector governance is a complex enterprise, involving many local and external stakeholders. Identifying priority areas for engagement and the appropriate stakeholders to work with can appear to be a daunting, time-consuming task. The mapping and analysis exercise has been developed to assist the Government and its partners to identify the core needs and challenges in five key issue areas (entry points) so that the Government can develop a strategy for strengthening security sector governance.

Box 2.3 Five Entry Points for Security Sector Governance Work

1. **The rule of law:** The primacy of the law is a fundamental principle of a democratic system. The rule of law offers citizens a way of defending their civil, political, economic, social and cultural rights. Law shapes the structure of the state. It defines the prerogatives and the limitations of those in power within the state.

2. **Policy development, planning and implementation:** The security policy process ideally consists of security environment assessments forming the basis for policy papers and operational plans, the implementation of these policies and plans, and their monitoring. From the perspective of security sector governance, this process should be transparent and participatory.
3. **Professionalism:** Professionalism of the security forces has both a normative and a technical component. It includes doctrinal development, skill development, rule orientation, and adherence to democratic principles (especially accountability to the elected civil authorities and to civil society) and the rule of law.
4. **Oversight:** Oversight of the security actors is key to developing an accountable security sector. Oversight has both an internal and an external component. In addition to official actors like the legislature, auditors-general, et cetera, civil society has an important role to play. The quality of oversight is shaped by issues such as independence, access to resources, clear delineation of tasks and responsibilities, knowledge of security issues and governing processes, and, most important, confidence between the oversight and the security actors.
5. **Managing security sector expenditures:** The security sector should be subject to the same rules and procedures as apply to other sectors. Budgets should be prepared against a sectoral strategy; defence policies must be affordable; resources must be allocated according to priorities both within the defence sector and between defence and other sectors; and resources appropriated must be used efficiently and effectively. Key principles of public expenditure management such as accountability, transparency, and contestability are as relevant in the security sector as in other sectors.

The five entry points are summarized in Box 2.3. Part Two contains five chapters that discuss each of the entry points in turn.[2] Each chapter highlights aspects of

2 In its work on security sector reform, the UK Department for International Development (DfID) has identified seven categories of entry points that it believes have the greatest potential for external actors seeking to strengthen democratic governance of the security sector: Strengthening Legal and Constitutional Frameworks; Building Strategic Planning Capacity; Strengthening Oversight Mechanisms; Strengthening Financial Management Systems; Improving Human Resource Management; Facilitating War-to-Peace Transitions; Building Public Awareness and Engagement. There is obviously considerable correspondence between this list and the five entry points on which this framework focuses. From the perspective of this framework, war to peace transitions are one of a number of situations in which the issue of security sector governance is addressed and is therefore dealt with in the section on country context (introduction to Part Two). Similary, building public awareness and engagement is considered to be a cross-cutting issue (see section 2.5). See UK Department for International Development, *Understanding and Supporting Security Sector Reform*, DFID Issues, London, 2002, www.dfid.gov.uk, search under "Publications."

the entry point that should be analyzed from the perspective of a democratically-governed security sector and includes a checklist containing two sets of questions. The first set is tailored to the entry point under consideration and is aimed at helping the team map the status of governance in that particular area. The second set of questions is the same for each of the five entry points and is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

2.5 Taking Note of Four Cross-cutting Issues

There are four cross-cutting issues that are critical for a sound analysis of the quality of governance in the security sector: transparency, human capacity, formal versus informal processes and change management. These cross-cutting issues are referenced throughout the mapping and analysis exercise conducted in Part II, but are introduced here because of their overarching nature. Many of the questions in the checklists in Part II are designed to elicit information on these four issues.

2.5.1 Transparency

Transparency is the fundamental ingredient in accountable democratic governance. Without access to information about the formulation and implementation of laws, policies, plans, and budgets, it is impossible to hold any public servant to account. A highly non-transparent security sector creates an environment conducive to a range of abuses. It also undermines the professionalism of the security forces.

- Non-transparency provides the perfect cover for off-budget transactions. When a significant portion of a country's security-related expenditure occurs off-budget and is fed by off-budget revenues, not only are core principals of fiscal responsibility in the public sector violated. It is also highly likely that the operational capacity of the security bodies will suffer and that the country will not receive value for money.
- A non-transparent security sector creates an environment conducive to systematic, gross violations of human rights on the part of the security bodies.
- Non-transparency also facilitates the direct intervention of security bodies in the political process.

It is important to be clear about the distinction between confidentiality and the lack of public scrutiny. While it is true that some degree of confidentiality is necessary in the security sector, problems arise when the need for confidentiality is used to justify a reduction in opportunities for involvement and scrutiny by appropriate management and oversight bodies, as well as by civil society. Public authorities must explain what is being held in confidence, why it is considered sensitive, and what the arrangements for maintaining accountability will be.

National security-related issues – especially those relating to military intelligence and arms procurement – are particularly sensitive in all societies. Even long-established democracies retain varying degrees of confidentiality in the realm of national security. Discussions on the need for war should be public, but if and when decided upon, war plans should be held in confidence. That the armed forces are regularly exceeding their budget allocations, are purchasing expensive military equipment with scant attention to need or ability to maintain this equipment, or are engaged in illegal, off-budget activities are clearly sensitive matters, but should not be held in confidence.

Certain issues pertaining to public security may also need to be held in confidence in order to pursue and prosecute criminal suspects. The fact that the police have violated human rights, that they fail to pursue certain kinds of offenders (such as rapists), or that offenders regularly go free because the police lack adequate investigative skills or the judiciary is subject to political pressure are sensitive matters but should not be kept secret.

Intelligence agencies and their activities are accepted as necessary for providing adequate security. However, the often-covert character of their activities should not lead to impunity or exemption from the rule of law. A certain level of transparency will remain necessary, especially as regards the mandate and the budget.

Considerations for the team of experts:
- The security sector is unlikely to have a higher standard of transparency than other parts of the public sector. It is therefore important not to expect the security sector to become an island of probity in a sea of poor practice.
- It is equally important, however, that the security sector not be by-passed in government-wide efforts to strengthen transparency. If not explicitly addressed within the overall policy process, transparency within the security sector runs the risk of being overlooked.
- Confidentiality and public accountability are not mutually exclusive. Systems need to be developed by the civil authorities, in consultation with the security bodies and with civil society, that define what will be held in confidence and describe the measures that will be employed to ensure adequate oversight.

2.5.2 Human capacity

The nature and quality of security-sector governance are also critically dependent on the capacity of all relevant actors to contribute effectively to the process of management and oversight. Problems can arise with regard to the capacity of both civilians and members of the security bodies.

Restrictions within government and more broadly within society on access to information concerning the development and implementation of security sector budgets

and policies have led to woefully inadequate civilian expertise in security matters in many parts of the world. This enables members of the security elite to argue that civilians are not sufficiently knowledgeable about security issues to participate fully in security-sector decision-making. This in turn undermines civil oversight. Although experiences may differ from country to country, breaking through the barriers of limited civilian capacity on security sector issues is generally extremely difficult. Civilians have often not acquired expertise in security issues because they have long been told that security is a matter for the security professionals, because there have been few opportunities to receive training on security-related subjects, and because there have more often than not been clear disincentives in terms of personal security to civilian involvement in security matters. Yet, without civilians who are knowledgeable about security matters, it will be impossible to have effective civil management and oversight of the security sector.

Perhaps ironically, security service personnel are also often equally poorly prepared for the roles they need to play in policy development, implementation, and oversight. In most non-OECD countries, there either are no policies or the policies are developed in an ad hoc manner. Security force personnel are unable to assess threats, develop plans for addressing these threats, or manage the resources allocated to them effectively and efficiently. Because of the lack of civil management and oversight, security force personnel have not had to carry out these functions rigorously. As a result, security sector officials in a number of democratizing and transition countries have relied heavily on the very few civil society analysts available to help develop policies, run training courses and the like.

Considerations for the team of experts:

- It is extremely important to assess the capacity of civilians to participate fully in the processes of policymaking, implementation, and oversight in the security sector.
- Do not assume that because security body personnel have enjoyed a privileged position that they have the necessary skills for democratic governance of the security sector.
- Confidence-building between civilians and security body personnel may be necessary before they are able to work productively together in view of the previous highly unequal power relationships between the two groups.
- Civil society can play an important role in helping to educate civilians on security issues and in providing technical input into executive branch and legislative deliberations.

2.5.3 Formal versus Informal Processes

National practice regarding policy making and implementation may or may not reflect procedures established by formal laws and policies. This deviation does not automatically undermine the objectives of formal law and policies. It is possible for

practice to reflect the democratic spirit of the laws and policies of a country but not follow precisely specified procedures. Some national practice, however, may diverge significantly from the spirit of those laws and policies and may prevent the establishment or undermine the existence of democratic governance and the rule of law. Both of these tendencies are evident in OECD countries as well as in non-OECD countries.

The gap between formal and informal processes in the security sector is often quite significant in developing and transition countries (Box 2.4). The lack of transparency in the security sector perpetuates and intensifies this problem, as does the paucity of qualified civilians with security-related expertise.

Box 2.4 Formal versus Informal Defence Budgeting Process in Sri Lanka

"While it is the rule that parliament must approve military expenditures, most Sri Lankan governments since the mid-1980s have used budgetary allocations of other, and especially related, ministries for defence purposes, often avoiding the scrutiny of legislators."

Source: K.M. de Silva, *Governance and Security Sector Reform: Sri Lanka: Country Profile*, draft paper prepared for the Clingendael Institute, July 2002, p. 25.

Despite the widespread diffusion of differences between formal and informal processes, emphasis among development specialists tends all too frequently to remain on the formal institutions. They thereby fail to understand critical political relationships, how and why decisions are actually made, and the incentives and disincentives for change. In consequence, they miss opportunities to address the fundamental governance problems confronting these countries, and may even harm democratic governance in the security sector.

This is not an argument against taking good practice and international laws and norms as the ultimate objective and of structuring institutions (rules of the game) and organizations accordingly. It does, however, strongly support the view that simply passing legislation and creating organizations, is not adequate to institutionalize the attitudes and types of behaviours necessary to achieve democratic governance and the rule of law.

Considerations for the team of experts:

- In order to deal with the formal-informal gap in the security sector it is necessary to map the informal practices and compare them with formal practices and international good practice and norms.
- It is particularly important to identify the roles played by key individuals and to

develop an understanding of the relationship among these individuals.
- While developing formal processes is important, it is also essential to give attention to modifying attitudes and behaviour on the part of key local stakeholders.

2.5.4 Change Management [3]

Strengthening democratic security-sector governance in most countries requires significant changes in
- the structure of organizations,
- the functioning of organizations,
- financial and human resource management, and
- staff behaviour and attitudes.

In particular, countries making a transition to democratic security-sector governance will need to focus on
- new missions, roles, tasks, and capabilities for the security bodies and for management and oversight bodies,
- greatly enhanced cost-effectiveness,
- adherence to the principles of democratic security-sector governance,
- harmonization with new societal norms, and
- conformity with changes in other parts of the public sector.

To succeed, it is not enough to formulate objectives. It is critically important to manage the process of change. A poorly managing change process may result in organizations that have been transformed on paper, but continue to function as before or only marginally better. Elements of a well-managed change process include

- Sustained commitment to a process of change at the highest political level;
- Inclusivity, i.e. commitment to the participation of all relevant stakeholders, including potential losers;
- Leaders of the change process capable of motivating others to attain a high standard of performance and develop innovative approaches to problems and of gaining the respect and trust of others;
- The ability to identify bottlenecks to change and reduce the impact of spoilers;
- The ability to identify and nurture the champions of change; and
- A willingness to communicate with all stakeholders in order to find common ground and minimize the opportunities for spoilers.

3 This section draws on presentations by Major-General Roland de Vries (rtd) and Brigadier-General Solly Mollo, South Africa National Defence Force, on the process of transformation to the "South-South Dialogue on Defence Transformation," Accra, Ghana, May 27-30, 2003 and presentations as developed by Trevor Taylor and Nigel Fuller of the Defence Advisory Team of the United Kingdom.

Individuals who have engaged in significant processes of change stress two factors: communication and leadership. Communication is the foundation upon which trust among key stakeholders, including potential spoilers, will be built. Communication will also make it more difficult for those who stand to lose from the changes to derail the process by arguing that they were not informed of key elements of the transformation plan. Major transformation processes, such as defence, intelligence, or public security reviews, are often led by a small secretariat. It is particularly important that individuals seconded to such a team have strong communication skills.

Individuals engaged in managing change processes – whether members of a formal team or not – also require strong leadership skills. (See also section 4.3.2 on leadership.) Four major patterns of behaviour among successful managers of change have been identified:

- **Individualized consideration.** Successful change managers care about individuals and their development. They appreciate each colleague's potential to contribute to the process and provide each colleague with support and encouragement.
- **Intellectual stimulation.** Successful change managers encourage careful and creative problem solving. They stimulate colleagues to engage in a cycle of constant learning which leaders to individual growth and satisfaction.
- **Inspirational motivation.** Successful change managers inspire colleagues and others by communicating high expectations, using symbols to focus efforts and expressing important objectives in simple ways. Such leaders convince others that they can achieve the extraordinary.
- **Idealized influence.** Successful change managers are charismatic. They provide a vision of shared ideals and a sense of mission. They instill pride in their colleagues and gain the respect and trust of those they work with.[4]

Considerations for team of experts

- It is important to determine whether critical elements of successful change management are in place, especially high-level commitment and strong leadership. If high-level commitment to change is not strong, are there means of strengthening it?
- It is important to identify drivers of and constraints on change and to explore options for engaging drivers of change as well as for overcoming constraints.
- It is important to analyze the scope for an limits to change in the short, medium and longer term.

4 Major-General Roland de Vries, "*Dynamic Leadership and Command Concepts for Africa – the Future,*" mimeo, nd, p. 14.

Part Two: Mapping and Analysis

3. Introduction

The mapping and analysis exercise will be carried out by a multidisciplinary team of independent experts working under terms of reference developed by the Government and its partners.

Part One has provided background information on working on security sector governance. In particular, the key aspects of security sector governance and the main actors were explained. Part One also identified four cross-cutting issues and five entry points that are considered key for evaluating the quality of governance in the security sector.

Part Two deals with the actual mapping and in-depth analysis of the five entry points. It consists of five chapters, one for each entry point. Each chapter explains why the entry point is important and what crucial aspects should be taken into consideration during the mapping and analysis exercise. The framework also provides the experts with a checklist containing two sets of questions. The first set is tailored to each entry point and is aimed at helping the team map the status of governance in each area. The second set of questions is the same for each of the five entry points and is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

3.1 Mapping and analysis

The mapping and analysis provides the understanding of the current situation that is necessary to decide what changes need to occur and how to carry them out.

In order to develop effective policy interventions, it is strongly recommended that a multidisciplinary team consisting of independent experts carry out the analysis. These experts should bring familiarity with local informal processes and key informants, as well as a comparative perspective and familiarity with international good practice. The precise size and composition of this team will be decided upon by the government and its partners in the terms of reference. A checklist to assist in identifying a multidisciplinary team of independent experts is found in Annex 2.)

In carrying out its work, the sources of information that the team of independent experts should consult include:
- secondary literature,
- previous assessments,
- official documents and reports,
- reports by (inter)national organizations.

Since not all the information will be available on paper, the experts will also want to carry out interviews with local and international stakeholders.

Once the analysis of the five entry points is completed, the findings will be presented in a report to the Government and discussed in a meeting convened by the Government. This meeting will provide the Government with the opportunity to bring together a wide range of actors and partners to provide input into the process of strategy development and the assessment of strategic options (described in Part Three). At the end of this process, the Government will be in a position to determine, in consultation with its partners, how the most feasible options fit into a strategy that reflects its overall objectives in the area of security sector governance.

3.2 Getting started: understanding the country context

Before starting the mapping and analysis of the five entry points, it is important to consider and analyze the dynamics of the context in which the security sector operates. This requires an ongoing examination of a range of security, political, economic and social factors, with a view to identifying the main impediments to sound democratic security sector governance in each area, and how these factors have evolved over time. However the contextual analysis is carried out, the objective is to inform the analyses of the entry points described in chapters 4-8.

Please carry out the contextual analysis before moving on!

4. Entry Point 1: Mapping and Analyzing the Quality of the Rule of Law

4.1 Introduction

This chapter on the entry point of the rule of law helps the team of independent experts to analyze:

- Whether there are formal roles and mandates of the security bodies;
- What the hierarchy of authority is among the security bodies, the executive, the legislature and other oversight bodies;
- Whether there are clear constitutional provisions and/or legislation enshrining the agreed roles, mandates and hierarchies;
- If these provisions operate effectively; and:
- Whether there is general adherence to the rule of law, including human rights, in particular by the security bodies.

In order to be able to map and analyze the status of the rule of law, the experts are provided with background information on the rule of law in the sections "Why Application of the Rule of Law to the Security Sector is Important" and "Focusing on the Legal Basis and Leadership". The experts then apply the checklist which contains two sets of questions. The first set helps the team map the status of the rule of law. The second set of questions is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

4.2 Why Application of the Rule of Law to the Security Sector is Important

By its nature, the rule of law cuts across several policy fields and comprises political, constitutional, legal, and human rights issues. A useful working definition is:
The primacy of the law as fundamental principle of any democratic system, which seeks to foster and promote rights, whether civil, political or economic, social and cultural. This notably entails means of recourse enabling citizens to defend their rights as well as shaping the structure of the State and the prerogatives of various powers, with a view to placing limitation on their power.[5]

The key arguments in favour of focusing on the rule of law for security sector governance can be summarized as follows:

- First, a legal framework should separate and delineate the responsibilities and powers of the legislative, executive and judicial branches, as well as between local and state levels, and ensure functioning mechanisms of horizontal and vertical accountability. This establishes the framework for democratic governance of the security sector.
- Second, the rule of law requires key bodies—including all state and non-state security bodies—to act and take decisions according to their legally defined responsibilities.

5 Conflict Prevention Network, *Peace-building and Conflict Prevention in Developing Countries: A Practical Guide* (Berlin 2001).

- Third, adherence to the rule of law requires state institutions on all levels, including all security bodies, to implement political decisions in an efficient, transparent, accountable, democratic and coordinated fashion. This requires the existence and application of appropriate mechanisms to ensure accountability and transparency of all relevant bodies in the security sector.
- Fourth, in systems characterized by rule of law, civil society groups concerned with security related issues are able to operate freely and to safeguard vital democratic advances such as public and media access to information, public participation in political and policy debates, and accountability of government and the security bodies. In turn, civil society bodies – such as professional associations, non-governmental organizations, the media – respect the rule of law.
- Fifth, an independent judiciary is critical to the effective functioning of the justice/public security system and to effective oversight of the entire security sector.
- Sixth, the legal guarantee and protection of fundamental rights and civil and political liberties, such as the freedom of religion or belief, expression and the right to free speech, information, or to assemble peacefully, are essential to prevent impunity on the part of the security forces.
- Seventh, independent national institutions, such as ombudspersons and public protectors, safeguard human rights and are able to resolve disputes and enforce their decisions vis-à-vis both civil authorities and security bodies.
- Eighth, adherence to the rule of law requires legislation and bureaucratic regulation affecting business operations (taxation, customs, transaction costs, etc.) to be simple, transparent and applied equally to all actors, including security bodies.
- Finally, the rule of law requires anti-corruption regulations to be applied equally to all actors, including the security bodies.

4.3 Focusing on the Legal Basis and Leadership

Before moving to the checklists with questions, the team of experts is advised to read the background information in this section which outlines two essential issues for the analysis which should not be overlooked: the legal basis and leadership.

4.3.1 Legal Basis of the Security Sector

Formal

The legal framework guiding governance of the security sector should be enshrined in the constitution and reflect international law and norms. Sections of the constitution that are particularly important are those dealing with the armed forces, the police service, paramilitary bodies, intelligence bodies, the penal system, the legislature, the judiciary and the protection of human rights. At a minimum, the constitution should specify the lines of authority between all major actors in the security sector (both civil authorities and security bodies), the basic responsibilities of each of these actors, and the broad democratic principles to which the members of the security sector should, in their conduct as professionals, adhere.

Important as the constitution is, additional legislation is generally required to flesh out the details of governing the defence, police, and intelligence services and the penal system. Some constitutions specifically provide for such legislation (Box 4.1). Despite such provisions, many countries do not have separate legislation governing the different security bodies. Additionally, codes of conduct should be developed for the different security bodies that are in line with international law and codes of conduct (Box 4.2).

Box 4. Constitutional Mandate for Defence Legislation in Uganda

"Parliament shall make laws regulating the Uganda Peoples' defence Forces, and in particular, providing for:

- The organs and structures of the Uganda Peoples' defence Forces
- Recruitment, appointment, promotion, discipline and removal of members of the Uganda Peoples' defence Forces and ensuring that members of the Uganda Peoples' defence Forces are recruited from every district of Uganda
- Terms and conditions of service of members of the Uganda Peoples' defence forces; and
- The deployment of troops outside Uganda."

Source: *The Constitution of the Republic of Uganda*, Chapter 12, Section 210, www.Parliament.go.ug/chapt12.htm

Box 4.2 Draft Code of Conduct for Armed and Security Bodies in Africa

In an effort to promote the adoption of codes of conduct by African governments, a technical group convened by the UN Regional Centre for Peace and Disarmament in Africa, the Government of Togo, and the African Union has produced a draft code of conduct for armed and security bodies in Africa. The draft code consists of five chapters:

- Regulatory framework governing democratic control of armed and security forces;
- Relationships between the armed and security forces;
- Relationships between the armed and security forces and the civilian population;
- Armed and security forces, human rights and international law; and
- Implementation.

The intention was to have the draft code discussed by the AU and ultimately adopted as a framework for national codes.

Source: *"Final Report. Experts' Workshop on Validating the Code of Conduct for Armed and Security Forces in Africa,"* May 27-29, 2002, Lomé, Togo. http://www.unrec.org/eng/Workshop.htm

Informal

Apart from the constitution and subsidiary legislation, there are traditional and informal regulations (non-codified) that can contribute to a well-governed security sector. In many societies elements of customary justice either co-exist with or have been incorporated into formal justice systems. This is particularly important in rural areas, where formal justice systems are often not present. Additionally, in some parts of the world a range of informal justice mechanisms has developed in urban areas. Some are based on modified traditional law structures and procedures and focus on problem-solving. Others are established by non-governmental organizations and focus on arbitration and conflict resolution.

Some of the mechanisms that are compatible with both formal systems of justice and customary justice are: community service schemes, police-community liaison groups, community safety forums (which extend beyond the police to other elements of the criminal justice system and relevant local government bodies), and calculating fines according to an individual's capacity to pay.

Questions 3-11 in Box 4.3 deal with the legal basis of the security sector.

4.3.2 Leadership

Constitutional provisions and other legal arrangements that promise democratic, civil control of the security sector will fail to produce the desired outcome if a country's political and administrative leadership is not committed to taking the steps necessary to create effective institutions and to ensuring that these institutions function adequately. Simply creating a ministry of defence separate from the armed forces, for example, does not guarantee that relations among the various stakeholders will enable it to function as it should in a democratic environment. Simply providing training to the police will not improve law and order. Problems arise for example when the political leadership thwarts the efforts of the police force to bring criminals to justice, prevents the police force from being adequately resourced, or fails to ensure that the other components of accessible justice function in accordance with the rule of law.

Leadership must be exercised by:

- **Heads of state and government.** These actors unquestionably set the tone and ethical standards for those who work in government and the public service. If the head of state chooses, for example, to undermine the judiciary, subvert the electoral process, or engage the armed forces in partisan political activities in order to remain in power, it indicates to less senior leaders that similar deviations from democratic practice may be acceptable. If, on the other hand, the head of state tolerates responsible political discourse even when it is at variance with his/her policies, accepts constitutional limits on terms in office, and refrains from politicizing the armed forces, police and other security bodies, the norms and practices of the rule of law are reinforced.

- **Executive branch officials.** Their leadership can open opportunities to improve the rule of law. Finance ministries, for example, are frequently interested in gaining greater control over the resources allocated to the security sector. Ministries of justice may have concerns about the quality of the police force or its use for political purposes. On the other hand, ministers and other senior officials can also exert negative leadership by seeking to retain their power and privileges. Few coups d'état, for example, have occurred without civilian involvement or encouragement.
- **Legislature.** Security policy calls for responsible leadership on the part of legislators, particularly the chairs of committees that oversee the activities and expenditures of the security bodies. However, as a result of decades of marginalization in the policy process, many legislatures are in no position to assume their appropriate leadership role. In particular, legislatures in countries where power is centralized in the executive generally have minimal capacity to exercise the oversight necessary for effective rule of law. This obtains even where the appropriate legislative oversight committees actually exist. These problems are exacerbated by the widespread ignorance among legislators concerning the role they should play in ensuring oversight of the security sector and on the details of security policy.
- **Civil society.** If its voice is to be heard by those in government, civil society also needs strong leadership. Its circumscribed expertise in security matters derives in large measure from the secrecy with which security matters have been shrouded and the prevailing view that security is appropriately the domain of the security bodies and therefore off-limits to civilians, particularly those outside government. It has been hampered in many countries by limited knowledge of the security sector as well. This is changing as individuals concerned about security-sector governance, rule of law and human rights accept the challenge of creating watchdog organizations, getting involved in consultation processes, and constructively proposing solutions to problems.

  It is important that all civil society bodies act in a responsible, constructive manner. For example, the media in democratizing states often overstep the boundary between promoting oversight and sensationalism. Civil society organisations often fail to distinguish between advocacy and constructive analysis, on the one hand, and political partisanship and fact-free "analyses," on the other hand.

- **Senior officers of the security forces.** These actors also need to demonstrate their commitment to the rule of law. Senior officers need to make clear that the security bodies are subordinate to the democratically elected government. They also need to promise to uphold constitutional principles and accept the rule of law. It is equally important for senior officers to clearly support greater transparency in security sector planning and budgeting. As part of this process, they need to take a firm stand against the corruption that is often rife in resourcing the security sector.

Question 14 in Box 4.3 focuses on the issue of leadership.

Box 4.3 Mapping and Analyzing the Quality of the Rule of Law

Mapping the Status of the Rule of Law

The following questions are intended to help the team of experts to map the status of the rule of law for defence, justice/public security and intelligence. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, team of experts should adapt the questions to the country context.

Effectiveness

1. What are the major constraints in applying the rule of law in the security sector?
2. Does the criminal justice system (police, judiciary, corrections system) work effectively? E.g., do all components adhere to the rule of law? Are people who are arrested released by the courts for political reasons without standing trial? Is pressure put on the police to drop charges?

Legal Basis of the Security Sector

3. What are the relevant formal regulations governing the security sector? E.g. does the country adhere to international law such as human rights laws? Is there legislation governing the behaviour of military forces, police and members of the intelligence services? Have internal codes of conduct been developed?
4. Is the independence of the judiciary guaranteed in the constitution? If so, does this work in practice? E.g., do judges have adequate subpoena, contempt, and/or enforcement powers, which are utilized, and are these powers respected and supported by other branches of the government?
5. In addition to formal (inter)national regulations governing the security sector, are there informal regulations governing the security sector?
6. Are these regulations transparent? E.g., are they publicly known?
7. Are these regulations implemented? If not, why not? (e.g. is human or institutional capacity a problem? Is political will a problem?)
8. What are the formal regulations governing legal non-state security actors? Are there codes of conduct, regulations for licensing and holding non-state security actors accountable?
9. Are these regulations transparent? Are they publicly known?
10. Are these regulations implemented? If not, why not?
11. Does customary law affect governance of the security sector? If so, how?

Accountability

12. If security sector actors violate the rule of law, is there some way to hold them accountable for their actions? Is there an effective military and/or police court system?

13. If non-state security actors violate the rule of law, is there some way to hold them accountable for their actions?
14. Does the issue of leadership (e.g. the conduct of heads of states, the legislature, et cetera) affect governance of the security sector? If so, how?
15. Is the environment such that civil society is able to create watchdog organizations, participate in consultation processes, and constructively propose solutions to problems in the security sector?
16. If not, what factors constrain civil society from doing so?

*****

17. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis of the Quality of the Rule of Law

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - Identify key actors who need to be involved in improving the situation.
   - What major obstacles to change exist?
   - How might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?
5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

5. Entry Point 2: Mapping and Analyzing the Capacity for Policy Development, Planning and Implementation

5.1 Introduction

This chapter on the entry point of policy development, planning and implementation helps the team of independent experts to analyze:

- How governments develop security policies:
  - Assessment of security environment;
  - Development of policy papers and operational plans on the basis of a comprehensive strategy;
- How governments implement these policies.

In order to be able to map and analyze the status of the security sector policy process, the experts are provided with background information on this process in the sections "Why the Policy Process in the Security Sector is Important" and "Focusing on the Security Policy Process". The experts then apply the checklist which contains two sets of questions. The first set helps the team map the status of the security sector policy process. The second set of questions is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

5.2 Why the Policy Process in the Security Sector is Important

- First, policies provide the security bodies, the government, and the population with a clear description of the purposes for which resources are being allocated to the security sector. In turn, policies afford the security bodies a clear understanding of their roles in providing the safe and secure environment necessary for democratic development, poverty-reduction, and sustainable economic and social development.
- Second, well-articulated policies are necessary to set priorities and to develop clear and realistic plans. Effective management and oversight of the security sector depends on plans with measurable outputs and agreed financial inputs.
  - The security forces will not operate effectively in the absence of clear and realistic plans.
  - Needs, capabilities and available resources have to be assessed and structures must be developed that enable needs to be aligned with capabilities and resources.
- Third, formulating and implementing policy in a participatory manner, encouraging and involving a wide range of non-security actors in the process:
  - Provides an opportunity to build confidence between the security bodies and civilians;
  - Removes decision-making on the management and oversight of this sector from the hands of a small group of technocrats, enabling the broader implications of security sector policy to be given adequate weight;
  - Can bestow considerable legitimacy on both the security bodies and the government in managing the country's civil-security sector relations.

- Fourth, evaluation and monitoring of policy implementation is key for assessing the effective/efficient use of human and financial resources and to ensure that government objectives are achieved.
- Finally, a well-managed policy process can strengthen democratic governance, by reaffirming democratic norms and principles such as the rule of law and civil oversight and by helping to inculcate democratic behaviour.

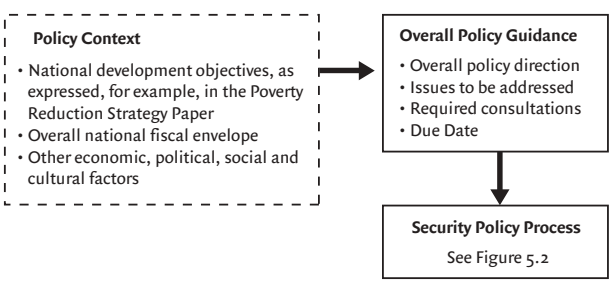
5.3 Focusing on the Security Policy Process

Before moving to the checklists, the team of experts is advised to read the background information in this section, which outlines an ideal-type overview of the security policy process, as well as three essential components of this process which should inform the analysis. These components involve: "(A) Analyzing the Security Environment", "(B) Developing Policy Papers and Operational Plans", "(C) Executing Policies and Plans".

5.3.1 Ideal-type Overview of the Security Policy Process

When initiating a policy process, those who issue the mandate—either the executive or the legislative branch—should provide guidance to the body that will take the lead on developing policy, such as the ministry of defence, the ministry of interior, the national security council, the ministry of justice. Such guidance should include the overall policy direction, the issues to be addressed, the fiscal framework as well as the required consultations and the due date. The overall policy guidance is also affected by the policy context within which policy is developed (see figure 5.1).

Figure 5.1 Security Sector Policy Process Guidance

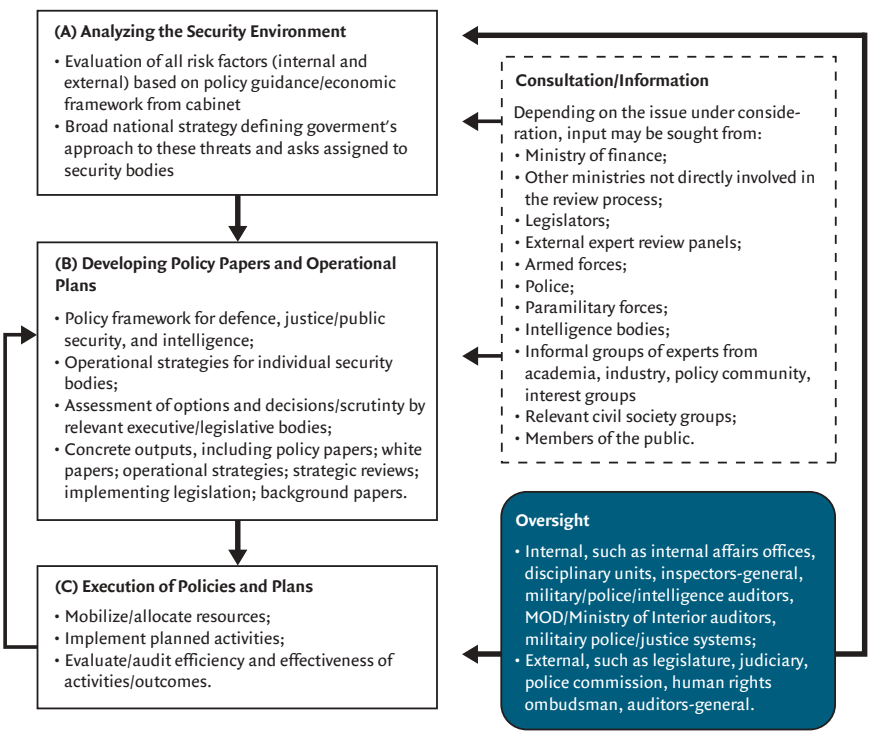


Once guidance is issued, a security environment assessment can be carried out. Based on this assessment, decisions can be taken on which security problems each security body will address. Based on these decisions, policies and operational plans can be developed and implemented. Figure 5.2 gives an overview of how policy is ideally made and implemented. In reality, policy processes can be expected to diverge, often significantly, from this ideal-type. The analyst must determine

whether these deviations undermine democratic governance of the security sector and as such need to be addressed by the local authorities.

For this policy process to be successful, it must be both transparent and participatory. A wide range of official and non-governmental actors needs to be consulted (see figure 5.2, boxes on "consultation/information" and "oversight"). To provide adequate input, these actors need good access to information and timely involvement. The capacity and credibility of the actors to be consulted are also important factors.

Figure 5.2 A Generic Policy Process



5.3.2 (A) - Assessing the Security Environment

Policies in any portion of the security sector should be developed following a wide-ranging assessment of the country's internal and external security environment. This review should consider:

- The full-range of security challenges facing the country, such as disputes with neighbours, regional conflicts that risk "spill over", widespread criminal activity, unequal access to political and/or economic system, human rights abuses;

- The range of mechanisms available to provide maximum security, including foreign policy, mediation, broadening participation in the country's political and economic structures, confidence-building activities and so on (Box 5.1), and
- The division of tasks among each of these mechanisms, including the defence, justice/public security, and intelligence bodies.

It is only after this assessment is conducted that a comprehensive national strategy for addressing the country's security challenges can be developed and that policy development and planning can begin for the three main security sectors (defence, intelligence, justice/public security).

Box 5.1 Confidence-Building Measures between Rwanda and Uganda

"Defence ministers of Rwanda and Uganda have signed an agreement designed to build confidence and understanding between their once hostile armies, [according to] the Ugandan military spokesman..."
"The memorandum of understanding, signed by Amama Mbabazi of Uganda and his Rwandan counterpart, Brig-Gen Emmanuel Habyarimana, provides for an exchange of military liaison officers, exchanges of information between military intelligence chiefs of the two nations, and operational procedures for patrols and liaison officers who will monitor national parks in border areas."
"The agreement is an effort to normalise relations and attain lasting peace between the two countries,' Bantariza said."

Source: IRIN, "*Rwanda-Uganda: Confidence Building Measures Agreed,*" July 2, 2002, http://www.irinnews.org/report.asp?ReportID=28586&SelectRegion=Great_Lakes&SelectCountry=RWANDA-UGANDA.

Very few countries conduct a broad security environment assessment as the basis for developing national security policies or sectoral policies for defence, intelligence and justice/public security. In the post- September 11 world, however, it is increasingly evident that countries need to have an integrated vision of the requirements of the entire security sector, and that defence policy, justice/public security policy and intelligence policy should not be developed in isolation from each other. It will be important, therefore, to determine whether there are linkages among the policy development processes in each portion of the security sector.

Questions 1-3 in Box 5.6 deal with the security environment analysis.

5.3.3 (B) – Developing Policy Papers and Operational Plans

Once the security environment assessment is completed, policy frameworks for defence, justice/public security and intelligence can be developed. The processes in these three areas should, ideally, be managed in an integrated manner to avoid contradictions and inconsistencies. Each of these processes should also be managed in a consultative manner to enhance legitimacy and credibility of the outcome. All policy frameworks should ideally identify the main sectoral priorities, the fundamental values that underpin the policy, the legal basis of the policy, and the roles of key actors in each sector (Box 5.2).

Box 5.2 Objectives of South Africa's White Paper on Safety and Security

- Strategic priorities to deal with crime
- Roles and responsibilities of various actors in the safety and security sphere.
- The role of the Department of Safety and Security within the constitutional framework.

Source: South Africa, Department of Safety and Security, "Introduction," *In Service of Safety, White Paper on Safety and Security*, 1999-2004, September 1998, http://www.gov.za/whitepaper/1998/safey.htm#intro.

The central values, concepts and principles of the policy framework should form the basis of the strategies for each component of the security sector. Defence, justice/public security and intelligence plans are the documents that specify the measurable outputs that these sectors will produce in pursuit of the government's objectives against agreed financial allocations (Box 5.3). Policies and plans must reflect fiscal realities. Indeed, planning should occur on the basis of a realistic, multi-year financial framework. For most activities, a three-to-five year framework is adequate. This corresponds to the medium-term expenditure framework that many countries are adopting for overall economic planning.

Box 5.3 Linking Policy, Planning and Budgeting

"No meaningful programming and/or budgeting can be done without the existence of a long term or strategic .... plan, just as no meaningful plan can exist in the absence of guiding policy."

Source: Len Le Roux, "*The Military Budgeting Process: An Overview (Defence Planning, Programming and Budgeting),*" Prepared for the Sipri/ASDR Workshop on the Military Budgeting Process, Accra, February 25-26, 2002.

A much longer financial horizon – on the order to 20-30 years — is required for major capital acquisitions. (The process of financial management of the security sector is addressed in more detail in chapter 8).

Box 5.4 describes the elements that the plan for each security body should ideally contain. The managers of the policy process should develop a series of options for the structure of the relevant security bodies that reflect the financial parameters provided in the review process guidance. The next step is for senior policy makers to assess the options proposed. It is likely that additional information will be requested on one or more of the options and that the proposals will be modified before a decision is made to select one of the options. Once the relevant executive branch actors have chosen an option, the policy will be scrutinized by the legislature. The degree to which the legislature is able to amend the proposed policy will vary from country to country. All policies should ultimately be approved by the legislature. The final step in the policy development process is dissemination of the policy and other relevant material to all stakeholders and to the public.

Box 5.4 Key Elements of Security Plans

- The strategic profile of the relevant body, including mission, vision, critical success factors, and value system.
- The analysis and critical assumptions underlying the strategic plan.
- A clear statement of the required capabilities of each security body.
- A clear statement of the way in which the relevant body needs to be structured to deliver the required capabilities.
- The capital acquisition, facilities, and personnel plans to support the delivery of those capabilities.
- The administrative outputs to manage the defence, justice/public security, intelligence function, including provision of policy, strategy, plans, programmes, and budgets.
- The short- to medium-term operational tasks of the defence/public security/intelligence bodies.

It is important to extend the focus beyond the formal aspects of policy and planning. It is vital to assess the capacity of the security bodies and the civil authorities to manage and implement security policy. Well-intentioned policy that has not taken into account the resource constraints, institutional limitations, human-resource limitations and political priorities of the country concerned will act as no more than a vision with little long-term, operational utility. Realistic plans need to be developed, issues need to be prioritized, and a comprehensive assessment of the capabilities of the relevant bodies needs to be conducted if the security bodies are

to fulfil their missions and the civil authorities are to manage and monitor the security bodies effectively. (Oversight will be addressed in more detail in chapter 7.)

Questions 4-12 in Box 5.6 focus on developing policy papers and operational plans.

5.3.4 (C) – Execution of Policies and Plans

Policy makers frequently give considerably more attention to policy development than to policy implementation. It is often assumed that a good policy will produce satisfactory outcomes. In reality, policy outcomes are determined by government actions, not what governments state they intend to do. Implementation is thus a key ingredient of good policy. In implementing policy, it is important to bear in mind the following two points:

- **Policy is never static**. Changes in the political and socio-economic environment can undermine and/or radically shift the priorities outlined in any given policy. In consequence, the policy management process must be flexible enough to accommodate these contingencies in the implementation process.
- **The policy implementation process is as much a political process as a technical process**. While technical skills are necessary to manage and implement policy, analytical, synthetic, consensus-building, conflict-resolution, compromise, contingency planning, and stakeholder-dialogue skills are equally important.

Box 5.5 summarizes eight factors that are crucial for successful policy implementation. Of these, monitoring and evaluation have been one of the most neglected aspects of the policy process. It is often assumed that once policy is agreed, it is "cast in stone" and that no further changes are necessary. In fact, policies need to be constantly assessed for their effectiveness and continued relevance. Monitoring involves the routine checking of the policy against the plan devised in the process design phase. Evaluation requires a critical and detached examination of the objectives of the policy and the extent to which they are being met. Evaluations can be conducted at all stages of implementation and should been done regularly. As will be discussed in the following section, evaluation and monitoring are central to effective oversight.

Box 5.5 Eight Crucial Factors for Policy Implementation

- Assigning implementation responsibility to appropriate, capable actors.
- Reducing the number of veto points and potential blockages. Involving too many entities in policy implementation inevitably retards the process and makes it vulnerable to selective interpretation and implementation, and even obstruction.
- Ensuring the necessary supportive rules, procedures and resources are in place.
- Sustaining the commitment of the leadership to the policy objectives they have

approved. This obviously presupposes that they possess the necessary political and strategic management skills to do so. In reality, capacity building may be necessary.
- Developing and sustaining the commitment of target groups to the policy objectives. This entails ongoing dialogue and consultation with these target groups. The objective must be to ensure that all relevant actors receive the adequate information at all stages of the policy process.
- Fostering the development of analytical and synthetic skills among key stakeholders in: consensus-building, conflict-resolution, compromise, contingency planning, and stakeholder-dialogue.
- Ensuring a sustainable level of funding.
- Undertaking adequate monitoring and evaluation, the results of which should be used to assess and adapt the overall policy as necessary.

Questions 13-20 in Box 5.6 deal with the analysis of the execution of policies and plans.

Box 5.6 Mapping and Analyzing the Quality of Policy Development, Planning and Implementation

Mapping the Status of Policy Development, Planning and Implementation

The following questions are intended to help the team of experts to map the status of the policy development, planning and implementation processes. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, the team of experts should adapt the questions to country context.

Assessing the Security Environment

1. Have there been wide-ranging assessments of the country's internal and external security environment?
2. If not, why not?
3. If yes, describe the process by which assessments take place. Which stakeholders have been involved? What are their roles? Do the relevant actors have sufficient weight to participate in the assessment? Do some stakeholders have a monopoly or near-monopoly over information, giving them undue influence? Do mechanisms exist to enable the participation of civil society?

Developing Policy Papers and Operational Plans

4. Are there formal policies and plans guiding the defence, justice/public security and intelligence sector?
5. If not, why not?

6. In the absence of formal policies, how are the objectives and activities of the defence/public security and justice/intelligence sectors determined? On what basis are plans and programmes developed and operationalized?
7. Is there any linkage between policies, planning and security environment assessments?
8. What is the process by which existing policies and plans have been formulated? Which stakeholders have been involved? What are their roles? Do the relevant actors have access to adequate information and sufficient weight to participate in the policy formulation process? Do some stakeholders have a monopoly or near-monopoly over information, giving them undue influence? Do mechanisms exist to enable the participation of civil society?
9. What is the capacity of the key actors to carry out the tasks associated with policy development and planning?
10. How do the policy formulation and planning processes just described compare with a) the country's own legally mandated process and b) international good practice?
11. How are financial considerations taken into account during the planning process? Is a multi-year financial framework available to planners? Are budgets built on a detailed assessment at the unit level of the costing of responsibilities assigned to each unit?
12. If there is no planning process and/or there are no security environment assessments, how are the roles, missions and tasks of the security forces determined? Which actors make the key decisions?

Execution of Policies and Plans

13. How is responsibility for implementation assigned? Is responsibility assigned to the appropriate actors? Are those actors capable of fulfilling their responsibilities?
14. Are the rules, procedures and resources necessary for implementation in place? If not, how are deviations addressed?
15. Is the political leadership committed to agreed policy objectives and is this commitment made known to the implementing actors?
16. If implementation is poor, what are the reasons? E.g. lack of information? Lack of capacity? Inadequate civil servant pay? Inadequate budgets or unpredictable resource flows? Political interference? Obstruction from the security bodies?
17. What are the consequences of poor implementation? Are problems addressed? Where necessary, is disciplinary action pursued? If not, why not?
18. Is there a process of dialogue with key stakeholders, especially the security bodies, in order to develop and sustain their commitment to policy objectives?
19. Do monitoring and evaluation occur? Are they adequate? Which actors are involved and who is in charge?
20. Are the results of monitoring and evaluation fed back into policy and/or into the implementation process?

* * * * *

21. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis of the Quality of Policy Development, Planning and Implementation

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - Identify key actors who need to be involved in improving the situation.
   - What major obstacles to change exist?
   - How might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?
5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

6. Entry Point 3: Mapping and Analyzing the Quality of Professionalism

6.1 Introduction

This chapter on the entry point of professionalism helps the team of independent experts to analyze:

- If there are clearly defined, widely accepted roles of the security bodies in relation to their functions and in relation to their interactions with domestic society;
- Whether there are external and internal regulations that define the responsibilities of security actors both as corporate bodies and as individuals;
- Whether the security bodies receive adequate resources (financial, training, materiel) to execute their roles as professionals;
- Whether security body personnel have the necessary expertise to fulfil their functions effectively and efficiently;
- Whether the organization and internal structures of the security bodies support democratic governance of the security bodies and their ability to function effectively, and, if not, how they could be strengthened.

In order to be able to map and analyze the professionalism of security actors, the experts are provided with background information on this topic in the sections "Why Professionalism in the Security Sector is Important" and "Focusing on Civilian Supremacy versus Mutual Responsibilities and on Technical versus Normative Components of Professionalism. The experts then apply the checklist which contains two sets of questions. The first set helps the team map the situation as regards the professionalism of the security actors. The second set of questions is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

6.2 Why Professionalism in the Security Sector is Important

- First, professionalism is necessary if the security bodies are to fulfil their functions of providing adequate security for the state and its population. This implies that security actors must have clearly defined roles. When security bodies exceed these roles – for example by engaging in political or economic activities – their focus, technical skills and discipline run a very strong risk of being eroded, causing their capacity to protect the state and its population to decline significantly;
- Second, professionalism is important because of the high value assigned to subordination to the civil authorities, which is also a central element of democratic accountability.
- Third, sound management of human resources, which is a central element of professionalism, is critical to the effective and efficient operation of security bodies.
- Fourth, professionalism on the part of the security bodies is critical to the effective application of the rule of law. When security bodies are able to act with impunity, the rule of law is undermined.
- Fifth, professionalism facilitates sound management of the economic resources allocated to the security sector.
- Finally, professionalism is critical to the relationship between the security bodies

and society. Professionalism, in the sense of clear rules for operational tasks, protects society from the potential abuse of power by the security bodies and enhances society's trust in the security bodies and its confidence in the ability of the security bodies to perform assigned tasks. This in turn assists the security bodies in fulfilling their mandated roles.

6.3 Focusing on Civil Control versus Mutual Responsibilities and on Technical versus Normative Components of Professionalism

Before moving to the checklists with questions, the team of experts is advised to read the background information in this section which outlines two essential issues for the analysis which should not be overlooked: civil control versus mutual responsibilities and technical versus normative components of professionalism.

6.3.1 Civilian Control versus Mutual Responsibilities

The professionalism of the security bodies is a central element of democratic governance of the security sector. Professional security forces accept their subordination in policy matters and resource allocation decisions to the civil authorities. However, absolute control by the civil authorities over the security bodies is impossible. Rather, it is important to think in terms of shared responsibilities within the framework of democratic governance. Box 6.1 provides a South African view of the mutual responsibilities of the civil authorities, society at large, and military personnel that could equally be applied to the other security actors.

The reality in many countries, however, has been that the civil authorities and security actors have interfered in each other's realms. For instance, civilians–particularly politicians –have played an important role in undermining the professionalism of the security bodies by involving security personnel in partisan political activities and in commercial activities. The civil authorities have also interfered in areas that should be the prerogative of the security bodies, such as promotions below the most senior level. Conversely, armed with a "professional"–hierarchical, goal-oriented–decision-making structure, the armed forces in a wide variety of countries in Africa, Asia, Europe, Latin American and the Middle East have declared politicians incompetent to rule and taken over the reins of government. In reality, the security bodies have proven themselves no more competent than civilians at the complex task of ruling a country.

To go a step further in defining who is responsible for what, it is useful to identify the concrete tasks for the civil authorities and security bodies on the basis of expertise and mandates. Based on a clear delineation of tasks, civil authorities must control policies dealing with national goals, the allocation of resources, and decisions about the use of force. As regards the armed forces, they ideally should control military doctrine, operational and planning aspects, internal organization, promotion of

lower ranks, and tactical direction of units in operations. A similar principle should apply to other security actors, like the police, paramilitary bodies and the intelligence services.

Questions 5-10 in Box 6.2 deal with the mutual responsibilities of civilians and security force personnel.

Box 6.1 Military Professionalism: A Two-way Street

"A democratic society could be expected to demand legitimately the following of the military profession:

- Functional competence in accordance with the role and mission of the military.
- Understanding of, and respect for the democratic political process and basic human rights.
- Political subservience and accountability.
- External and internal affective neutrality.
- Absolute honest and truthfulness at all times, but especially when reporting to the elected representatives of the people.
- Belief in the primacy of societal interests over sectional and organizational interests, and the necessity for the subordination of self-interest where necessary."

"Society, for its part, should recognize the following as legitimate needs of military professionals:

- A clear delineation of military roles and obligations.
- Appropriate training and education to meet the demands of the military function.
- Remuneration which is commensurate with the skills and sacrifices demanded by military service.
- Respect for the integrity of members of the military profession through not placing demands upon them which would necessitate exceeding the bounds of their military function.
- Recognition of the need for personal progression in life as well as in the military hierarchy is so far as it is based on merit, rather than ascription.
- Security of tenure, or assistance with transition to the civilian sphere upon premature termination of military service."

Source: Mark Malan, *"The Need for Professional Value Articulation in the Emergent South African Defence Force, South African Defence Review"*, Issue no 13 (1993), www.iss.co.za/Pubs?ASR/SADR13/Malan.html.

6.3.2 Technical versus Normative Components of Professionalism

In democratic societies, professionalism has both technical and normative components. In the past, the tendency was to place greater emphasis on the technical characteristics than the normative ones. This means that the organizational, managerial and technical capacities of security bodies received more attention, both domestically and on the part of donors of security assistance, than characteristics such as respect for the rule of law, accountability to civil authorities, or respect for human rights.

Technical capacities are clearly important. Without a sound organization and well-trained, disciplined personnel, a country's security bodies will not be able to carry out their mandated tasks of protecting the state and its population. However, without due attention to the normative aspects of professionalism, history has demonstrated on numerous occasions that it is all too easy for security body personnel to abuse the concept of professionalism. Efforts to address this problem are becoming more numerous as democratic governments in many countries seek to break the cycle of military intervention in politics and the economy. Growing demands for rights-based policing and effective judicial systems have also contributed to a broader view of the concept of professionalism.

Questions 11-13 in Box 6.2 focus on the technical and normative characteristics of professional security bodies.

Box 6.2 Mapping and Analyzing the Quality of Professionalism

Mapping the Status of Professionalism

The following questions are intended to help the team of experts to map the quality of professionalism. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, the team of experts should adapt the questions to country context.

Core Characteristics of Professional Security Bodies

1. Are there clearly defined and widely accepted roles for each of the security bodies?
2. Do each of the security bodies have the necessary expertise to fulfill their functions effectively and efficiently?
3. Are there clear rules defining the responsibilities of each of the security bodies as an institution and of individual members of each security body? In absence of clear rules, how are responsibilities defined?
4. Is promotion based on achievement?

Responsibilities of Security Bodies

5. Do the security bodies seek undue influence over policy development? The allocation of resources? Decisions about the use of force?
6. Does one or more of the security bodies have a history of exploiting "professionalism" to retain superiority over civilians?
7. Do the security bodies respect the democratic political process and accept the need for accountability to the civil authorities, respect for human rights?

Responsibilities of Civilians

8. Do civilians seek undue influence over the internal organization, planning and conduct of operations, day-to-day management of security bodies?
9. Does the civil authority provide adequate remuneration for security personnel?
10. Do civilians respect the professional integrity of the security bodies?

Dual Nature of Professionalism

11. Is professionalism seen to have both technical and normative components?
12. Do training and education for security personnel reinforce the importance of the normative components? Are these considered adequate by key civilian stakeholders?
13. Do the security bodies have the appropriate internal oversight mechanisms and do these mechanisms function adequately?

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14. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis of the Quality of Policy Development, Planning and Implementation

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - Identify key actors who need to be involved in improving the situation.
   - What major obstacles to change exist?
   - How might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?

5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

7. Entry Point 4: Mapping and Analyzing the Quality of Oversight

7.1 Introduction

This chapter on the entry point on oversight helps the team of independent experts to analyze:

- The various aspects of internal and external oversight;
- The factors that influence the quality of internal and external oversight such as independence, access to information and funding, and knowledge of security issues and governing processes.

In order to be able to map and analyze the quality of oversight of the security sector, the experts are provided with background information on oversight in the sections "Why Oversight of the Security Sector is Important" and "Focusing on Internal and External Oversight". The experts then apply the checklist which contains two sets of questions. The first set helps the team map the status of oversight of the security sector. The second set of questions is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

7.2 Why Oversight of the Security Sector is Important

- Oversight of the security actors is key to developing an accountable security sector. Unless the members of the security bodies–individually and collectively–are answerable for their actions and there is some means of enforcing compliance with set standards of behaviour, it is all too easy for a culture of political and economic impunity to develop.
- The executive branch officials responsible for managing the security bodies must also be held answerable for their actions and subject to sanctions for inappropriate behavior. The direct involvement of the security bodies–most often the armed forces–in government is almost always supported in one way or another by some part of a country's political élite and there are numerous examples of economic partnerships between members of the security forces and political élites.
- Highly autonomous security bodies that are able to act with impunity in the economic and political spheres are invariably professionally weak:
  - increasing the risk of insecurity for the state and its population;
  - constraining democratic development;
  - eroding the quality of governance;
  - increasing the likelihood of the misallocation of financial resources;
  - impairing efforts to reduce poverty; and
  - intensifying human rights abuses.

All of this leads to greater personal and collective insecurity. It is thus critical that all members of the security sector are held accountable for their actions.

7.3 Focusing on Internal and External Oversight

Before moving to the checklist with questions, the team of experts is advised to read the background information in this section, outlining two key aspects which should not be overlooked in the assessment. First, there is need for both external and internal oversight. External oversight is exercised by civil oversight bodies. Internal oversight occurs within all organizations in the security sector. Therefore, some internal oversight is carried out by the security bodies themselves. Second, there is the issue of the quality of oversight. In particular, it is extremely important for democratic governance of the security sector that efforts are made to strengthen the quality and the capacity of the civil authorities to manage and oversee the security sector.

Questions 1-6 in Box 7.3 deal with the issue of external/internal oversight. Questions 7-9 focus on the quality of oversight of the security sector.

Box 7.1 Interaction Between Internal and External Oversight of the Police

"In the end, neither internal nor external oversight bodies can function effectively without the other. Without external mechanisms, police managers will have the freedom not to investigate and punish human rights abuses, and internal controls will not operate effectively. External oversight generates political will to enforce disciplinary regulations internally. On the other hand, external mechanisms can only function minimally without sufficient data on police misconduct, including police archives, witness reports, and police officer statements. That data is often only available through the cooperation of police personnel who have access to it. Furthermore, internal mechanisms of review are more likely to detect the full range of police infractions, rather than just the most visible abuses, and can bring informal career pressures on officers in ways that external means cannot. The most effective external monitors form working relations with internal monitors in order to support those internal monitors (who in extreme cases face threats to their own safety) and obtain needed information. International actors can not only support the creation or strengthening of external and internal oversight bodies, but also foster their collaboration with one another."

Source: Charles T. Call and Zoe Nielsen, *Challenge in Police Reform: Promoting Effectiveness and Accountability*. www.ipacademy.org/pdf_reports/challenge_in_police.pdf , P.9

7.3.1 External and Internal Oversight

Governance structures and practices have traditionally been weakest and least defined in the security sector. In the past, many states were quick to rebuff any

effort to subject security sector affairs to external scrutiny as "undue interference in the internal affairs of a sovereign state." Internal oversight mechanisms have also been resisted in many countries. The culture of secrecy that has traditionally surrounded security activities has prevented the creation of oversight bodies in some countries. It has also stymied the efforts of existing oversight bodies to operate effectively. Consequently, oversight of the security sector continues to be a work-in-progress throughout the world, including in OECD countries. For example, it was only in February 1987 that Australia created the office of Inspector General for Intelligence and Security. Since the early 1990s, there has been growing acceptance of the notion that the achievement of democratic governance and the rule of law require government and the security bodies to be accountable to external and internal oversight actors (Box 7.1).

External oversight actors can take a variety of forms, including parliament as a whole and relevant parliamentary committees; auditors-general; constitutional courts; anti-corruption and public accountability bodies; ombudspersons; and public protectors. The quality of external oversight is particularly important for achieving accountability in the security sector. There are two ways of attaining such accountability. First, members of the security bodies can be required to answer directly to all or some portion of the population of a country. Second, politicians and bureaucrats can be held accountable for the actions of the security bodies by defining a set of democratic governance criteria against which the security bodies are to be measured. Most external security sector accountability is indirect, through the legislature, the courts, the office of the auditor-general, and the like. There is some direct accountability in the criminal justice sector through groups such as police commissions, police monitoring groups, police-community liaison groups, and community safety forums.

Internal oversight is equally important. Therefore, internal oversight mechanisms such as internal affairs, disciplinary units and inspectors should both exist and function effectively and independently within key ministries, such as the ministry of defence, the ministry of interior, the ministry of justice and the various security bodies.

Apart from official external and internal oversight structures, civil society also can play a role. While civil society actors cannot carry out formal oversight, they can support key oversight actors in a variety of ways: monitor the development and implementation of security policy, contribute to policy development, give voice to public views on security-related issues, and shine a spotlight on deficiencies in oversight.

Questions 1-3 in Box 7.3 are intended to help build a picture of external and internal oversight.

7.3.2 Quality of Oversight

The quality of oversight – whether is direct or indirect, external or internal – depends on a number of factors:

- **Independence:** Oversight bodies must be able to operate independently in their promotion and protection of transparency, accountability, integrity and the free and fair dispensation of justice and administration if they are to be truly effective (Box 7.2).
- **Guaranteed access to resources:** Effective operation requires guaranteed access to adequate resources–information as well as human resources and funds. This will prevent the government bodies whose activities are reviewed by oversight agencies from keeping the oversight bodies from fulfilling their mandates by starving them of resources.

Box 7.2 Limitations on Civil Oversight of the Security Sector in Cambodia and Chile

Cambodia: The Ministries of Defence and Interior are exempt from audit, unless authorized by the Prime Minister.

Source: World Bank, *Cambodia Public Expenditure Review: Enhancing the Effectiveness of Public Expenditures. Volume Two: Main Report*, Washington, DC: East Asia and Pacific Region, January 8, 1999, p. 23-24, 34, 39.

Chile: The Comptroller General can audit arms procurement accounts. It cannot, however, conduct value-for-money audits. Congress is not allowed either to conduct value-for-money assessments or evaluate the choice of weapons procured.

Source: Francisco Rojas Aravena, "*Chile*," in *Arms Procurement Decision Making*. Volume II: *Chile, Greece, Malaysia, Poland, South Africa and Taiwan*, ed. Ravinder Pal Singh, Oxford, UK: Oxford University Press for Sipri, 2000, p. 35.

- **Delineation of functions:** The functions and powers of each oversight body must be clearly delineated and recognized, ideally in the constitution or in subordinate national legislation. These mechanisms will not prove effective, however, until they are completely respected by all branches of government and by the security forces.
- **Knowledge of security issues:** There is a serious shortage of individuals well versed in security matters within oversight bodies in most countries. The need for technical knowledge of the security sector is greater in some areas than in others. Legislators, for example, require detailed knowledge of a range of security-

related issues in order to make decisions. Competent auditors can make significant progress in identifying problems with financial management practices without detailed knowledge of security issues, while assessing value-for-money requires them to have more specialized knowledge.

- **Knowledge of governing processes:** Oversight capacity is limited not only by inadequate knowledge of security issues, but also of inadequate knowledge of governing processes. For example, legislators frequently do not understand how to use the committee system effectively, lack experience in drafting legislation, and are uncertain about the role and functioning of legislative oversight bodies.
- **Confidence building:** In order to be able to execute their oversight function adequately, the oversight actors have to build a relationship of trust with the security actors. Such a relationship of trust depends both on the capacity of oversight actors to behave responsibly and on the ability of the security actors respect and accept the oversight actors' decisions.

Questions 4-9 in Box 7.3 deal with the quality of oversight.

Box 7.3 Mapping and Analyzing the Status and Quality of Oversight

Mapping the Status of Oversight

The following questions are intended to help the team of experts to map the nature and effectiveness of civil oversight. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, the team of experts should adapt the questions to country context.

External and Internal Oversight

1. What major external oversight actors exist? Are there external oversight actors that are provided for in the constitution or other legislation which do not exist? If yes, why not?
2. What major internal oversight actors exist? Are there internal oversight actors that are provided for in the constitution or other legislation which do not exist? If yes, why not?
3. Does civil society play a role as an informal oversight actor? What civil society organizations help oversee the security sector?

The Quality of Oversight

4. Are the politicians guiding the security actors held accountable? If so, how?
5. How does each major internal/external oversight actor mentioned in relation to questions 1 and 2 function in practice? Does it carry out its mandated responsibilities?
6. Are all members of the security sector treated equally in terms of oversight?

7. Where relevant, explain why internal/external oversight actors are unable to fulfil their mandates:
   - Is independence guaranteed, or are there political constraints on their activities?
   - Do they lack funding?
   - Do the relevant internal/external oversight actors have access to adequate information? Do some stakeholders have a monopoly or near-monopoly over information, giving them undue influence?
   - Do they lack familiarity with governance processes, i.e., methods for exercising oversight? Do they lack knowledge of and technical capacity to oversee the security sector?
   - Is there lack of confidence from both the oversight actors and the security actors hampering oversight? Do oversight actors have sufficient weight to carry out their oversight responsibilities?
   - Do mechanisms exist for enabling the participation of civil society?
8. When internal/external oversight actors identify deficiencies in the process of implementing policy, managing finances, or conducting operations, are mandated sanctions on offenders applied? Are they applied consistently? If not, why?
9. How does oversight (both formal mandate and actual practice) compare with international good practice?

Oversight of Non-State Security Actors

10. How is oversight exercised over non-state security actors (civil defence forces, traditional militia, political party militia, private security companies)?
11. If deficiencies are identified in the performance of non-state security actors, are sanctions on offenders applied? If not, why?

* * * * *

12. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis o f the Quality of Oversight

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - IIdentify key actors who need to be involved in improving the situation.
   - IWhat major obstacles to change exist?
   - IHow might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?
5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

8. Entry Point 5: Mapping and Analyzing the Capacity to Manage Security Sector Expenditures

8.1 Introduction

This section on the entry point of managing security sector expenditures helps the team of independent experts to analyze:

- Whether the security sector is subject to the same rules and procedures of financial management as applied in other sectors and whether these rules and procedures reflect sound public expenditure management practice;
- The extent to which the security actors are able to act autonomously in managing financial resources; and
- Whether there is a link between policy, planning, and the budget process in the security sector.

In order to be able to map and analyze the management of security sector expenditures, the team of experts is provided with background information on this process in the sections "Why Managing Security Sector Expenditures is Important" and "Focusing on the Rules and Procedures of Financial Management in the Security Sector". The experts then apply the checklist which contains two sets of questions. The first set helps the team map the status of governance in the financial management process. The second set of questions is aimed at helping the team propose strategic options to address the core needs and challenges identified through the mapping exercise.

8.2 Why Managing Security Sector Expenditures is Important

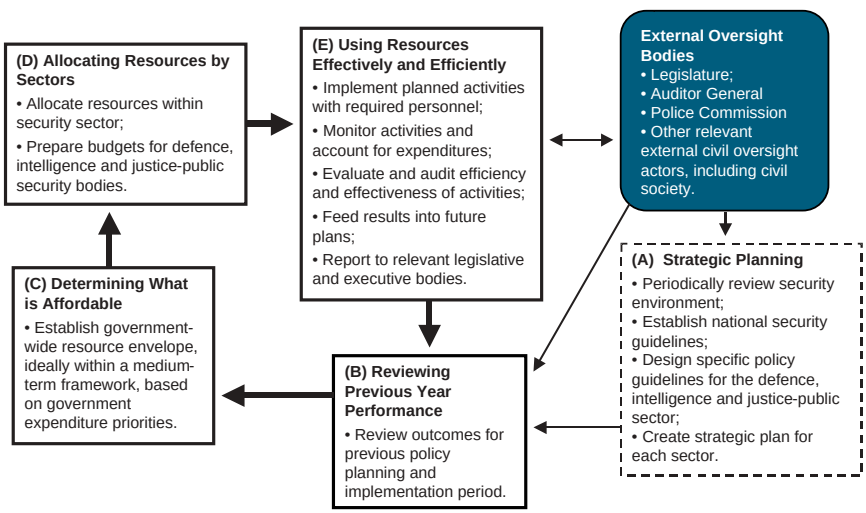
Financial management in the security sector is important because:

- From a public policy and process perspective, the security sector shares many of the characteristics of other sectors. Thus, the population of any country will benefit from a security sector that is subject to the same broad set of rules and procedures governing financial management as other sectors. However, financial management of the security sector is often ignored when government-wide systems are strengthened.
- Security bodies that are not fiscally accountable to democratic civil governments tend to exert 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.

8.3 Focusing on the Rules and Procedures of Financial Management in the Security Sector

Before moving to the checklist with questions, the team of experts is advised to read the background information in this section, outlining an ideal-type overview of the financial management process, as well as the five components of this process that are central to the analysis of the quality of financial management in the security sector. These components are: "(A) Strategic Planning," "(B) Reviewing Previous Year Performance," "(C) Determining What is Affordable," "(D) Sectoral Allocation Processes", and "(E) Effective and Efficient Use of Resources" (Figure 8.1).

Figure 8.1 The Ideal-Type Financial Management Process



Source: Based on the policy, planning, and budgeting process as applied to the defence sector only that was published in the UK Department for International Development, *"Discussion Paper no.1: Security Sector Reform and the Management of Defence Expenditure. A Conceptual Framework"*, Annex 3 in Security sector Reform and the Management of Military Expenditure: *High Risk for Donors, High Returns for Development*, Report on an International Symposium sponsored by the UK Department for International Development, London, February 15-17, 2000, www.dfid.gov.uk, search under "Publications."

8.3.1 (A) - Strategic Planning

As in any other part of the public sector, budgets for all security bodies should be prepared against a sectoral strategy. In order for governments to be able to identify the needs and key objectives of the security sector as a whole and the specific missions that the individual security bodies will be asked to undertake, they need to carry out assessments of the security environment and, based on that, develop formal security policy frameworks and plans. As described in chapter 5, the policy

and programme development process needs to occur within a financial framework agreed by the government. Once the policies and plans are approved, they form the basis of the budgeting process for defence, justice/public security, and intelligence. In addition, it has become more and more important that countries have an integrated view of the requirements of the entire security sector and that defence policy, justice/public security policy and intelligence policy not be developed in isolation from each other. Hence it will be essential for the team of experts to ascertain whether there are linkages among the policy development processes in each part of the security sector.

Question 3 in Box 8.1 deals with the linkage between strategic planning and the budgeting process for each security body.

8.3.2 (B) - Reviewing Previous Year Performance

While strategic reviews occur infrequently, it is important that the outcome of the previous year's fiscal planning and implementation period be reviewed at the beginning of the annual budget cycle. The efficient and effective management of resources in any sector, including the security sector, requires that information on performance be fed back into the budgeting process, as shown in Figure 8.1. While defining and measuring performance in the security sector is more difficult than for many other sectors, a focus on readiness/capability has been shown to be helpful to any discussion of the role, structure, performance, and resource needs of the security bodies.

Question 4 in Box 8.1 deals with reviewing previous year performance in the security sector.

8.3.3 (C) - Determining What is Affordable

Government policies, whether in the security sector or any other part of the public sector, must be affordable. Affordable policies require a sustainable macroeconomic balance, which is critical to the long-term economic health of a country. To attain a sustainable macroeconomic balance, governments must give high priority to exercising discipline over public expenditure. Overall fiscal discipline is also critical because an easily expanded resource envelope allows governments to avoid firm decisions on priorities. At the other end of the spectrum, without a solid floor to the expenditure envelope, resources are not predictable and operational performance will suffer. It is therefore extremely important to have in place institutions that can achieve long-term macroeconomic stability, determine the overall resource envelope for public expenditure, and enforce government decisions on expenditure priorities and levels. Medium-term expenditure frameworks (MTEFs) can help reduce incentives to evade fiscal discipline. Adopting a medium-term framework makes it harder to avoid fully costing programs, particularly outlays on arms procurement and

major construction projects. At the same time, it can be difficult for governments in highly resource-constrained countries to fully implement MTEFs in view of the unpredictability of their income. In consequence, it will be important for the experts to assess the effectiveness of mechanisms such as MTEFs that are employed by governments.

Questions 5-10 in Box 8.1 focus on the establishment of a firm resource envelope for the security sector.

8.3.4 (D) - Sectoral Allocation Processes

When the overall resource envelope is agreed, resources must be allocated according to priorities both within the security sector and between the security sector and other parts of the public sector. Sectoral strategies and information on performance (outputs and outcomes) are critical components of the allocative process. Here too it is important that assessments of past performance be fed into planning for the coming year (or years in the case of multi-year budgeting cycles). The key financial and economic managers plus the legislature must have the capacity to be fully involved in the resource allocation process and the process must include all relevant actors. The central budget office should assess the appropriateness of the security budgets. The security bodies must compete fully with other sectors for funding. The legislature must have adequate time before the beginning of the fiscal year to review and comment on the proposed budgets. Methods of incorporating public input into the allocation process can help build public support for the eventual budget.

Questions 11-15 in Box 8.1 are linked to the security sector allocation process.

8.3.5 (E) - Effective and Efficient Use of Resources

Once a budget has been approved by the legislature and monies appropriated, the goal is to ensure the efficient and effective use of resources to implement sectoral priorities. This requires careful monitoring and evaluation of operational performance both within the various security bodies and by civil servants. Funds appropriated should be spent for the purposes and in the amounts intended.

Well functioning financial management information systems are critical if decision makers and public-sector managers are to obtain the financial data they require for controlling aggregate expenditure, prioritizing among and within sectors and operating in a cost-effective manner. Additionally, it is extremely important that irregularities identified in the course of monitoring are addressed, lest a climate of non-compliance be created or reinforced. Particular attention should be given to ensuring the transparency of procurement processes and their conformity to good procurement practices.
Accounting standards in the security sector should not deviate from those in non-

security sectors. Each relevant ministry should have its own internal audit offices and the government's auditor general should audit the accounts of the different security bodies on a regular basis. The results of the auditor general's audits should be reported to the legislature in a timely fashion and irregularities addressed expeditiously. Cash flow and expenditures should be monitored closely. Methods of verifying the number of individuals employed in the security bodies and related ministries and of linking salary and wage payments to individual employees facilitate this monitoring process. Expenditure tracking studies can help determine whether resources are being spent as intended. Value-for-money audits by the auditor general or other oversight bodies will help determine if resources are being spent efficiently. As in any other sector, the results of monitoring and evaluation work needs to be fed back into strategic planning.

Question 16 in Box 8.1 deals with the efficient and effective use of resources.

Box 8.1 Mapping and Analyzing the Status and the Quality of Security Sector Expenditures

Mapping the Status of Security Sector Expenditures

The following questions are intended to help the team of experts to map the quality of financial management in the security sector. They are not the only questions that can be asked, but are intended to offer a starting point for investigations. Additionally, the team of experts should adapt the questions to country context.

1. Which actors are involved in formulating and implementing security sector budgets? What are their respective roles?
2. Do the relevant actors have access to adequate information and sufficient weight to participate fully in the formulation and implementation of security sector budgets? Do some stake holders have a monopoly or near-monopoly over information, giving them undue influence? Do mechanisms exist for enabling the participation of civil and political society?
3. Where relevant explain why the actors involved are unable to fulfil their role (lack of funding, lack of independence, unfamiliar with financial and governance processes, lack of confidence between the actors and the security bodies, et cetera)?

Strategic Planning

4. Are budgets based on strategies/policies for each security body? If there are no sectoral strategies for defence, justice/public security and/or intelligence, how are funding priorities for each sector identified?

Reviewing Previous Year Performance

5. Are the outcomes of the previous year's planning and implementation period reviewed at the beginning of the annual budget cycle and information integrated into the current year budget process?

Determining What is Affordable

6. Is there a firm resource envelope for the security sector?
7. What mechanisms are used to promote fiscal discipline in the security sector? Are they effective?
8. If the government has adopted medium-term expenditure frameworks, does it use them in the security sector? If used, are they effective? If not, why not?
9. Do security bodies, apart from the official budget, have other legal sources of income?
10. Are these other sources of income integrated in the official budget? If not, how is this income used (procurement, salaries, private purposes)?
11. Are there illegal sources of income obtained by the security actors? On what scale as compared to the official budget? (How) is this problem addressed?

Sectoral Allocation of Resources

12. Are the budgets provided for each security body adequate for them to carry out mandated tasks?
13. Do the security bodies compete on an equal footing with other sectors for resources?
14. Are resources within the security sector allocated according to priorities?
15. Are the legislature and other relevant financial oversight actors adequately equipped (e.g. capacity, access to information) to assess security sector budgets?
16. When does the legislature receive the security budgets? Does this allow adequate time for assessment of these budgets?

Efficient and Effective Use of Resources

17. What mechanisms are in place to promote the efficient and effective use of resources in the security sector?
    - How is procurement managed?
    - Are there internal audit units within the security bodies and the relevant ministries?
    - Does the auditor-general have full access to relevant material?
    - Do (internal) audits also include legal sources of income other than the state budget?
    - Is the auditor-general allowed to conduct "value for money" evaluations?
    - How are irregularities in any portion of the process dealt with? Are there mechanisms in place to feed information obtained by assessing budget implementation back into the policy development and planning processes?

Comparing the Security Sector to Government-wide Processes

18. How do the processes just described compare with the country's legally mandated budgeting process?
19. Is the security sector or some portion of that sector treated differently from the rest of the public sector in terms of budget formulation, execution and oversight?

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20. In answering any of these questions, are there substantial discrepancies between the national and provincial/local levels? If so, please elaborate.

Analysis of the Quality of Security Sector Expenditures

The following questions are intended to help the team of experts analyze the data gathered, and propose a series of short, medium and long-term options aimed at addressing the core needs and challenges.

Findings

1. Based on the analysis you have carried out,
   - Identify the core needs and challenges in this area.
   - Identify key actors who need to be involved in improving the situation.
   - What major obstacles to change exist?
   - How might these obstacles be overcome?

Strategic options

2. In view of all of the above, what activities ideally might be undertaken to address the core needs and challenges?
3. Can ongoing activities be strengthened or built upon?
4. Are there are windows of opportunity that can be taken advantage of?
5. Do the local stakeholders have capacity necessary to address the core needs and challenges?
6. What is each external actor's comparative advantage to address the core needs and challenges identified?
7. Are the suggested activities consistent with stated national priorities as expressed for example in poverty reduction strategies, as well as national economic, security, and social policies?
8. How should these activities be sequenced over the short, medium and long-term?

Part Three: Assessment and Strategy Development

9. Developing a Security Sector Governance Strategy

The process of assessment and strategy development is the primary responsibility of the Government.

Once the multidisciplinary team of independent experts has submitted its mapping and analysis report, the Government, in consultation with its partners, should assess the report's findings and determine the implications of those findings. A useful way to initiate this assessment process would be to hold a workshop at which the report's findings can be discussed with a broad range of stakeholders.

If the dialogue initiated at the workshop leads the Government to conclude that it wishes to develop a strategy aimed at strengthening security sector governance, the five-step assessment process will help the Government determine what the main elements of that strategy should be. This five-step process is described in section 9.2 and summarized in Box 9.1 at the end of this chapter.

While the Government has the primary responsibility for taking the assessment process forward, that process will benefit to the extent that the Government consults widely with its internal and external partners.

9.1 Workshop

The workshop should be convened by the Government, facilitated by the multidisciplinary team of independent experts, and attended by all relevant stakeholders, local and international. The purpose of the workshop is to review the findings and options provided by the team of experts in their report. The quality and legitimacy of the process will gain to the extent that civil society is fully engaged.

The team of experts will have attempted to identify the most critical security sector governance needs and challenges facing the country. It will also have proposed a series of options for addressing them. The workshop provides the opportunity for the Government and its partners to request clarification from the experts on specific information contained in the report as well as on the options proposed by the experts. This interaction will help the Government and its partners evaluate the areas on which the in-depth assessment process should focus.

The experts' report cannot and is not intended to substitute for a Government-led assessment of needs and challenges and of the best method of addressing these. Similarly, the workshop cannot and is not intended to conclude with a clear roadmap for the Government and its partners to strengthen security sector governance. Rather, the workshop is a starting point for a dialogue between the Government and key partners to determine whether and how they will move forward. As such, the workshop constitutes the second critical decision point in the process of strategy development. Only after the decision is made to develop a strategy, will the Government initiate the five-step assessment process.

9.2 Five Steps to Developing a Security Sector Governance Strategy

The following five-step process is suggested to develop a strategy aimed at addressing the security sector governance needs and challenges facing the country. The likelihood that the process will result in an effective strategy will increase to the extent that a broad range of internal and external actors are involved.

In order to develop a security sector governance strategy, it is necessary to:

Step 1: Prioritize core needs and challenges
Step 2: Define constraints
Step 3: Explore opportunities for collaboration
Step 4: Translate priorities into options
Step 5: Choose amongst options

Step 1: Prioritize Core Needs and Challenges
The Government, in consultation with its partners, should begin by defining the core needs and challenges facing the country in the area of security sector governance. Many of these issues are likely to have been identified through the mapping and analysis exercise conducted by the multidisciplinary team of independent experts. The assessment process should, however, cast its net widely when determining core needs and challenges. In particular, the following questions should be considered:

- Based on all available information, including the report of the independent experts, what are the core needs and challenges facing the government in each of the five areas: rule of law; policy development, planning and implementation; professionalism; oversight; and managing security sector expenditures?
- Which needs and challenges are priorities for action? Why?

Step 2: Define Constraints
Once priority areas are identified, it is important to determine which of these it is actually feasible to address as part of a security sector governance strategy. The Government and its partners will face constraints on their ability to deal with certain issues. Therefore, it will be important to identify and assess the major constraints that are likely to be encountered in efforts to improve the quality of security sector governance and how these affect the feasibility of addressing priority issues.
Some of the questions that should be asked to assess the nature and level of likely constraints on addressing the priority issues include:

- Are there political constraints facing the stakeholders?
- Are there human-resource constraints?
- Are there financial constraints?
- Other constraints, namely.....?

Some of the questions that should be asked to determine how these constraints will affect the ability of the Government and other key stakeholders to engage include:

- How do these constraints affect the priorities identified in Step 1?
  - Which of the core needs and challenges identified cannot be addressed at this time?
  - What core needs and challenges remain that can be addressed?

Step 3: Explore Opportunities for Collaboration

Once the priorities for action have been narrowed down by identifying likely constraints, it will be important to determine which local and external actors should ideally be involved in efforts to address each priority issue. The ability and willingness of key actors to engage in a reform process will also affect priorities.

One issue that will be of particular concern to the Government is the appropriate role for external actors. The Government will need to decide whether to involve external actors in any aspect of strengthening security sector governance. If the answer is "yes," the Government will then need to determine which external actors to involve and in what capacity. The Government will want to ensure that the involvement of external actors strengthens local capacity. For their part, external actors will want to ensure that any investment they make produces results consistent with their overall approach to strengthening security sector governance.

Another consideration for the Government will be to identify the full range of actors that need to be involved to effectively address the priority needs and challenges: political, development, financial and security actors, executive and legislative/oversight bodies, governmental and non-governmental actors. Strengthening security sector governance requires a multidisciplinary approach and it will be important to ensure that the necessary actors are involved in order to maximize the chances of success.

Some of the questions that should be asked regarding collaboration include:

- Given the new priority list established in Step 2, who are the key local and external actors that should be involved?

- What is the comparative advantage of involving external actors?
- What is the comparative advantage of specific local and external actors?
- How can the most important actors (local and external) be engaged?
- What are the implications of this assessment for the priorities identified in Step 2?

Step 4: Translate Priorities into Options

In order to turn the priorities identified in Step 3 into options for action, the Government will need to clarify its objectives in the area of security sector governance. In doing so, it will be important to examine the linkages between security-sector governance objectives and broader national objectives, such as poverty reduction, conflict management or corruption eradication. It will be important to consider both positive and negative linkages.

Once security sector objectives are specified, the Government should determine what options exist to address both the priorities that emerged from Step 3 and the security-sector objectives. It will be useful to review the options proposed by the team of independent experts at this point, but it will also be important to solicit input from a wide variety of stakeholders. The options developed should be as realistic and achievable as possible. Some thought should be given to sequencing options. Achieving some high priority objectives may require a phased approach, necessitating short, medium and long-term options.

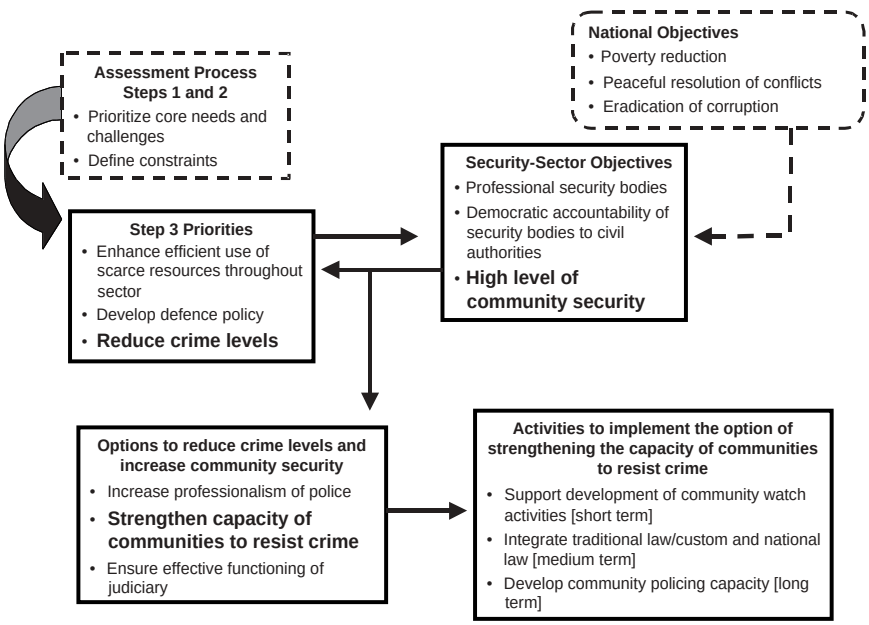
Once options have been identified, activities designed to implement these options need to be developed. As with options, thought should be given to sequencing activities. Additionally, while proposed activities will not be fully costed at this point, it will be important to have a reasonable idea of their likely price tag since the activities chosen must be affordable. One aspect of financing to which the Government should give careful attention is the opportunities for support from external actors. While the Government will not want external actors to drive either the choice of options or activities, external sources of funding can enable the Government to pursue a broader range of activities or increase the feasibility of undertaking particular activities and thus increase the likelihood that a specific option can be pursued.

It is also important to examine the relationship between ongoing activities and the activities proposed for each option. There may be potential for ongoing activities–possibly with some adjustments–to contribute to achieving priority objectives. It is also possible that ongoing activities will not contribute at all to priority objectives and do not fit into any of the proposed options. Thought should then be given to terminating or curtailing ongoing activities and replacing them with new activities. All of this will have implications for financial needs.
The final aspect of translating priorities into options is to assess the costs and benefits of undertaking a particular activity or set of activities. It is also important to

consider the costs and benefits of not undertaking a particular activity or set of activities. One element of a cost-benefit analysis is of course financial. However, in considering the relative weight costs versus benefits, it will also be important to be as clear as possible about the political costs and benefits.

Figure 9.1 illustrates the process of linking objectives to options and then to activities, using as an example the priority of crime reduction and the objective of a high level of community security.

Figure 9.1 linking Priorities, Objectives and options



Some of the questions that should be asked when linking objectives to options and activities include:

Objectives

- What are the Government's objectives in the area of security sector governance in view of the priorities identified in Step 3?
- How are these linked to broader national objectives? Were they developed with the national objectives in mind? Are they supportive of those national objectives? Do they risk undercutting national objectives?

Options

- What options are available to the Government to address the priorities established in Step 3 and the objectives identified in Step 4?

- Are any of the options identified in the report by the team of independent experts relevant here?
- Can the Government better meet its objectives by developing short, medium and long-term options?

Activities
- What activities can be undertaken in order to achieve each of the options identified?
- How do ongoing activities relate to these options?
- Do current activities need to be adapted in order to achieve the objectives set?
- Is it necessary to develop new activities?
- How should the proposed activities be sequenced in order to best achieve the Government's objectives?

Costs vs. Benefits
- Who benefits from particular forms of action or inaction?
- Do the benefits of proposed activities outweigh the costs involved or vice versa?
- What are the costs and benefits of not undertaking any activities?

Step 5: Choose amongst Options to Develop a Strategy
The final step in the strategy development process is to choose amongst options.

Based on the information developed in Step 4, it should be possible to determine which options appear to be most feasible and how they can fit together into a strategy that will both address the Government's security-sector objectives and be supportive of broader national objectives. The Government will need to consider which actors need to be involved in implementing the strategy, the affordability of any incentives necessary to encourage key stakeholders to participate, and whether it will be possible to find the resources necessary to implement the strategy.

Since it is not possible to address all elements of a problem simultaneously and because it may take time to acquire the necessary political or financial backing for portions of the strategy, the Government should identify the short, medium and long-term components of the strategy and assess these for feasibility.

When transforming options into a strategy, some of the questions that should be considered include:

- Based on the foregoing assessment, which options are most feasible?
- How do these options fit into a strategy for addressing the Government's main objectives in the security sector? In order to determine how options fit into a strategy, the Government will want to review:

- What it is trying to achieve
- What changes are necessary to achieve its objectives
- What measures of performance are to be affected
- What indicators will show success

- Which actors (local and external) need to be involved to implement this strategy? If any of these actors require incentives to encourage their participation, are they affordable politically, financially?
- Is it likely that the Government will be able to find the resources to implement the strategy?
- What is the relationship of the strategy to the country's national vision?
- What are the short, medium and long-term components of the strategy?

Box 9.1 Five Steps to a Security Sector Governance Strategy

The following five-step process is suggested to develop a strategy aimed at strengthening the quality of security sector governance:

Step 1: Prioritize core needs and challenges

- Based on all available information, including the report of the independent experts, what are the core needs and challenges facing the government in each of the five areas: rule of law; policy development, planning and implementation; professionalism; oversight; and managing security sector expenditures?
- Which needs and challenges are priorities for action? Why?

Step 2: Define constraints

- Are there political constraints facing the stakeholders?
- Are there human-resource constraints?
- Are there financial constraints?
- Other constraints, namely...?
- How do these constraints affect the priorities identified in Step 1?
  - Which of the core needs and challenges identified cannot be addressed at this time?
  - What core needs and challenges remain that can be addressed?

Step 3: Explore opportunities for collaboration

- Given the new priority list established in Step 2, who are the key local and external actors that should be involved?
- What is the comparative advantage of involving external actors?
- What is the comparative advantage of specific local and external actors?
- How can the most important actors (local and external) be engaged?

- What are the implications of this assessment for the priorities identified in Step 2?

Step 4: Translate priorities into options

Objectives
- What are the Government's objectives in the area of security sector governance in view of the priorities identified in Step 3?
- How are these linked to broader national objectives? Were they developed with the national objectives in mind? Are they supportive of those national objectives? Do they risk undercutting national objectives?

Options
- What options are available to the Government to address the priorities established in Step 3 and the objectives identified in Step 4?
- Are any of the options identified in the report by the team of independent experts relevant here?
- Can the Government better meet its objectives by developing short, medium and long-term options?

Activities
- What activities can be undertaken in order to achieve each of the options identified?
- How do ongoing activities relate to these options?
- Do current activities need to be adapted in order to achieve the objectives set?
- Is it necessary to develop new activities?
- How should the proposed activities be sequenced in order to best achieve the Government's objectives?

Costs vs. Benefits
- Who benefits from particular forms of action or inaction?
- Do the benefits of proposed activities outweigh the costs involved or vice versa?
- What are the costs and benefits of not undertaking any activities?

Step 5: Choose amongst options
- Based on the foregoing assessment, which options are most feasible?
- How do these options fit into a strategy for addressing the Government's main objectives in the security sector? In order to determine how options fit into a strategy, the Government will want to review:
  - What it is trying to achieve
  - What changes are necessary to achieve its objectives
  - What measures of performance are to be affected
  - What indicators will show success

- Which actors (local and external) need to be involved to implement this strategy? If any of these actors require incentives to encourage their participation, are they affordable politically, financially?
- Is it likely that the Government will be able to find the resources to implement the strategy?
- What is the relationship of the strategy to the country's national vision?
- What are the short, medium and long-term components of the strategy?

Annex 1.

Terms of Reference for Developing a Security Sector Governance Strategy

Introduction

1. This terms of reference outlines the process for reaching consensus between the Government and its partners on producing: 1) a report of an independent expert team containing analysis and proposed options, 2) a workshop to discuss the report's findings; and 3) an outline of a strategy formulated by the Government and its partners.

Rationale

2. People and states need to be secure from the fear of violence to achieve sustainable development, poverty alleviation and democratic forms of government. This means both that states must be adequately protected against aggression and internal subversion and that the lives of individuals must not be crippled by state repression, violent conflict, or rampant criminality. For the security bodies to carry out these tasks effectively, they must be fully integrated into the democratic process.

3. Security sector governance has progressively become part of the development agenda. Developing and transition states are increasingly addressing the challenges of strengthening the democratic governance of their security sectors. For example, the New Partnership for Africa's Development (NEPAD) recognizes that "peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development." [6] OECD countries have agreed that "Helping developing countries build legitimate and accountable systems of security - in defence, police, judicial and penal systems - has become a high priority, including for external partners ... Security system reform should be treated as a normal part of work on good governance." [7] In the framework document of the North Atlantic Treaty Organization's Partnership for Peace program it is stipulated in articles 3a and 3b that (a) "states subscribing to the document will cooperate with the North Atlantic Treaty Organization in pursuing the objectives of facilitation of transparency in national defence planning and budgeting processes", and (b) "ensuring democratic control of defence forces". [8]

6 *New Partnership for Africa's Development*, October 2001 (http://www.dfa.gov.za/events/nepad.pdf, paragraph 71)

7 OECD Development Assistance Committee, *Helping Prevent Violent Conflict* (http://www.oecd.org/EN/document/0,,EN-document-65-2-no-15-2141-0,00.html)

8 "*Partnership for Peace: Framework Document,*" Ministerial Meeting of the North Atlantic Council/North Atlantic Cooperation Council, NATO Headquarters, Brussels, 10-11 January 1994 http://www.nato.int/docu/comm/49-95/c940110 6.htm

4. Strengthening democratic governance of the security sector is both highly com plex and deeply political. It therefore requires a clear vision of the objectives of a proposed reform process which ideally is linked to a country's overall development and governance agenda. In order to develop a viable approach, there needs to be an analysis of the environment in which it is to occur, a detailed assessment of priority needs and options for addressing these.

5. Such an approach and the process by which it is developed and implemented must be seen as legitimate and locally owned by all relevant actors in the country involved. No effort to strengthen governance in the security sector will succeed without the commitment and active participation of the national stakeholders: the executive, the legislature, the security bodies, and political and civil society. Additionally, the shape that the reform process takes in any given country should reflect its history, its domestic and international context, and its national goals. In short, local needs and objectives should determine the shape and pace of the reform process.

Method and Modalities

6. Local ownership – which means that the Government is the driving force for change – is the most important element in a reform process. Carrying out this assessment will assist the Government in defining its priorities for strengthening security sector governance.

7. Important as local ownership is, it is increasingly recognized that strengthening security sector governance can benefit in important ways from working in partnership with range of external actors. To be fully effective, this partnership requires agreement on a comprehensive strategy for strengthening democratic security sector governance that is country-owned.

8. Developing that strategy entails reaching agreement on the challenges and needs facing the country in the security sector. The Government and its partners agree to apply a security-sector governance assessment framework developed for this purpose. The assessment framework outlines a two-stage process: a) mapping and analysis and b) assessment and strategy development. The mapping and analysis exercise will be carried out by a multidisciplinary team of independent experts, ideally recruited from the country itself, the region, and internationally. The assessment and strategy development phase will be conducted by the Government and its partners.

9. The report produced by the team of experts will provide input for the assessment and strategy development process. It will contain proposals on options for strengthening ongoing activities aimed at strengthening security sector governance and for addressing priority concerns. This report will be delivered to the Government, with copies to the partners supporting this exercise.

10. The report will be discussed in a workshop convened by the Government, facilitated by the team of experts, and attended by all relevant stakeholders, local and international. The quality of the process will gain to the extent that civil society is fully engaged. This workshop will provide the opportunity for the Government and its partners to request clarification from the experts in order to help them assess the proposed options. It will also provide the first opportunity for the Government and its partners to explore areas of mutual interest.

11. The assessment process itself will focus on developing a strategy. This will involve jointly agreeing upon core needs to be addressed, identifying the constraints to overcome and determining the types of collaboration (with internal and external partners) required. Based on this, a series of short, medium and long-term options for action will be developed and assessed for feasibility. The final step will be to formalize a strategy.

Expected Outputs

12. This process will result in four concrete outputs:
    a. Agreed terms of reference that will frame the assessment process;
    b. Report of independent expert team containing analysis and proposed options;
    c. Workshop to discuss the report's findings;
    d. Outline of a strategy formulated by the Government, in consultation with its partners.

Timeline

13. Once terms of reference are agreed and the independent expert team is recruited, the team will require three weeks in the field, two weeks to analyze and write the first draft of the report, and two weeks to finalize the report.

14. Parallel to the work of the independent team of experts the Government, in consultation with its partners, will organize the workshop.

Annex 2.

Checklist to Assist in Identifying a Multidisciplinary Team of Independent Experts for Carrying out the Mapping and Analysis

Background

Strengthening democratic security sector governance is a complex enterprise Identifying priority areas for intervention can be a daunting and time-consuming task. The mapping and analysis part of the Security Sector Governance Assessment Framework has been developed to assist the Government and its partners to identify the core needs and challenges in five key issue areas (so-called entry points). Mapping and analyzing these five entry points will help the Government and its partners to prioritize areas for intervention and to develop a strategy to for strengthening security sector governance.

In order to map and analyze the entry points in depth, it is strongly recommended that a multidisciplinary team of independent experts carry out this activity. This checklist will assist the Government and its partners in identifying a multidisciplinary team of independent experts.

The need for a multidisciplinary team is confirmed by the wide range of areas covered by the five entry points, each requiring specific expertise for the kind of in-depth analysis. In addition, the team should consist of independent experts. This is important so that the various stakeholders in the process will have a high level of confidence that no specific interests are either being served or remain unacknowledged or unaddressed. To the extent possible, the team of experts should include local as well as regional and international experts. This checklist provides guidelines for creating such a team.

Expected Outputs

The following outputs have to be produced by the multidisciplinary team of independent experts:

1. In-depth analysis of the five entry points: the rule of law; policy development, planning and implementation; professionalism; oversight, and; managing security sector expenditures.
2. Advice on options for improving democratic security sector governance.
3. A report to the Government in which all findings are presented.
4. Advice and support to a workshop, to be organized by the Government, in which the findings are discussed and elaborated upon.

In providing these outputs, it will be helpful to have a background analysis of the local security, political, economic and social context with a view to identifying impediments to sound democratic security sector governance in each area. In carry-

ing out its work, the sources of information that the team of experts should consult include:

- Interviews with local and international stakeholders
- Secondary literature
- Previous assessments
- Official documents and reports
- Reports by (inter)national organizations
- Interviews with local and international stakeholders.

Suggested Characteristics of Team Members

In order to develop effective policy options, it is strongly recommended that the team consists of multidisciplinary experts. The various experts on the team should have a critical mass of the following characteristics:

1. The capacity to analyze the security sector both in general and in one or more specific areas such as: the rule of law; policy development, planning and implementation; professionalism; oversight, and; managing security sector expenditures strategic assessment.
2. The capacity to analyze important aspects of the wide range of security actors (official policies, civil-military relations, intelligence organizations, the police, oversight actors, and adherence to rule of law) from a broad development perspective.
3. The ability to identify similarities and differences between the security sector and the rest of government and to be able to articulate the reasons for these.
4. A sound understanding of the roles, organization and rationale of security forces.
5. Sensitivity to cultural differences.
6. Professional training in defence/security management/development at university level and/or defence staff college, or professional experience in the armed forces, the police/gendarmerie or intelligence services or as a civilian employee in a defence, justice or interior ministry.
7. Professional experience facilitating interactions among members of the security forces, key executive branch officials (such as national security advisers, ministry of defence, interior, justice and finance, auditors general), legislators and civil society representatives.
8. Good interpersonal skills; the ability to deal at all levels (President to junior officer) in the military and in the civil service; flexibility; patience.
9. Relevant language competence.