



Public Oversight of the Security Sector

A Handbook for Civil Society Organizations



CRISIS PREVENTION AND RECOVERY

Public Oversight of the Security Sector

A Handbook for Civil Society Organizations

Editors

Eden Cole (DCAF)

Kerstin Eppert (UNDP)

Katrin Kinzelbach

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Language editing

Christopher Grollman

Photo credits (top to bottom, left to right):

(1) DCAF- OSCE, Parliament of Armenia workshop

(2) UNDP Sudan, Rule of Law Programme, Darfur

(3) UNDP FYR Macedonia, Partnership for Community Safety and Security

(4) DCAF, Civil society training course

(5) UNDP EL Salvador, Justice and Security Programme

Layout, design and print: Valeur, Slovak Republic

ISBN 978-92-95042-93-3

This publication is available at:

UNDP Bratislava Regional Centre

<http://europeandcis.undp.org/home/list/publications>

Geneva Centre for the Democratic Control of Armed Forces (DCAF)

<http://www.dcaf.ch/publications/kms/index.cfm>

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Acknowledgements

The completion of this handbook would not have been possible without the assistance, support and guidance of a great number of colleagues and partners alike to whom we are profoundly thankful for their dedication and commitment. The initial idea and concept for this handbook were developed by Marina Caparini (ICTJ, formerly DCAF) and Dr. Philipp Fluri (DCAF) whom we thank for their generosity in consenting to make it a part of the UNDP-DCAF “Democratising Security” series.

Our sincere thanks and gratitude go to Dr. Jafar Javan and Agi Veres, (UNDP), and Dr. Philipp Fluri (DCAF) for management oversight and support throughout the preparation of this publication. Furthermore, heartfelt thanks go to Alejandro Alvarez, Monica Blagescu, Alison Buchanan, Marina Caparini, Nadja Dolata, Marcela Donadio, Vanessa Farr, Francis James, William Ko, Dario Kosovsky, Michaela Lednova, Markus Lenzen, Gloria Manzotti, Lauren Matthews, Amrei Mueller, Mamura Nasirova, Louise Nylin, Sidonie Porterie, Geoff Prewitt, Rustam Pulatov, Juan Rial and Louise Sperl for offering their expertise and their relentless efforts in providing constructive comments that made the completion of this work possible.

For continued and dedicated support to the coordination of this project, additional research and support to editorial work, we would like to recognise Vahan Galoumian, Suying Lai, Timothy Melvin, Mamura Nasirova, Geoff Prewitt and Peter Serenyi. Finally, we would like to express our deep appreciation for additional financial support from the Civil Society Division, UNDP Partnership Bureau.

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Preface

In my work as UN Special Rapporteur on Torture, I highly appreciate and value the tireless and professional work of civil society in promoting human security all around the world, often on a voluntary basis and at great personal risk. As a UN Special Rapporteur and human rights professional, I continuously receive crucial information from civil society organizations and their representatives, who have made it their duty to collect information on individual cases of concern and pertinent structural or legal shortcomings that impact on human rights and citizens' safety in their countries. Civil society organizations (CSOs) raise awareness to help prevent torture, monitor and record torture cases and, last but not least, assist torture victims with both legal and medical aid. The efforts governments and the international community make to strengthen democracy and human security rely heavily on the involvement of and dialogue with engaged and committed citizens who organize themselves in the pursuit of justice and peace, be they in large and well established non-governmental organizations or community-based alliances.

However, much work remains to be done. Today, regrettably, we can still observe that torture and similar infringements on basic human rights remain widespread and, sometimes, systematic malpractices of security sector personnel. Without doubt, there is no country, rich or poor, stable or fragile, in which the security sector is immune to malpractice. This means that effective and independent oversight remains a priority everywhere. Moreover, in terms of creating effective civilian inputs into the broader agenda of democratic security sector oversight, civil society has the competence and authority to complement the official oversight mandates held by the executive, parliament, the judiciary and national human rights institutions. Democracy and human security can only thrive if there is a constructive dialogue and exchange between political institutions and the constituents they are mandated to represent.

The recent era of the 'War on Terror' has led to a new level of national and international security-related expenditures, international collaboration and extensions of security sector-related mandates and competencies in previously established democracies. It is worrisome to observe, however, that the development of appropriate oversight bodies is lagging behind, leaving a vacuum of democratic oversight of political decisions and policy implementation. This has not only put at risk processes of democratization in developing countries but also the status of human rights in developed democracies. It also remains of great concern that human rights obligations and even peremptory human rights norms have been called into question as a result. To uphold the achievements of the past, notably the

basic premises that the security sector is subject to civilian control and bound by international human rights norms, civil society should always stay informed, be critical and vocal and stay engaged to ensure that each nation's security sector remains or becomes a rights-respecting, people-centred service working for security as a public good.

This handbook for civil society organizations on public oversight of the security sector collects experiences from around the world and formulates practical guidance for civil society on how to help make the security sector not only law-abiding but also transparent and accountable to society. This handbook contains a wealth of information, which I am convinced will prove to be a valuable tool for civil society organizations working on security sector oversight.

CSOs have a vital role to play in security sector oversight and security sector reform, a role that your organization is strongly encouraged to undertake. To facilitate your organization's participation in this important endeavour, the different roles civil society can play in democratizing the security sector are fully explored in this book.

A handwritten signature in black ink, reading "Manfred Nowak". The signature is fluid and cursive, with the first name "Manfred" being more prominent than the last name "Nowak".

Manfred Nowak
UN Special Rapporteur on Torture

About this handbook

This Handbook provides structured guidance for civil society organizations (CSOs) on the role they can play in democratic security sector oversight: principally, how they can plan, structure and implement their activities in an informed and efficient manner.

Given that public confidence in the security sector is vital for the creation and maintenance of strong and independent democratic institutions, the engagement of credible civil society organizations (CSOs) in the security policy domain strongly contributes to accountability and good governance. Advocacy by civil society groups representing local communities and interest groups helps to give voice to sometimes marginalized actors, as well as opening up the policy-making process to a wider set of perspectives. CSOs have a vital role to play not only in established democracies but also in post-conflict, post-authoritarian and undemocratic states, where the activities of CSOs can still affect the decision-making of elites that monopolize the political process.

Whilst many CSOs have facilitated security sector reform processes in transition and post-conflict states, much of their potential remains untapped. Similarly, the longer term role CSOs play in maintaining a democratically-managed security sector through active engagement on oversight issues is sometimes de-emphasized in the developed and developing worlds. This handbook seeks to encourage societal endorsement and understanding of security as a public good and to render security policy and security sector reform processes more accessible to civil society organizations. It is also intended that CSOs already addressing security issues, many of whom often operate in challenging circumstances, can benefit from the Handbook's collection of best practices, oversight tools and engagement strategies.

However, fully-fledged civilian oversight and civil participation in relevant processes are often met with institutional and political resistance by members of the security sector. In recent years, under the pretext of benefiting public security, traditions of secrecy have been strengthened in many countries as a consequence of international terrorism and conflicts. Civil rights have consequently been curbed and public oversight of the security sector has been considerably restricted, or not even been established in the first place.

To counter this tendency and ensure accountability and transparency, civil society actors need to be further capacitated to focus on different aspects of oversight issues that may initially not appear to be

accessible for civil society oversight such as monitoring, budget analysis, legal assistance and support to legal reform, but also working as civil society representatives with the media, international actors and other stakeholders to improve and increase information available to the public on oversight needs, challenges and opportunities.

This handbook is the third product of the UNDP-DCAF 'Democratising Security' series and is designed primarily for civil society and non-governmental organizations. However, with its overview of conceptual and practical considerations on oversight aspects that lend themselves for civil society involvement it is also relevant to democratic institutions and representatives, policymakers, practitioners, researchers, security sector institutions, the media, as well as regional and international organizations partnering with CSOs on public oversight of the security sector.

1

Marina Caparini and Eden Cole

The Case for Public Oversight of the Security Sector: Concepts and Strategies

Public involvement in democratic oversight is crucial to ensure accountability and transparency across the security sector. The engagement of civil society organizations (CSOs) in the security policy domain strongly contributes to accountability and good governance: CSOs act not only as a government ‘watchdog’ but also as an index of public contentment with the performance of institutions and agencies responsible for public security and related services. Actions such as monitoring government performance, policy, compliance with laws and human rights observance all contribute to this process. In addition, advocacy by civil society groups representing the interests of local communities and groups of like-minded individuals helps to give voice to often marginalized actors and opens up the policy-making process to a wider set of perspectives. In this way, CSOs have a vital role to play not only in established democracies but also in post-conflict, post-authoritarian and undemocratic states, where the activities of CSOs can still affect the decision-making of elites that monopolize the political process.

In this chapter the roles that civil society can play in security sector reform and the strategies it can use to actively engage in security governance are explored, and the terms and concepts surrounding civil society and public oversight are outlined.

The principles of democratic security sector oversight

Since the end of the Cold War, democratic oversight of the security sector has become an established international norm. Transition democracies have sought to reform their security sectors to dismantle the securitized bureaucracies and over-sized security sectors previously responsible for sustaining authoritarian and totalitarian regimes. Post-conflict societies have sought to build security institutions to provide a foundation for a stable democratic polity. Security sector reform has become the means to such democratic ends, and an organizing principle for national, regional and international organizations.

Overall, democratic oversight presupposes the active engagement of democratic institutions, principally the parliament and its relevant committees, civil society, the media, the government executive and the security sector itself in formulating, implementing, monitoring and reforming security policy. Of these, it is parliamentarians, CSOs and the media who have perhaps the most flexibility to address shortcomings in oversight and policy frameworks.

The idea of providing security for the good of a democratic society – via the reform and subordination of security institutions to democratically mandated civilians and an independent judiciary – has become an accepted principle, not least to make decisive the break from undemocratic and insecure traditions. Public security programmes focused on safeguarding human rights and democratic freedoms, rather than ‘national’ security focusing on often debatable external threats, remain an obvious priority with the end of superpower confrontation. By focusing on human security and the safety and freedom from fear of individuals, states have been able to reorient security sector-related services from the imperative of external defence to the security of citizens and the upholding of their human rights.

Today, democratic governance of the security sector is an established international norm (see Box 1.1 for examples), and a prerequisite condition for membership of many international and regional associations, as well as for receiving international reform and cooperation packages. As experience of implementing security reforms has increased, the relevant concepts have become more diversified, and a clearer understanding of the means by which democratic oversight can best be implemented and sustained has crystallized. At the same time, however, implementation of relevant reforms remains highly challenging.

Box 1.1 Placing security policies under democratic control: international norms

UNGA Resolution 55/96 (2000) ‘Promoting and Consolidating Democracy’

The General Assembly calls upon States to promote and consolidate democracy, *inter alia* by:

1. c) v) independence of judiciary;
 - viii) including human rights education in the training for civil servants and law enforcement and military personnel;
 - ix) ensuring accountability of the military to the democratically elected civilian government.

<http://www.un.org/Depts/dhl/resguide/r55.htm>

OSCE Code of Conduct on Politico-Military Aspects of Security (1994)

The Code asserts the duty of states to maintain security forces under substantive democratic control via authorities with democratic legitimacy, through ensuring:

- Legislative approval of relevant budgets;
- The political neutrality of armed forces;

- Manning, equipping and training forces in accordance with the provisions of international humanitarian law;
- Accountability of armed forces for violations of international humanitarian law;
- Recourse to force in internal security missions commensurate with the needs for enforcement;
- A duty of care to avoid injury to civilians or their property;
- Armed forces cannot limit the peaceful and lawful exercise of citizens' human and civil rights or deprive them of their national, religious, cultural, linguistic or ethnic identity.

<http://www.osce.org/item/883.html>

Council of Europe Parliamentary Assembly Recommendation 1713 (2005) on Democratic Control

6. Government measures must be both lawful and legitimate. Consequently, some form of democratic supervision is required, the essence of which must be carried out by parliament. The judiciary, in turn, plays a crucial role because it can punish any misuse of exceptional measures in which there may be a risk of human rights violations. International organizations also play an increasing role in guiding policies and harmonising rules.
7. Democratic supervision makes use of a series of specific tools intended to ensure the political accountability and transparency of the security sector. These instruments include constitutional principles, legal rules and institutional and logistical provisions, as well as more general activities aimed at fostering good relations between the various parts of the security sector on the one hand, and the political powers (the executive, legislative and judiciary) and representatives of civil society (NGOs, the media, political parties, etc.) on the other.

<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta05/erec1713.htm>

UNDP Human Development Report 2002: Deepening Democracy in a Fragmented World

In democratic systems there should be an obligation for policy makers to be accountable to the public for their decisions and their use of public resources. Effective accountability in security matters will never materialise if oversight institutions lack the capacity to assess security sector activities. Without that capacity, a cycle of ignorance will persist. *Human Development Report 2002: Deepening Democracy in a fragmented world*, (New York: OUP, 2002). p. 89.

http://hdr.undp.org/en/media/hdr_2002_en_complete.pdf

Report of the Secretary General, Securing Peace and Development: the role of the United Nations in supporting security sector reform, United Nations Security Council, 23 January 2008

18. The importance of security sector reform is that it demonstrates that security goes beyond traditional military elements and involves a much wider range of national and international institutions and actors. It also highlights the need for security arrangements that take into account the linkages between the

different actors. Equally, security sector reform underscores that effectiveness, accountability and democratic governance are mutually reinforcing elements of security. Security sector reform offers a framework to assist national actors, as the United Nations and other international partners in implementing a shared vision of security.

<http://www.un.org/Docs/journal/asp/ws.asp?m=s/2008/39>

<http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=s/2008/39&Lang=E>

Defining civil society and its capacities

Civil society generally refers to the sphere of voluntary collective actions by citizens that develop around shared interests, purposes and values. The term encompasses the way in which citizens associate in order to manage their lives, voice opinions, pursue interests, exchange information and mediate differences, creating relationships and social institutions which are as diverse as the people that establish them at local, national, regional and international levels. Trade unions, environmental groups, religious congregations, think tanks and grassroots and indigenous peoples' movements are examples of civil society organizations.

Civil society's actions ultimately translate into not-for-profit activities for the collective benefit of society, defining them against other civic coalitions which subvert the public good (such as organized crime gangs). Sometimes civil society groups may be motivated by specific interests or issues, but they are not purely driven by private or economic interests as corporate entities are. While they are autonomous from the state and exist in the public space, CSOs do interact with governments and the political sphere. By helping to build trust among different social groups, encouraging dialogue between members of society, state institutions and governmental authorities and representing the interests of local communities, many CSOs are recognized as improving the quality of civic life in their polity, as well as societal governance itself. CSOs are also engaged in the important tasks of monitoring government policies and actions, as well as advocacy.

A dynamic relationship between civil society, government and state agencies is an indicator of the maturity of democratic structures. It reflects a democratic culture in the citizen-state relationship based on the constant interest in transparency and accountability central to the principle of open government. Openness has a beneficial effect on governance in democracies: interested citizens often do not seek access to information to which they have a right because they are unaware of its existence; but having a more engaged and informed citizenry enables fuller discussion of policy and policy alternatives. A vital role can be played by CSOs such as specialized non-governmental organizations, which can stimulate debate and focus public attention on policy issues. Active citizens and groups in

civil society can also help to ensure that information about public issues and public policies is more fully disseminated and analysed, thereby providing more possibilities for participation in the deliberative process, not least through the use of local, national and international media to ensure maximum exposure.

The vital role CSOs play in development contexts has also become well established. The OECD-DAC encourages its members to “support civil society efforts to create a pro-reform environment for democratic governance of the security system.”¹ This includes identifying entry points and developing methods of working through local actors to build on existing initiatives. Although the development community has tended to see NGOs and other civil society organizations as alternate service providers and channels for donor assistance, they also play an important role in the broader policy process. For example, members of the OECD are instructed to support the involvement of civil society groups as “policy interlocutors who can contribute to and raise awareness on security decision-making as well as make practical suggestions to help sustain the reform process.”² Thus, international donors have a mandate to assist CSOs which have a demonstrable – or emergent – capacity to create cooperative dialogue platforms which can first influence and later decisively affect the processes of policy-making and policy-implementation.

Box 1.2 The role of CSOs in the fall of communism in Central and Eastern Europe

The role played by civil society organizations as one of the factors precipitating the fall of Communism in Central and Eastern Europe has been widely acknowledged and is well documented. CSO activity led to the development of ‘civic’ space, independent of state control. CSOs and dissidents worked together to carve out areas of freedom, which provided forums for honest discussion about issues that were forbidden or that received no attention from the state. For example, the creation of the Committee to Defend Workers in Poland to publicly fight for the rights of oppressed workers rapidly resulted in the creation of independent publishing houses, libraries, nascent independent papers and journals critical of the state. Moreover, through networking and the advent of new technologies of mass communication, CSO activity in one country was able to inspire action in another. This way the Solidarity Movement in Poland, for example, was able to inspire smaller dissident movements in Czechoslovakia, Hungary and later in the German Democratic Republic.

Source: Christiane Olivo, *Creating a Democratic Civil Society in Eastern Germany: The Case of the Citizen Movements and Alliance 90*, Palgrave, New York, 2001, pp. 11-15.

1 OECD, Security System Reform and Governance: Policy and Good Practice. Policy Brief, Recommendation VIII, 2004, p. 7.

2 Ibid, p. 4.

The rationale for public oversight of the security sector

Security throughout the world has traditionally been defined in militaristic terms since the emergence of nation states, but the spread of democratic principles of government and the acceptance of the broader, de-militarized and the more subtle concept of human security – crucially, of the provision of security as a public good – has challenged and supplanted the notion of security as an exclusive sphere dominated by military concerns.

According to the principle of human security, the provision of security should be directly responsive to the needs of the people. Accountability and transparency requires that information will only be withheld for legitimate and tightly defined reasons. The security sector often tries to limit public information on their activities, and the demands of national security do require some elements of confidentiality. But excessive secrecy can be counter-productive and provides a means for malpractices – both in actions and wider policies – to be hidden, for example when used to cover-up financial mismanagement or proscribed activities.³

Providing for citizens' security is one of the most fundamental functions of the state. The democratic state has a duty to provide security that is effective, transparent and accountable to its citizens. As with any other public service in a democratic society, the state is the most legitimate platform for the provision of public security. A small number of tasks can be outsourced to private companies on license, but their mandate and actions must remain subject to monitoring and control by state authorities and CSOs. Via various feedback loops – campaigning, media, institutional and other official platforms – CSOs can guarantee that agencies providing security remain truthful to their mandate, do not abuse coercive force and become more effective through the consistent scrutiny of their policy and actions. Civil society's role in oversight of the security sector can be seen as a means of strengthening democratic processes by expanding citizens' political participation.

The capacity of civil society to improve the quality of civic life extends to the areas of security policy and governance. In both democratic and non-democratic polities, security policy has historically been the preserve of political and security elites, as well as the industrial and business concerns benefiting from a decisive influence over, or inter-linking with, politicians and 'securocrats'. The nature of such elites varies but can be generally characterized by military, police and intelligence elites running a country directly or via civilian proxies; security elites interacting with industrial and business interests to set policy agendas in their own interests; civilian politicians relying on security elites to retain their own hold on power; and security elites directly taking power via military coups. In weak, failed or conflict states the same principles can be seen in operation, but with informal groupings of 'strongmen' replacing conventional state structures.

³ See: Department for International Development (DfID), *Understanding and Supporting Security Sector Reform*, DfID, London, 2002, p. 29.

In contrast, civilians have a mandate to voice their opinion of public security delivery as its intended recipients. Some of them also develop professional expertise in relevant fields. Citizens are not solely voters; they are also taxpayers, users of public services, the residents of a particular area and members of religious communities and other sectional groups. Each of these sectional groups has a right to be heard. Civil society complements the democratic process by enabling politicians to reach sections of the public whose views might otherwise be excluded. To ensure that allocated public resources are used efficiently and effectively, the end-users of public services can be consulted and involved.

Moreover, independent CSOs can remain untainted by party politics and often have public credibility since they are seen to be independent of government. Some larger NGOs dealing with single issues achieve public recognition because of their acknowledged national or international expertise. These groups, such as Amnesty International or Human Rights Watch, may have a well developed international profile that enables them to speak on more than equal terms with governments and international organizations. This expertise is a valuable resource in the policy-making process since it gives policy makers and legislators access to information that is credible but independent.

The position and important contribution of CSOs has been specifically recognized in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Box 1.3 Civil society organizations and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The Declaration recognizes the right both for individuals and CSOs to promote and campaign on human rights issues. States shall adopt legislative, administrative and other steps to effectively guarantee these rights (Article 2).

Among the rights specified are:

- The right to form, join and participate in non-governmental organizations, associations or groups to promote and protect human rights both at national and international levels (Article 5);
- The right for CSOs to participate in government and the conduct of public affairs, including, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning, and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms (Article 8);
- The right to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State (Article 9(3)(a));

- The right, to participate in peaceful activities against violations of human rights and fundamental freedoms (Article 12).

The Declaration recognizes the important role of NGOs in human rights education, training and research (Article 16).

Source: General Assembly Resolution 53/144, 8th March 1999, available at <http://daccessdds.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>

In some countries and regions, capacity across local and national institutions is insufficient to sustainably manage security sector reform processes. Subsequent involvement of international technical assistance can sometimes bring the national ownership of security sector reform processes into question. Many security sector reform programmes still tend to focus on reforming state institutions with little effort to systematically involve civil society, despite the fact that effective programmes require local participation and ownership to build confidence and ensure that programmes respond adequately to the needs of the population. Similarly, “creating CSOs that focus on security, but have no ties to the local community, will fail. Donors must seek local organisations with ties to the community, so that groups may begin the process of integrating issues of security sector reform into their local agendas.”⁴

Local ownership explicitly involves civil society, both in representing the views of local communities and informing policy makers about local conditions and needs, and in monitoring implementation of reforms. Civil society groups, especially in rural areas and provinces far from capital cities, play a vital role in bringing the needs of local communities to the attention of central political and policy elites.

There is much declaratory support among governments and international organizations for local ownership and engagement with civil society in reforming the security sector, although in practice this is often constrained by lack of information on the side of donors and international organizations on the needs and priorities of all stakeholders, including civil society, and by sensitivities attached to the issues involved. To avoid exclusive patterns of technical assistance that do not consider and take into account local capacities and priorities, it is crucial for international development actors to consult with a variety of state and non-state stakeholders prior to establishing deliverable programmes and offering financial support: it is the responsibility of local CSOs to ensure that such processes are inclusive of the wider society, rather than exclusively benefiting political, bureaucratic and security sector elites.

⁴ Forman, Johanna, ‘Security Sector Reform: What Role for Civil Society?’ in Caparini, Marina; Fluri, Philipp and Ferenc Molnar (eds) *Civil Society and the Security Sector: Concepts and Practices in New Democracies*, LIT Verlag, Munster, 2006, p. 39. Also see Pauline Jones Luong & Erika Weinthal, ‘The NGO Paradox, Democratic Goals and Non-Democratic Outcomes in Kazakhstan’ in *Europe Asia Studies*, Vol. 51, No. 7, 1999.

Overall, active CSOs can be strong partners and useful intermediaries to assert local ownership of reform processes and prepare future generations of domestic civil society for an oversight role. They should not accept that external experts and international consultants continue to dominate security reform strategies over the long term. Consequently part of their efforts should be aimed at educating and preparing the next generation of civil society actors who can exercise effective oversight of security sector institutions and actors. This strategic capacity development requires identifying ways in which their contributions can be made more relevant and sustainable than those of international NGOs (identifying their added value) and cultivating a long-term approach that emphasizes expertise and professionalism while remaining in touch with grass roots.

Types of CSOs contributing to security oversight

Those groups professing to deal with peace and security issues – disarmament groups, academic departments, and research or policy institutes dealing with security or criminal justice – are the most obvious types of civil society groups likely to become involved in the security sector reform and governance agenda.

However, the spectrum of civil society organizations that can play a role in security sector reform and governance is much broader. Accountability and democratic oversight of the security sector, for example, are often directly linked to questions of human rights, civil liberties and social and transitional justice. Minorities and other marginalized groups may find that their security needs are not being met, or alternatively that they are victims of excessive use of force, unwarranted monitoring, or other types of behaviour on the part of security sector personnel. Police accountability is a primary concern, and a subject about which a broad range of community groups and associations can provide information and on which many are already engaged. Additionally, different CSOs have different – but relevant – skills to contribute to the process of public oversight of the security sector. Box 1.4 details examples of the contributions that can be made.

Civil society skills for security sector oversight

Effective oversight by civil society is a product of their expertise and capacity to independently evaluate, challenge or endorse governmental decisions concerning defence and public security affairs. CSOs are often more aware of local needs and conditions than governments and their local agencies. They can provide detailed information on the needs and interests of specific communities to public authorities. They can also provide valuable expertise on specific issues and social groups. For example, some CSOs may deal with marginalized or vulnerable groups such as asylum-seekers or migrants, who in many countries have little or no voice in national discourse or public policy-making processes and who may face particular challenges in terms of security and justice.

Box 1.4 CSOs and their contributions to public oversight of the security sector

Type of CSO	Contribution(s) to public oversight of the security sector	Examples of (sub-) national CSOs	Examples of international CSOs
Community-based and neighbourhood organizations and groups	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups – Interest representation 	Unidad Indígena y Campesina del Norte (Union of Northern Indigenous People and Farmers, Guatemala)	Minorityrights.org
Development and ‘Peace’ NGOs	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups – Monitoring – Recommendations 	Helvetas (Switzerland), ProPatria Institute (Indonesia)	Oxfam International, Care International, International Alert, InterPeace, Saferworld
Human rights groups and networks	<ul style="list-style-type: none"> – Awareness-raising – Criticism – Monitoring – Recommendations 	Chechnya Justice Project, Fiji Human Rights Commission, Public Committee Against Torture in Israel	Amnesty International, Human Rights Watch, Inter-Africa network for Human Rights and Development (AFRINET)
Networks and support groups	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups 	Indian Campaign to Ban Landmines, Gun Control Alliance (South Africa)	African Security Dialogue and Research (ASDR), Cluster Munitions Coalition, Child Soldier Coalition
Policy research institutes, think tanks and security studies institutes	<ul style="list-style-type: none"> – Analysis – Criticism – Dialogue & debate – Recommendations 	Kosovo Institute for Policy Research and Development (KIPRED), The Razumkov Centre Ukraine, Pakistan Institute of Legislative Development and Transparency (PILDAT), Turkish Economic and Social Studies Foundation (TESEV), Institute of Peace and Conflict Studies (India)	Stockholm International Peace Research Institute (SIPRI), International Peace Research Institute, Oslo (PRIO), Norwegian Institute of International Affairs (NUPI), Centre for Strategic and International Studies (CSIS), International Institute for Strategic Studies (IISS)
Professional associations and groups⁵	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups – Interest representation 	The José Alvear Restrepo Lawyers Association (Colectivo de Abogados José Alvear Restrepo, (Colombia), Georgian Young Lawyers Association (GYLA)	International Association of Lawyers Against Nuclear Arms, Reporters without Borders
Student groups	<ul style="list-style-type: none"> – Awareness-raising – Interest representation – Monitoring 	Student Pugwash USA (SPUSA), Pora (Ukraine)	N/A
Trade unions	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups – Interest representation – Monitoring 	Police Federation of England & Wales, Scottish Police Federation	Euromil

5 For example bar associations, medical associations, journalist federations and academic societies.

Type of CSO	Contribution(s) to public oversight of the security sector	Examples of (sub-) national CSOs	Examples of international CSOs
Women's organizations	<ul style="list-style-type: none"> – Awareness-raising – Empowerment of marginalized groups – Interest representation – Monitoring 	Union of Women's Organisations of the Republic of Macedonia (SOZM), Association Marocaine de Lutte contre la Violence à l'égard des Femmes (AMLVF)	Suzanne Mubarak Women's International Peace Movement
Foundations	<ul style="list-style-type: none"> – Funding for security-related research and support for CSOs 	The Gleitsman Foundation (United States), Friedrich-Ebert-Stiftung (Germany), Konrad-Adenauer-Stiftung (Germany)	Macarthur Foundation, Open Society Institute

Moreover, the special knowledge and expertise of certain civil society actors can be a supplementary source of information for governments and security bureaucracies when making policies and budgets. As an alternate source of information and independent analysis, civil society can challenge entrenched attitudes and assumptions that may be influenced by bureaucratic, political or industrial considerations and interests. By injecting a broader range of perspectives from society on security policy issues, civil society groups also broaden the legitimacy and responsiveness of security policy processes and outcomes. CSOs can also provide feedback on policies and the ways that they are implemented.

Box 1.5 Contributions civil society can make to security sector reform and governance

- Facilitating dialogue and debate on policy issues
- Educating politicians, policy makers and the public on special issues of concern
- Empowering groups and the public through training and awareness-raising on specific issues
- Sharing specialized information and knowledge of local needs and conditions with policy makers, parliamentarians and the media
- Improving the legitimacy of policy processes through broader inclusion of societal groups and perspectives
- Encouraging security policies that are representative of and responsive to local communities
- Representing the interests of groups and communities in the policy environment
- Putting security reform issues on the political agenda
- Providing a pool of independent expertise, information and perspectives
- Undertaking policy-relevant research
- Providing specialized information and policy input
- Promoting transparency and accountability of security institutions
- Monitoring reform and policy implementation

- Maintaining sustained policy scrutiny
- Promoting responsive government
- Creating platforms which decisively affect the policies and legitimacy of executive level bodies in the interests of the public good
- Facilitating democratic change by protecting the maintenance of minimum international human rights standards under democratic and undemocratic regimes
- Creating and mobilizing a critical mass of systematic public opposition to undemocratic and unrepresentative local and national government

Many civil society organizations and civil coalitions form an agenda in response to a specific pressing issue and then dissolve once the problem is resolved. For citizen mobilizations to become movements or sustainable CSOs and to serve as an ongoing source of influence or input into government decision making and public debate, they must be focused on more than a single issue or one which has broader scope and they require solid leadership and an ability to inform and engage the public and state policy makers and opinion-leaders on policy issues.

In some states, civil society has at times played an adversarial role vis-à-vis the state in response to what it perceives as repressive, undemocratic or simply wrong actions taken in the security field. Mass protests against a country's involvement in a war or internal security operation that many of its citizens consider to be illegitimate are useful in drawing public attention to issues. Two cases in point are the mass protests in the United States against the Vietnam War in the 1960s to communicate to the public information which was being withheld by the government, and the Mothers of the Plaza de Mayo in Argentina protest to demand justice for the youths who disappeared during the Argentine military dictatorship. A vibrant civil society contributes to the quality of a polity not only by offering alternate perspectives on issues that are of critical importance to society, but also by providing workable alternative solutions to problems. The OECD Development Assistance Committee has concisely asserted that:

Given the weakness of state capacity in many countries, it is particularly important that civil society groups develop the capacity to go beyond denouncing governments for their failings and make practical suggestions that will help to sustain the reform process.⁶

Yet developing an oversight role and the capacity to engage constructively in dialogue with state actors requires recognizing that the state can become a key partner in efforts to transform and assist govern-

⁶ OECD, *Security System Reform and Governance*, DAC Guidelines and Reference Series, 2005, p. 39.

ment in becoming more just, responsive and efficient. Just as governments and regional and international organizations must make the effort to open up space in policy consultations to interact with CSOs, the latter must also engage with government and state bureaucracies.

The development of such capacities and the ability to strategize engagement on oversight issues are the fundamental focus of this handbook. The following section provides an overview of the capacities needed to undertake effective action in the security sphere.

Strategies for public oversight

The ability of civil society actors to participate effectively in processes of public oversight of the security sector is contingent on their core competencies. All CSOs, regardless of their specific focus, should seek to develop progressively their skills to maintain a consistent level of service to their constituencies and enable interaction with their peers and interested parties, including at the international level.

This section looks at the core skills CSOs must have and the roles they can perform in order to engage effectively on security oversight and justice reform issues. In particular, it elaborates how they can take part in processes of public oversight of the security sector and positively influence security sector governance at national, regional and international levels. Further, the ways in which CSOs can strategize engagement with the security sector are outlined and illustrated with experiences of CSOs from various regions, offering practical examples of research and information, advocacy, awareness-raising, training, monitoring, legal assistance and legal reform, budget analysis and building organizational credibility. Such activities are often closely inter-related. The overview provided in each of the following sub-sections is then elaborated in greater detail later in the handbook.

Fundamentally, the issue at hand is one of establishing core competencies and constant capacity development. According to UNDP, capacity is the ability of ‘individuals, organizations and societies to perform functions, solve problems, and set and achieve goals’.⁷

A prerequisite for civil society organizations to develop the capacity of society to affect security sector reform is an adequate institutional capacity within their own organizations. The capacity of CSOs is uneven and in local CSOs is frequently limited, as they lack adequate human, financial, organizational and physical resources.⁸ Capacity development may involve strengthening CSOs skills, knowledge and practices for conducting policy analysis, advocacy and monitoring, as well as practices including internal management, financial management, fund-raising and outreach.

⁷ UNDP Capacity Development portal, <http://www.capacity.undp.org>

⁸ World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors* (draft), World Bank Social Development Department, June 2006, p. 29.

Research and information

Civil society organizations such as research institutions, academic departments and think tanks can conduct policy-relevant research and analysis of existing policies and identify ways to improve these in specific areas. Additionally, they may undertake research on other relevant issues, including:

- the security and justice requirements of local communities or regions;
- the security interests of groups such as minorities and women;
- the impact of security approaches on key areas of concern, such as the environment;
- the implications of developing security technologies, such as for privacy;
- the effectiveness of security sector reform approaches;
- transparency of the budget process and public spending in the security field.

In seeking to inform the policy process, civil society organizations make their findings available to a broad range of actors, which may include governments at local, regional and national level, as well as legislatures, publics, donors and NGOs working in development and security and any other partners. The dissemination of findings and other information has been greatly facilitated by the advent of new technologies such as satellite television and the internet, empowering and connecting CSOs in both established democracies as well as transition and authoritarian states. While often motivated by strong values and commitment to their cause, civil society actors who seek to influence security governance need to be able to carry out research professionally, competently and independently, have credibility with their interlocutors, and communicate the results of their research in a comprehensible manner to policy makers and to the wider public.

As a function of research and information-gathering, CSOs need to acquire analytical skills that allow them to deploy information in support of their own activities. The level of sophistication may vary in relation to particular tasks, but CSOs need to be able to systematically and regularly interpret official statistics at local, regional and national levels; monitor the media for relevant information; analyse relevant comparative data from international sources; and be able to store information for record-keeping and future use.

Advocacy

Civil society groups can function as a bridge between official processes and local communities. While their familiarity with local concerns and issues is often one of their strengths, being focused on the local without considering the wider implications for national and international processes can limit the impact they make. Civil society organizations should therefore consider how their cause would benefit through access to, and influence on, policy-making and implementation at local, national, regional and inter-

national levels. Advocacy serves as one of the means to exercise influence, and is closely related to awareness-raising and lobbying, discussed later in this chapter.

Advocacy usually requires establishing a dialogue and engaging on an ongoing basis with members of parliament and government officials who will lend support for establishing a more accountable and transparent security sector. On the other hand, it may also entail specific campaigns, for example to free political prisoners, although the issues advocated in these campaigns should form part of the ongoing dialogue. Advocacy may also require pressuring regional and international organizations to establish more collaborative processes of engagement with civil society actors on security issues. In these contexts, CSOs should push for the institutionalization of government consultation with civil society and, rather than having it be the domain of a single office or unit, ensure the consultation is mainstreamed to reduce the risk that it will be marginalized. The consultation should be transparent and accessible to a variety of stakeholders, in particular those actors traditionally marginalized, to prevent entrenched interests from monopolizing the points of view.

On some issues, advocates may decide there is more opportunity for them to influence policy by focusing their efforts at the international level, such as in the context of international or regional organizations which can bring pressure to bear on the home government. For example, video footage of abuses by police or military forces, duly verified for authenticity, can be used to inform people at domestic and international levels and motivate them to press for solutions. Where repressive conditions exist in the home state and activists are likely to be punished for speaking out, or where the domestic climate is apathetic and unresponsive to advocacy efforts, such international forums present a means to draw national and international attention to an issue.⁹

Awareness-raising

An important aspect of advocacy in the security governance and justice sphere, linked to the provision of information discussed above, is awareness-raising. This strategy is important for educating citizens about their rights vis-à-vis the security sector and about how an accountable and responsive security sector ought to work.

Awareness-raising often serves as a first step to public deliberation and debate, a means of fostering political and social change and an end in itself in a democracy. Moreover, awareness-raising can also serve to break silence on taboo issues. This strategy can also be used to bestow legitimacy on government policies

⁹ Kathryn Sikkink, 'Patterns of Dynamic Multilevel Governance and the Insider-Outsider Coalition' in *Transnational Protest & Global Activism: People, Passions, and Power*, Donatella Della Porta and Sidney Tarrow (eds), Rowman and Littlefield Publishers, Inc, Oxford, 2005, p. 158.

and institutions, and on international agreements. This is of particular importance in transition or post-conflict countries, where public trust in the government, especially in the security institutions, is low.

Communicating information and messages may entail:

- issuing press releases, briefings and commentaries;
- disseminating reports and studies, whether in written form or electronic form via a website or email distribution;
- making written and oral submissions to parliamentary committees and inquiries;
- giving media interviews and providing information for media reports;
- holding public meetings;
- convening conferences, workshops;
- creating and contributing to educational materials.

Training

A fundamental skill that CSOs must acquire is the ability to train their staff, peers, citizens, security sector personnel, and the staff of democratic institutions on security sector oversight issues. Be it ‘training for trainers’ or one-off trainings to elaborate a basic set of principles, CSOs can perform an important role in disseminating the theory and practice of oversight concepts, monitoring, awareness-raising and advocacy skills to carefully targeted audiences. Acquiring the ability to develop trainings to match the skills and abilities of different groups is also important. By facilitating greater understanding of security sector oversight, CSOs also reinforce their own legitimacy and credibility as agents central to that oversight.

Monitoring

Civil society groups can contribute to accountability and good governance of the security sector by observing and monitoring the activities of central authorities and public institutions responsible for providing security and holding these actors to account. The state and its agents responsible for provision of security may be monitored on the grounds of their adherence to the law, including respect for constitutional and human rights. The state may be monitored in terms of the extent to which it meets the commitments it has made through international or bilateral treaty obligations or policy statements. The state apparatus and government may also be monitored in terms of public spending, corruption, policy processes and the effectiveness of policy.

The monitoring role of civil society can complement the role of the media as a watchdog over government and public policy. Where mainstream media do not pay sufficient attention to issues of concern, efforts by civil society groups to diffuse information and draw attention to governance failures can help to fill

the gap. As has previously been stated by UNDP/DCAF, “by monitoring and reporting on security issues, CSOs are often requested to comment on important security issues, while also having the capacity to bring to light such issues in the first place.”¹⁰

Budget analysis

CSOs engaged in security oversight issues need to be able to analyse financial data related to security budgets, much in the same way that an auditor would analyse the effective and legitimate use of a budget. To do this, CSOs need to be informed about and request information from official sources and analyse the data against best-practice benchmarks. In this way, CSOs can lobby for the effective and efficient deployment of state resources as well as guarding against corruption among state agencies. CSOs knowledgeable of budget analysis can also assist members of parliament and parliamentary staffers in exercising their role in budget oversight. Security-related budgeting, in particular, poses hurdles for scrutiny for MPs not specialized in security affairs.

A weak media which lacks the resources and expertise to follow the workings of parliament and the security sector can also form an obstacle to effective monitoring of security sector budgets. Media capacity development regarding the budgeting process, not least for effective investigative journalism, is therefore important. Finally, CSOs engaged in budget analysis should pay particular attention to hidden defence expenditures and off-budget activities and sources of income of the security sector. Civil society should not only take these expenditures into account when analysing the defence budget, but should also push governments to account for them.

Building organizational credibility and internal governance

An important aspect of capacity development entails developing the skills of CSOs to monitor and evaluate their work on a systematic basis, and to educate them about the importance of these skills for the organization’s credibility to its ‘clients’, staff, partner organizations, donors and the government. The ability to monitor and evaluate one’s work is a precondition for determining the effectiveness and efficiency of activities undertaken, and is necessary to identify weaknesses. Once results and recommendations from evaluations are obtained, positive aspects can be shared as best-practice, while monitoring can help ensure that weaknesses are improved. In addition, regular self-monitoring and evaluation will benefit the group’s transparency and promote accountability of the staff.

¹⁰ UNDP/DCAF, ‘Recommendations for Improving Democratic Oversight and Guidance of the Security Sector’ in Katrin Kinzelbach and Eden Cole (eds) *Democratizing Security in Transition States*, UNDP, Bratislava, 2006.

Interlinked thematic issues

CSOs must also incorporate into their programmes a number of issues which are inter-connected at different levels with the skill sets they need to acquire and the strategies they adopt to affect security sector oversight.

Gender

Ensuring a gender-sensitive approach to security sector oversight and reforms is a growing dimension of the security governance agenda. The security sector itself increasingly faces the challenge of developing policy and programmes that are gender-aware, whilst also ensuring an effective gender balance within its own components. In many transition and post-conflict societies gender-mainstreaming encounters ingrained cultural and social obstacles which must be addressed to improve the provision of security to at least half of the society the security sector serves.

Human rights

Basing oversight of security sector practices on the primacy of human rights strengthens the ability of local, national and international actors to gauge the levels of transparency and accountability in the security sector, the independence of the judiciary and the reforms needed in security policy and practices. Developing the capacity to assert the primacy of human rights, often in difficult circumstances, is a particular challenge in some transition and many post-authoritarian and post-conflict countries.

Legal assistance and legal reform

Civil society organizations are well placed to provide legislative assistance to parliamentarians involved in debating, amending and approving draft laws. Such expertise may take the form of formal evidence submitted to legislative or other parliamentary committees, where permitted by the procedural rules, or of briefing or lobbying individual legislators.

Outside the parliamentary arena, civil society organizations may seek to use litigation to test the legality of official action, to change the law in the direction advocated by a group, or failing to do that, to publicly highlight the shortcomings of the law as a precursor to reform. Public-interest litigation is a well recognized feature of the broader political process in some countries such as the US and increasingly the

UK. It is encouraged where (as in the US) the courts have the power of constitutional review, so that litigation can directly affect the policy process by striking down unsatisfactory laws, rather than waiting for the legislature to act (as is usually the case in the UK).¹¹

Alliances with the international community

Whilst many CSOs ably draw on their own constituencies for information resources and funding, the ability to construct effective alliances with the international community – be it in terms of funding sources, training, information, human resources or creating solidarity networks – is a core skill for any CSO to develop. Faced with limited resources, CSOs in post-conflict and transition states can mobilize significant support from international donors and CSOs to reinforce their key services and skills. In environments where political pressures are most acute, or resources severely limited, international alliances often provide a crucial platform for bringing controversial issues to international attention, as well as securing resources that enhance the work of CSOs at local and national levels.

States of emergency and restrictive environments

CSOs can face profound challenges in undemocratic states or exceptional circumstances. Performing their mandate in a politically hostile or restricted environment is perhaps the greatest challenge for local and national CSOs. Ensuring that governments are forced to observe internationally accepted standards even in such circumstances is the most profound test of a CSO's effectiveness. Strategizing engagement on these issues is, however, dependent on the effective mobilisation of resources and the exploitation of often limited windows of opportunity at local, national and international levels.

Peacebuilding

In conflict and post-conflict situations, CSOs can perform a vital role in mediation and confidence-building among former antagonists, ameliorating the effects of conflict on different social groups, and facilitating the building of new democratic institutions. CSOs can ensure that their constituents' concerns are reflected in ways that provide a foundation for a secure and prosperous future, but the particular challenges of such a period require specific peacebuilding and consensus-building skills and removal of the instruments of insecurity from society.

¹¹ Ian Leigh, 'Civil Society, Democracy and the Law' in *Civil Society and the Security Sector: Concepts and Practices in New Democracies*, Marina Caparini, Philipp Fluri and Ferenc Molnar (eds), LIT, Munich, 2006.

Conclusion

Public involvement in democratic oversight of the security sector can ensure responsiveness and transparency not only across a state's security agencies but also across the policies of the executive and government managing and defining security policy. Moreover, the engagement of CSOs in the security policy domain contributes to accountability and the maintenance of good governance by their acting as a watchdog and providing an index of public satisfaction with security sector activity.

Actions such as monitoring government performance, policy, compliance with laws and upholding of human rights all contribute to this process. Moreover, advocacy by civil society groups representing the interests of local communities and groups of like-minded individuals helps to empower marginalized actors, opens up policy-development to a wider set of perspectives and increases the legitimacy of policy. This positive impact requires that CSOs are ready to engage with the state. States can facilitate the process by seeking a constructive and dynamic interaction with CSOs on security matters, ensuring freedom of assembly and freedom of speech, institutionalizing consultation mechanisms from local to national levels, creating unrestrictive CSO registration legislation, and guaranteeing protection for whistleblowers.

CSOs must actively seek to acquire core skills to promote their agendas and engage effectively with relevant actors. Without such skills, CSOs risk being marginalized, peripheral to policy and reform discussions, and unable to promote their core interests and affect change.

Each of the skills surveyed in this chapter helps CSOs to fulfil their mandate credibly and effectively. Just as CSOs need to strategize their approach to security oversight issues more broadly, for those CSOs needing to build their capacities the acquisition, consolidation and maintenance of core skills must be approached strategically to achieve the greatest improvements to their oversight and consultative functions.

The necessary skill sets listed in this chapter apply to all CSOs in different degrees. Some local-level CSOs may focus more on advocacy, monitoring, awareness-raising, lobbying, empowerment and humanitarian assistance with only a working knowledge of legal assistance, budget analysis and research and information; but CSOs acting at national and regional levels need to be competent in each area, while being conscious of the need to assist local CSOs on such issues.

CSOs must fully exploit the public and political spaces open to them to pursue their mandate. Public oversight of the security sector can only be achieved by systematic and constructive informed engagement with the public and private spheres. It is strategies of such engagement that are further explored in this handbook.

2

Ian Leigh

Executive, Legislative and Judicial Oversight and Guidance over the Security Sector

This chapter outlines in greater detail the functions of the three main branches of the state vis-à-vis the security sector. Aspects of executive control of security institutions are set out, followed by parliamentary oversight. The chapter also details the role of the courts and judiciary as well as independent oversight offices such as ombuds institutions as the third main formal element of oversight. The focus is on how CSOs can relate to and work with each branch of the state as well as with independent oversight offices with the goal of improving democratic governance in the security field.

The executive and civil society

This section discusses the role of civil society in relation to the executive branch of government, including the armed forces, security and intelligence agencies and the relevant government ministries. Protection of national security, defence and public order are tasks that are generally assigned by a country's constitution to the executive branch. In some countries the competence for tasks is split between the head of government and the President or head of state. While it is an important democratic principle that the military and a country's security and intelligence agencies be under civilian control, very often also the need to insulate them from party political pressure has been recognized, in order to help guarantee freedom of dissent and political opposition. Members of these services are frequently required to swear an oath to uphold the constitution. Reference to the constitution imports recognition of and protection of citizens' right to dissent, of freedom of expression and association, as well as a duty of political neutrality.

Typically the state institutions will include the army, air force (and where relevant, navy), security and intelligence agencies (these are often arranged according to whether their function is internal security, information-gathering concerning foreign powers, or signals intelligence), military intelligence, police and

border and coast guards. However a variety of patterns exist: not all states, for example, have distinct internal and external security agencies and a few have no acknowledged external agency. There may be overlapping civilian and military intelligence agencies, and some countries have a distinct security police.

There will usually be at least three relevant government ministries with responsibilities for these agencies and services – the ministries of defence, interior and foreign affairs – although the pattern can vary considerably. For example, in a federal state, police and internal security competence may be divided; or in a presidential one particular forces and services may be under the control of the President rather than the government.

Civil society organizations can contribute both to the formation of defence and security policy and to monitoring and reporting on the actions of these bodies. The interest of CSOs may be geographical (for example, community groups concerned with local policing or the effect of a military base on a locality), sectional (for example, groups concerned for the rights of ethnic, racial, religious or sexual minorities either within the security sector or in society) or issue-based (for example, environmental groups, peace or anti-nuclear campaigners or human rights groups). It is more common for CSOs to interact at the executive level with the ministries responsible for policy than with security agencies themselves. Nevertheless, there are examples of such contact concerning the effect of specific operations or localized policies – for example, in the field of police-community relations.

Box 2.1 Methods by which civil society can interact with the executive

- Conducting research or gathering evidence, producing comparative data from other countries or theoretical models
- Producing reports to influence policy-making and stimulate public discussion
- Interacting with the media and conducting awareness-raising campaigns
- Seconding expert advisers to ministries or security sector agencies
- Delivering specialist training in the armed forces or police, for example on human rights

Contributions to policy-making

In general, civil society can contribute effectively to security policy-making, provided it has access to the decision-makers at a sufficiently early point. Indeed, many suggestions for policy change may emanate from independent think tanks or the campaigns of single-issue NGOs in the first place.

Once proposals for policy reform have been devised by government, they can be tested by consulting civil society. However, it is important that the consultative process itself be open and even-handed.

Otherwise there is the risk that powerful, well-connected or well-funded groups can have disproportionate influence or that the government may engage in consultation as a token exercise. A good discipline is to make the representations of all bodies consulted in policy-making publicly available so that the press can trace the influences that shaped policy changes. This also acts as something of a check on the private lobbying of powerful groups or individuals: these groups may be restrained to some degree if there is a realistic prospect that attempts to change policy or law to their own advantage may be publicly exposed.

In the defence and security fields the main contributions to policy-making tend to come from expert policy institutes and think tanks in the fields of international relations, strategic studies and defence, whether established within higher education itself or to promote a particular political philosophy. Human rights and legal NGOs can make significant contributions in the security field, engaging not only on defence but also – often with a greater frequency – on law enforcement issues and on the regulatory and legal framework for security sector oversight.

In a healthy democracy the number and variety of these policy institutes ensures that a range of different opinions is heard and that independent expert opinion can inform policy-making from differing perspectives. The development of national security strategies and defence budget planning are two areas that can benefit in this way. In recent years the types of major defence and security policy questions that have been subject to expert policy-analysis in various European states have included the debate in a number of East and Southeast European States over NATO and EU membership and the phasing out of military conscription. Other more established democracies have had comparable debates concerning the deployment of peace-keeping forces, arms limitation and the reduction or replacement of strategic nuclear weapon systems.

In transition states, however, there may be fewer independent policy actors and they may be heavily financially dependent on limited sources of government or foreign funding that can compromise their independence. Moreover, policy institutes may be part of the same political elite from which ministers and officials are drawn. The ‘revolving door’ syndrome where the same individuals move in and out of government and policy realms carries the risk of privileged access for some groups based on personal contacts and a lack of independence. The same applies where officials move freely between armaments manufacturers and government procurement in ministries of defence.

Recognition of sectional interests

One area of ‘sectional’ CSO involvement with the executive that provides an example worthy of mention is the official recognition of military associations or unions. Some associations of this kind are long-standing, such as those in the Netherlands, Belgium or Sweden (the first was formed in the Nether-

lands in the late nineteenth century) whereas others, such the arrangements in Poland, Hungary, Bulgaria and Romania have come about due to recent legal or constitutional changes. In countries following this approach members of the armed forces are not legally restricted from joining military associations. In the best cases these associations are autonomous CSOs and may be consulted by governments, for example on conditions of service for members of the armed forces. They may also form a body of specialist opinion which can contribute to public discussion on defence and security matters from a military perspective.

Box 2.2 Military associations in selected countries

Swedish Association of Military Officers

The Swedish Association of Military Officers (SAMO) was founded in 1995, following the merger of two older unions – Svenska Officersförbundet and Officerarnas Riksförbund. It has around 9500 officers of all ranks – from second lieutenants to generals and admirals. SAMO is a member of the Swedish Confederation of Professional Associations, and operates through the Public Employees’ Negotiation Council, a negotiation cartel for unions of employees working in the service of the government, county councils or local authorities. SAMO has recently concluded a series of agreements with the Armed Forces on matters concerning working time, travel and lodging regulations, the employment of officers in the reserve, employment of other categories of military personnel and international service. Although it is not legally prohibited from calling a strike by a collective agreement of limited duration, SAMO has agreed not to use strike action.

Poland

In 1994, the Polish Ministry of Defence allowed for meetings of officers at all levels and the election of commissioners to act as advocates for soldiers’ interests (Decisions 81 and 82/MOD August 22, 1994). In 2000 the Constitutional Tribunal ruled that a ban on membership of trade unions in the military was constitutional provided there were alternative means of exercising the right of freedom of association (decision of 7 March 2000). The Act on Military Service of Professional Soldiers (September 11, 2003) Art. 10, Sec. 3,4 allows professional soldiers to form representative bodies under regulations issued by the Ministry of Defence and establishes a consultative Council (the Council of Senior Officers of the Corps of Professional soldiers).

Source: Ministerstwo Obrony Narodowej, *Soldier-Citizen in Uniform*, Warsaw, 2006.

Hungary

Following a 1989 amendment to the Constitution granting the right of freedom of association to servicemen, the Interest Protections Association of Military Personnel (KÉSZ) was established with 56 individual members and 7 local associations in 1991. The Trade Union of Military Servicemen (Honvédszakszervezet, HOSZ) was created in 1995 as an organization with individual members. It now has more than 10,000 members. The law prohibits strikes but permits demonstrations and meetings by members of the armed forces.

There is a Military Interest Conciliation Forum, for social dialogue with the interest representations, operating within the armed forces at the level of the Ministry of Defence. These developments have been confirmed in the legislation for the defence forces in 1996 and 2003.

Source: DCAF 2006, *Bucharest Roundtable on Military Unions*. Summary available at: <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=21&fileid=3BEBFDDD-A108-49EF-4EFB-FC4581177BF3&lng=en>.

For further information on all these examples, please see Hans Born and Ian Leigh, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, ODIHR, Warsaw, 2008. Also available at <http://www.dcaf.ch/publications/handbooks.cfm?nav1=5&nav2=4>

CSOs, policy implementation and monitoring

Civil society can contribute to policy implementation as well as law-making. As mentioned above, government ministries and the security sector may be able to draw upon specialist CSO experience through staff secondment or training by experts. At the policy-implementation level the press and NGOs may in effect audit and monitor the performance of government policies.¹ Through their direct contact with particular sections of society, such as disabled people, disadvantaged groups or military veterans, CSOs will have available evidence of the effect of government policies and legislation. In some cases they may even be directly responsible for delivering the policy in question to a section of public through joint-working or partnership with government (this is especially the case in the fields of welfare services and education).

To function effectively at this level, civil society groups will require a degree of access to government-held information. As this is sensitive and difficult, especially in the realm of military and security affairs, the legal framework of freedom of information laws, the scope of any relevant exceptions, the appeal and enforcement processes and the rights of standing to use these provisions are all significant.

Box 2.3 Examples of NGOs monitoring and campaigning on human rights issues

Union of the Committees of Soldiers' Mothers of Russia

The Union of the Committees of Soldiers' Mothers of Russia (UCSMR) is a human rights non-governmental organization created in 1989. The main goal of the UCSMR is the protection of the rights of draftees,

¹ Laurence Lustgarten and Ian Leigh, *In From the Cold: National Security and Parliamentary Democracy*, Oxford University, Oxford, 1994; especially chapter 10, on the constitutional role of the press in the security realm.

soldiers and their parents. The main specific features of the UCSMR human rights activities include dealing with individual complaints (personal and written) on human rights violations in the armed forces; organizing human rights education of draftees and their parents; and working in partnership with regional soldiers' mothers' organizations.

Every year the UCSMR office in Moscow registers approximately 4000 individual and 3000 written complaints. Since 1989 the UCSMR has operated a regular Human Rights school for draftees and their parents. On average there are 200-300 school visitors every week. About 60 percent of complaints received by the UCSMR concern violations of the rights to life and human dignity. They include beatings, humiliation and torture. About 20 percent of human rights violations concern the right to health and decent living conditions. By the estimation of UCSMR, the total numbers of soldier-fugitives who left their military units because of danger to their life and health is about 40,000. One special sphere of UCSMR activity is connected with the consequences of the Chechen wars. It included legalisation of former prisoners of war and support to medical, psychological and social rehabilitation programmes for soldiers. In the second Chechen War the UCSMR had to work in extreme conditions to monitor human rights violations in the North Caucasus and called for a negotiated end to the crisis.

Source: <http://soldiersmothers.ru/eng/index.php?PHPSESSID=a16e26253e83fe61e65983c727048112>

Justice and Liberty Association, Georgia

Since its foundation the Justice and Liberty Association (JLA) has campaigned for the rights of members of the armed forces, against corruption and to educate the public in Georgia about their rights. JLA visits military installations to monitor the living and working conditions of servicemen and to conduct surveys among them. In doing so it has exposed many examples of very poor conditions such as shortages of food, uniforms and medical supplies, together with corrupt procurement practices. It has provided free advice to conscripts and their families, as well as lobbying the Georgian Parliament for legislation to improve conditions. A number of the recommendations for reform to combat corruption made in a JLA publication were adopted in a Presidential decree. The JLA has worked extensively to supply conscription-age young people with information. It also negotiated a legal amnesty in December 2000 for 4550 deserters from the Georgian army.

Source: <http://www.eurasia.org/documents/CaseStudies/Opening%20the%20Georgian%20Military.pdf>

Parliament and civil society

This section discusses the role of Parliaments in relation to the security sector and the means by which CSOs can contribute to these democratic functions.

Parliaments commonly perform a number of key functions in relation to the security sector. These include:

- establishing the legal basis by which the armed forces, intelligence and security services, border guards and police operate;
- scrutinizing defence and national security policies and holding ministers and public officials accountable for how these policies are implemented;
- exercising control over defence and security budgets and procurement decisions, and reviewing how money was spent;
- investigating allegations of policy failure or abuses by the defence and security sector;
- making recommendations.

Some specific tasks (such as affirmation of a state of emergency or approval of the decision to commit the armed forces to conflict or peacekeeping mission) may require an enhanced parliamentary majority under the constitution.

To perform these various roles parliamentarians may use a number of procedures: introducing legislation and amending laws; scrutinizing ministers, civil servants and members of the military through questions and hearings; receiving expert evidence; and gaining access to official documents and information.

Box 2.4 The role of the Polish parliament in security sector oversight

The Polish Parliament deals with a range of security-related issues, including those pertaining to the armed forces. The lower house, the Sejm, and the upper house of parliament set the legislative framework regulating the defence sector and establish policy principles. Parliament adopts the defence budget and supervises its implementation, passes legislation regulating basic defence-related matters and is involved in appointing the Minister of National Defence, thereby directly influencing the work of the Minister and holding him accountable throughout his tenure.

Parliamentary committees in particular exercise control over specific functions, with state defence in the lower house being the preserve of the National Defence Committee. The Sejm Committee for National Defence, the Sejm Committee for Special Services and the Senate Committee for National Defence as well as a number of MPs and senators, hold government representatives to account during parliamentary proceedings. The area of responsibility of the Sejm National Defence Committee encompasses national defence-related matters (especially those falling within the remit of the Armed Forces), the functioning of the country's territorial and civil defence, cooperative and social organizations and individual defence industries, and their respective roles in strengthening the defence capability of the nation. Parliament also emits directives regulating internal security. Parliament votes on the principles of the state's internal security, the authority of public bodies and government spending on internal security. Parliamentary committees also exercise oversight over internal security forces.

Once proposals reach the legislative stage, CSOs may lobby parliamentarians involved in debating, amending and approving draft laws. It is here that the expertise of these groups is particularly useful – an individual legislator is unlikely to be expert in more than a small number of topics, but NGOs can provide expert assistance and help with evidence of the effect of proposed changes. Moreover, the democratic process is enriched when different groups are involved to equip legislators with competing policy arguments.

Care must be taken to ensure that well-funded groups or industries are not simply able to ‘buy’ influence among legislators. Where there is a range of views reflected in debates, the parliamentary process is considerably strengthened, beyond the focus of the political parties. Such expertise may be available by formal evidence to legislative or other parliamentary committees, where the procedural rules permit this, or by briefing individual legislators. Public campaigns may coincide with the process in an attempt to mobilize a wider range of public opinion and attract the interest of the press, so as to bring additional pressure to bear on parliamentarians.

Box 2.5 Methods by which CSOs can contribute to the legislative process

- Carry out fact-finding studies
- Petition or brief members of parliament
- Organize lobbying campaigns
- Give oral or written evidence to parliamentary hearings or to committees
- Supply an expert adviser to a parliamentary committee
- Draft legislation or legislative amendments for members of parliament
- Criticize legislation and legislative amendments
- Draft alternative white papers on security policies

The importance and effectiveness of public and parliamentary campaigning by CSOs is shown by the experience of the relatives of young soldiers who died at the Deepcut Barracks in the UK. After a prolonged campaign their pressure was rewarded with a change of policy, following the findings of an independent inquiry.

Box 2.6 The Deepcut investigation campaign in the UK

Following the deaths of four young soldiers, between 1995 and 2002, at the Princess Royal Barracks at Deepcut, Surrey, their relatives pressured the Ministry of Defence and the parliamentary Defence Select Committee to conduct investigations, in addition to the police investigations. With the assistance of a mem-

ber of parliament a pressure group, Deepcut & Beyond, was formed in November 2003 to represent nearly 50 families of soldiers who have died in non-combat situations. The death of Private Geoff Gray was taken up by Amnesty International.²

In March 2004, Surrey Police published its fifth and final Report on wider issues and concerns about the Army's care regime that had arisen during those investigations. The Defence Committee's Third Report for 2004 covered a wide range of issues relating to recruitment, training and discipline within the three Armed Forces, including welfare, bullying, sexual and racial harassment and the grievance processes and structures in place which are designed to deal with each of these.

A further inquiry was established under an independent senior lawyer and reported in 2005. The inquiry concluded that the deaths were due to suicide and made a series of recommendations concerning the recruitment of young soldiers, their training and care, the prevention of bullying, the complaints procedure (including the establishment of an independent military complaints commissioner) and the investigation of deaths in service. The base at Deepcut closed in 2007.

Source: BBC, The Deepcut Investigations, http://news.bbc.co.uk/2/hi/uk_news/4215635.stm

Box 2.7 Commentary on draft bills – Amnesty International and the Northern Ireland Police Bill

In 2000 Amnesty International issued a comprehensive commentary on the Northern Ireland Police Bill. Amnesty noted with regret that human rights protection was not a central concern of the draft legislation and that it failed to incorporate the recommendations of a previous report, the Patten Report. Furthermore, the commentary raised concerns as to the legal accountability of the ombudsman and the democratic accountability of the policing and covert operations as authorized in the draft legislation. Amnesty International warned that the new legislation “repeats the mistakes of the past by placing too much power into the hands of the Secretary of State and the Chief Constable and raises doubts that the new policing service would be truly accountable to the law and to the community it would serve.”

Source: Amnesty International, *Policing in Northern Ireland: A New Beginning? Amnesty International's initial comments on the Police (Northern Ireland) Bill*, 2000. Available at <http://www.amnesty.org.ru/library/Index/ENGEUR450482000?open&of=ENG-2U3>

² <http://web.amnesty.org/library/Index/ENGEUR450092003?open&of=ENG-GBR>

Parliamentary oversight of security and intelligence

In a number of countries, parliament's scrutiny of the security sector has been delegated in large part to a committee of parliamentarians or to an expert committee or body reporting to parliament. A distinction can be drawn between those states where legislators themselves take on oversight of security and intelligence matters through a parliamentary committee (for example, Argentina, Australia, South Africa, the United Kingdom and the USA) and those where a committee has been set up outside the parliament, whose members are not parliamentarians but report to parliament (for example Belgium, the Netherlands and Norway). Each has some advantages. While the former may seem more democratic, the latter allows for greater expertise and time in the oversight of security and intelligence services and avoids the risks of political division and publicity-seeking. A third possible arrangement is a combination of parliamentary and non-parliamentary approaches: in the case of Canada, for example, there are proposals to supplement the long-standing (non-parliamentary) Security Intelligence Review Committee with a committee of parliamentarians.³

The mandate and powers of these parliamentary oversight bodies varies considerably. Some have the power to scrutinize the *operations* of intelligence agencies: both the US Congressional oversight committees as well as the Control Panel of the German Bundestag have the right to be briefed about the operations of the agencies.⁴ Others are limited to scrutiny of matters of policy, administration and finance (as is the case in the United Kingdom). In some countries they audit the legality or the agencies' actions or respect for human rights (as is the case with the Norwegian Committee).⁵

Parliamentary committees in this field necessarily have some restrictions on how they operate arising from the secret nature of the material in question, although restrictions tend to be fewer where specific operations are not examined. These restrictions are likely to affect the way that evidence is collected and reports are published, and may also restrict opportunities for the direct involvement of CSOs.

Nevertheless, in appropriate cases CSOs may be able to play a role in presenting evidence and highlighting the reports of parliamentary committees. Some countries have legislated so that the oversight body is entitled to obtain information and documents from experts, such as those in think tanks or universities. For example, in Luxembourg the Parliamentary Control Committee can decide, with a two-thirds majority and after having consulted the Director of the Intelligence Services, to be assisted by an expert.⁶ This allows for alternative viewpoints to those of the government and the intelligence services to be considered.

³ Farson, Stuart, 'Canada's Long Road from Model Law to Effective Oversight of Security and Intelligence' in *Who's Watching the Spies: Establishing Intelligence Service Accountability*, Born, Hans, Lock Johnson and Ian Leigh (eds), Potomac Books, London, 2002.

⁴ German Bundestag Secretariat of the Parliamentary Control Commission (PKGR), *Parliamentary Control of the Intelligence Services in Germany*, Bunde-spresseamt, Berlin, 2001, pp. 19-20.

⁵ The Act relating to the Monitoring of Intelligence, Surveillance and Security Services. Act No. 7 of 3 February 1995; Sejersted, 2005.

⁶ Art. 14 (4), *Loi du 15 Juin portant organisation du Service de Renseignement de l'Etat*, Mémorial-Journal Officiel du Grand-Duché de Luxembourg, 2004, A-No. 113).

In some countries, independent offices such as an Inspectorate-General have been created to assist the parliament in scrutiny of the security and intelligence agencies.

Box 2.8 Comparison of the roles and powers of selected inspectors-general of security and intelligence

	USA	CANADA	AUSTRALIA	NEW ZEALAND	SOUTH AFRICA
Ensures compliance with current legislation	YES	YES	YES	YES	YES
Ensures compliance with standards of propriety	YES	YES	YES	YES	YES
Carries out audits, investigations and inspections	YES	YES	YES	YES	YES
Prevents and detects waste, fraud and abuse	YES	NO	NO	NO	UNCLEAR
Promotes economy, effectiveness and efficiency	YES	NO	NO	NO	NO
Reviews compliance with executive directives and operational policies	YES	YES	YES	NO	YES
Ensures compliance with warrant authorizations	NO	N/A	YES	YES	NO
Reviews operational activities	YES	YES	YES	YES	NO
Reviews pending legislation and regulation	YES	NO	YES	NO	NO
Reports regularly to the agency head(s)	YES	NO	NO	NO	NO
Reports regularly to executive, legislature or oversight commission	YES	YES	YES	YES	YES
Reports in response to requests by legislature or oversight commission	YES	YES	YES	YES	YES
Investigates complaints about the agency	YES	NO	YES	YES	YES
Ensures proper regard to human rights	YES	NO	YES	NO	UNCLEAR
Ensures compliance with regulations on release of records and information	YES	NO	YES	NO	UNCLEAR
Has access to all records and information of the agency	YES	YES	YES	YES	YES
Initiates investigations on own initiative	YES	NO	YES	NO	YES
Administers oaths for taking testimony	YES	NO	YES	NO	YES

Source: Intelligence & Security Committee (UK), Annual Report for 2001-2, Cm 5542, Appendix 3

Box 2.9 Examples of committee reports critical of government security policies

Canada: Commission of Inquiry into the Deployment of Canadian Forces to Somalia.

The Commission of Inquiry into the Deployment of Canadian Forces to Somalia was set up by Canadian Defence Minister Art Eggleton to investigate participation of the Canadian Forces in the United Nations peace-keeping mission in Somalia in 1992-93.

The report concluded that leadership errors in the Somalia mission were “manifold and fundamental” and that practices “fuelled rampant careerism and placed individual ambition ahead of the needs of the mission”. Moreover, “oversight and supervision of crucial areas of responsibility were deeply flawed and characterized by the most superficial of assessments; even when troubling events and disturbing accounts of indiscipline and thuggery were known, there was disturbing inaction”.

Source: <http://www.dnd.ca/somalia/somaliae.htm>

United Kingdom: The Butler Report

On 3 February 2004, the British Government announced an inquiry into the intelligence relating to Iraq’s weapons of mass destruction (WMDs) which played a key part in the Government’s decision to participate in the Iraq invasion.

The report concluded that the key intelligence used to justify the war with Iraq was shown to be unreliable. It claimed that the Secret Intelligence Service did not check its sources well enough and sometimes relied on third-hand reports. It criticized the use of the 45 minute claim in the 2002 dossier as “unsubstantiated”, and stated that there was an over-reliance on Iraqi dissident sources. Furthermore, the report suggested that there was no recent intelligence to demonstrate that Iraq was a greater threat than other countries, and that the lack of any success in the UN mission finding WMDs should have prompted reconsideration.

Source: <http://www.butlerreview.org.uk/report/>

Turkey: Parliamentary Investigation Commission into the Susurluk Incident

The Susurluk scandal developed after a car accident on 3 November 1996 near Susurluk in Balıkesir province in Turkey. This accident involved former Deputy Chief of Istanbul Police Hüseyin Kocada , the leader of the Grey Wolves (Nationalist Action Party’s violent youth organization) Abdullah Çatlú, and a woman named Gonca Us. The accident revealed connections between the Istanbul police, the nationalist Grey Wolves organization and politicians.

A Parliamentary Investigation Commission established after the accident published a 350-page *Susurluk Report* in April 1997. The Commission’s report maintained that the state organs used the Grey Wolves to carry out illegal activities.

Source: Cizre, Umit, *Democratic Oversight and Reform of the Security Sector in Turkey: 2005/2006 Status Report*, Lit Verlag, Berlin, 2008.

Independent ombuds institutions

In many countries parliaments have established independent offices, commonly called ombudsmen or ombuds institutions and also referred to as Commissioners or Public Defenders, to act on their behalf to investigate complaints concerning decisions, actions or omissions of the public administration. These offices often have powers to demand papers, to interview officials and to visit premises (such as military barracks or security establishments). They may also have their own power to initiate investigations and to make recommendations concerning legislative reform or compliance with International Human Rights Law. These offices can be useful in bringing systematic human rights violations by security sector agencies to the attention of relevant governmental bodies or the parliament, through their investigations.

In some states the general ombudsman for the administration as a whole also acts in relation to the armed forces or other security agencies. The existence of offices of this type can enhance the confidence both of the public and of security sector personnel by ensuring transparency and respect for the rule of law in the security sector.

In other states, specialized military ombudspersons or commissioners have been created to examine issues such as surveillance or data handling by the security and intelligence agencies and to exercise detailed oversight on behalf of parliamentarians. As a separate institution, an independent ombudsman for the military appears in several countries under different names, such as the Parliamentary Commissioner for the Armed Forces (*Wehrbeauftragter, WB*) in Germany and the Ombudsman for National Defence and Canadian Forces in Canada. They have often been used as models by other countries, for example, the Irish Military Ombudsman and the Czech Republic Armed Forces Ombudsman.

Military ombudsmen

The military ombudsman's main responsibilities are to oversee and supervise the observance of law by military personnel and to initiate legal proceedings when individuals' rights are believed to have been violated. They may address complaints about improper and abusive behaviour in the military as well as shortcomings in military procedures, and formulate recommendations for corrective action. Following individual complaints or investigating on his or her own initiative, the ombudsman focuses attention on specific problems in military life requiring corrective actions in order to improve the administration of the military and to make the military sector and its officers more accountable to the public. Citizens or servicemen who allege that they have been subjected to wrong or unfair treatment can ask the ombudsman to start an investigation; in addition, the ombudsman has the power to conduct an investigation upon instruction of the parliament. Members of the general public cannot, in general, bring a complaint to the military ombudsman. In certain countries, the ombudsman may also start an investigation on their own initiative in matters which suggest a violation of the basic rights of a member of the Armed Forces (e.g. in Canada, Finland, Georgia and Germany).

The ombudsman may also have the power to investigate and report on a complaint against a security or intelligence agency, as is the case in the Netherlands.⁷ In other countries an independent inspector-general of security and intelligence deals with complaints against the services as part of the office's overall oversight remit in a rather similar way. This is the case, for example, in New Zealand (Office of Inspector-General of Intelligence and Security, established in 1996) and South Africa (Office of Inspector General of Intelligence, appointed pursuant to section 12 of the Constitution). In addition, specific offices established under freedom of information or data protection legislation may have a role in investigating complaints against these agencies. At the very least, ombudsmen need to collate information of alleged human rights abuses by security and intelligence agencies and document them in their annual reports, make recommendations to prosecutors and presentations to the parliament and the media.

The arguments for a specialized military or security ombudsman (as opposed to a generic equivalent covering the public service as a whole) are finely balanced. The advantage of a military or security ombudsman is that it is a specialized office that can operate in a way adapted to the special aspects of military life or of the security sector – the need on occasion for secrecy in a way that respects the sensitivity of military work. However, there is a risk that the office may become too closely associated with the security sector to be seen as independent and it may lack the visibility and accessibility of a general ombudsman. If their jurisdiction does not cover the entire security sector there is a risk that investigations may be incomplete or that controversial issues may gravitate to agencies beyond their reach. On the other hand a general ombuds institution with jurisdiction over the security sector may encounter difficulties that require a different way of working, leading in practice to the establishment of a specialist sub-ombudsman. A general ombudsman may be excluded from operating and investigating more easily by securitized bureaucracies.

Policing ombudsmen

In some countries, a dedicated police service ombudsman has been created. This may be due to the volume of complaints about the police or the political sensitivities of the police's role in a highly politicized situation. For instance in Northern Ireland, the creation of a new Police Service of Northern Ireland (PSNI) was matched by the creation of a Police Ombudsman for Northern Ireland to deal with complaints from Loyalist and Republican communities. In post-conflict situations, similar institutions have proved useful, for instance the introduction of human rights-based policing in Kosovo is overseen by the Ombudsperson for Kosovo. Statutory Reports must be sent to the local Policing Board, the police and the responsible minister. On the mainland UK, there is no 'police' ombudsman, but the Independent Police

⁷ Intelligence and Security Services Act 2002, Art. 83.

Complaints Commission investigates complaints about police behaviour in a very similar way to the PSNI ombudsman. Thus, the common aim of these differently titled institutions is to build public confidence by ensuring transparency and accountability in the police.

Box 2.10 The Police Ombudsman for Northern Ireland

The Northern Ireland Police Ombudsman was set up by the Police (Northern Ireland) Act of 1998 and 2000 as an independent police complaints mechanism. The office deals with complaints from the public about how police officers operate. On the basis of these complaints, the Police Ombudsman produces an Annual Report. The office also reports to the Secretary of State and may carry out research on an issue referred by the Secretary of State. The reports of the Ombudsman office are used by both parliament and a number of CSOs to hold the police accountable.

Source: <http://www.policeombudsman.org/>

CSOs can interact with and use ombudsman offices in various ways. They may help to publicize the existence of the ombudsman or of the complaints procedure; or they may work jointly with the ombudsman's staff in monitoring security sector premises. An illustration is the programme of joint inspections of Russian military units agreed in 2007 between the Russian Human Rights Ombudsman, the Deputy Prosecutor-General and the main military prosecutor, involving joint inspections by human rights advocates and military prosecutors.⁸ Similarly the Georgian ombudsman established a system of regular monitoring of police stations with CSOs also engaged in the process.⁹ The critical issue is that ombuds institutions are actively engaged on these issues, not only in terms of monitoring but in investigating the security sector and interacting with democratic institutions and the media.

The judiciary and civil society

This section first discusses the importance of the legal system in guaranteeing fundamental rights, including those necessary for CSOs to function, before moving on to discuss the role of the courts and CSOs in relation to the security sector.

The modern law of international human rights is based on the UN Charter (in particular its preamble and articles 1(3), 55 and 56), supplemented by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural

⁸ Interfax News Agency, 6 February 2007.

⁹ See <http://www.ombudsman.ge/eng/activities/monitoring.html>; http://www.alpe.ge/alpe/about_alpe/

Rights. In addition, there are UN treaties dealing with discrimination in respect of race and against women, the Convention of the Rights of the Child, the Convention against Torture,¹⁰ and Conventions concerned with refugees and citizenship. The UN treaty obligations are further complemented by regional human rights systems.

Box 2.11 International recognition of freedom of expression and of association

Article 19 UDHR ¹¹	Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
Article 19 ICCPR ¹²	<ol style="list-style-type: none"> 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: <ol style="list-style-type: none"> (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals.
Article 21 ICCPR ¹³	The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.
Article 10 ECHR ¹⁴	<ol style="list-style-type: none"> 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
Article 20 UDHR ¹⁵	<ol style="list-style-type: none"> 1. Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association.
Article 11 ECHR ¹⁶	Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

10 See also the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, <http://conventions.coe.int/Treaty/en/Treaties/Word/126.doc>

11 Available at <http://www.unhchr.ch/udhr/lang/eng.htm>

12 Available at http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

13 Available at http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

14 Available at <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

15 Available at <http://www.unhchr.ch/udhr/lang/eng.htm>

16 Available at <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

Among these human rights, freedom of association and freedom of speech are particularly essential to the functioning of CSOs. These are fundamental human rights, recognized in the major international human rights treaties and in the constitutions of many countries.

Without effective implementation of freedom of association, CSOs will be unable to organize, as both, freedom of expression and freedom of association allow them to communicate their ideas to the public and to mobilize political support. Moreover, without freedom of expression a free press cannot function as an instrument of democratic accountability in informing the public and keeping politicians and officials under scrutiny. Where such rights are restricted, the judiciary and in particular the constitutional court have a special responsibility to request changes in national legislation to ensure conformity with signed and ratified international treaties.

Where these rights receive inadequate protection within the domestic legal order one effective strategy is for CSOs to draw attention to the deficiency and bring to bear international pressure through the use of international human rights complaints and protection mechanisms.

Thus, one way in which NGOs may draw attention to actions of concern by the security sector that affect individuals is by assisting in the making of complaints of human rights violations with international judicial bodies, for example under the UN human rights mechanisms or (in Europe) through the European Convention on Human Rights. Although NGOs may not have a right to petition unless their own rights or rights of their members have been violated, they can play a valuable role in collating evidence of human rights abuses, giving advice and support to victims and their families, and publicizing their cause. These points are further elaborated in chapter 13. It must be pointed out, however, that before recourse is made to an international body a person complaining of a human rights violation must usually first exhaust the available domestic remedies.¹⁷ This principle emphasizes the importance of national institutions in providing redress and the role of international courts and other institutions as the second line of defence against violations of human rights.

The judiciary and the security sector

The judiciary's core tasks in relation to the security sector are to judge whether its actions conform to the constitution and relevant legislation, whether they infringe human rights either of citizens at large or citizens in uniform (members of the armed forces). These tasks take on special significance in times of emergency.

¹⁷ European Convention on Human Rights, Art. 35.1.

Unlike the parliament or the executive, the courts have no power to hold public officials accountable on their own initiative – the ability of judges to do so depends entirely on appropriate cases being brought to court. CSOs can play a vital role here in defending the public interest and upholding the rule of law by using litigation to expose abuse and to defend human rights.

The courts can be engaged in two basic ways. The first is where state authorities themselves bring legal action, for example prosecution in a terrorism or official secrets case or disciplinary proceedings against a member of the armed forces. In such instances the courts may act as an indirect control over the security sector, especially by considering whether certain types of evidence (for example evidence obtained by torture, illegally or deceptively) should be permitted. Where, however, prosecution or disciplinary action is brought against a member of the armed forces, or a police officer alleged to have abused their position, the element of control is direct.

Secondly, the courts can be used by individuals or CSOs to challenge the legality of the actions or policies of the security sector. Thus, for example, the courts may be called upon to judge the legality of committing members of the security sector to engage in or support an armed conflict. An illustration of this came in a 2005 decision of the German Federal Administrative Court, which found that freedom of conscience protected an army software engineer who refused to work on a computer programme for reasons of conscience, because he found the Iraq war to be unjust and illegal.¹⁸ In a further example the German Constitutional Court found that it would be unconstitutional to shoot down a hijacked airplane.¹⁹

Equally, the courts may have to judge whether the actions of the security sector in combating the threat of terrorism are legally justified. An example came in December 2004 when the House of Lords (the highest court in the UK) found that the indefinite detention without trial of a group of terrorist suspects under part IV of the Anti-Terrorism, Crime and Security Act 2001 violated their human rights because a derogation from the right to liberty entered by the government could not be justified.²⁰ Another important example is a landmark decision of the US Supreme Court on the legal rights of detainees in the Guantanamo Bay detention facility. On 12 June 2008 the Supreme Court ruled that detainees at the Guantanamo Bay facility have constitutional rights to challenge their imprisonment in federal courts. This ruling has far-reaching implications for the US anti-terrorism policy. It means that detainees at Guantanamo can no longer be kept outside the jurisdiction of US civilian courts.

In some parts of the security sector it is common in a number of countries to restrict freedom of association. Security sector workers may be prevented from organizing into trade unions or other groups to pro-

18 German Federal Administrative Court, 21 June 2005, Case No. 2 WD 12.04 (see M. Bohlander, 'Superior Orders, Unjust War and the Soldier's Conscience', (2005) 4 *Inter Alia* 17-19).

19 Decision of 15 February 2006.

20 *A v Secretary of State for the Home Department* (2004) UKHL 56.

tect their interests. The role of the courts in upholding these rights has proved vital, as the examples below from Hungary and Poland show. Some limitations on the rights of workers in the security sector can be justifiable – especially to keep them free of politics in the interests of the community as a whole – but any such restrictions should be grounded in law and proportionate to the public interest.²¹

Box 2.12 Judicial protection of freedom of association and military personnel

In Poland in 2000 the Constitutional Court ruled that a ban on membership of trade unions in the military was constitutional *provided* there were alternative means of exercising the right of freedom of association.²²

In Spain the Constitutional Court ruled in 2000 that members of the armed forces had a constitutional right to participate in bodies representing their social and economic interests, provided these bodies did not intend to engage in industrial action.²³

Source: Leigh, Ian and Hans Born, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, ODIHR, Warsaw, 2008, <http://www.dcaf.ch/publications/handbooks.cfm?nav1=5&nav2=4>

CSOs may either bring cases to court to defend their own interests – an example might be when they challenge denial of access to necessary government information – or to act on behalf of their members, or by providing specialist assistance to individual victims to bring their own cases. This assistance can be invaluable: an individual citizen is unlikely to be able to call upon the necessary resources, knowledge or experience to effectively match the resources and argument of the government in court. CSOs, however, possess this type of specialist expertise. They may assist by providing expert evidence on aspects of security or defence (and so enable the government’s claims to be challenged). Additionally, they sometimes have specialist knowledge of the law relevant to the security sector that can be useful to the court where an *amicus curiae* (‘friend of the court’, independent of the parties) is permitted under court procedures.

Litigation brought by CSOs often serves a larger purpose than merely protecting the rights of those directly affected, important as this is. Use of pre-trial discovery procedures may enable access to be gained

21 In a case involving restrictions imposed in Hungary which prevented members of the armed forces, the police and security services from joining any political party and from engaging in any political activity, the European Court of Human Rights found there was no violation of Articles 10 or 11 of the ECHR, since the restrictions pursued legitimate aims, namely the protection of national security and public safety and the prevention of disorder. The limits were intended to de-politicize the police and hence to contribute to the consolidation and maintenance of pluralistic democracy. Bearing in mind the important role of the police in society, the Court found the restrictions to be consistent with democratic principles. The Court stated: “Police officers are invested with coercive powers to regulate the conduct of citizens, in some countries being authorized to carry arms in the discharge of their duties. Ultimately the police force is at the service of the State. Members of the public are therefore entitled to expect that in their dealings with the police they are confronted with politically neutral officers who are detached from the political fray” (*Rekneyi v Hungary* (2000) 30 EHRR 519).

22 Polish Constitutional Court, Judgment K 26/28 of 7 March 2000.

23 Nolte, George, *European Military Law Systems*, Walter de Gruyter, Berlin, 2003.

to previously hidden information or documents and so act to reinforce the transparency and accountability of the security sector. Moreover, because of the authority and independence of the courts, legal challenges can be a highly significant political tool in drawing public attention to grievances that the parliamentary system has failed to remedy.

A CSO may act for a group of victims in a similar situation. Alternatively it may select and invest legal resources in a representative case to be taken as a 'test case' with the aim of benefiting many other people in the same position through out-of-court settlements if the test case succeeds.

Group or test litigation has, for example, been crucial in challenging discriminatory practices in the military in the UK, such as the discharge from the armed forces of homosexual and lesbian service personnel²⁴ or the pension rights of retired Gurkha soldiers who served in the UK armed forces (Box 2.13). Expressing political demands as legal and constitutional rights invests them with added legitimacy and helps to enlist a wider range of support behind campaigns to remedy injustice. Even where it is not immediately successful in court, 'test' litigation may form part of a campaign to raise public or political awareness about an issue or lead to legislative reform.

Box 2.13 Legal challenges to security sector policies and practices

Discrimination against Gurkha Soldiers in the United Kingdom

Two court cases in the UK involving alleged discrimination against Gurkhas, Nepalese soldiers who served in the British army, demonstrate these principles in operation. In the first the issue was whether the terms and conditions of service of members of the Brigade of Gurkhas were compatible with Article 14 of the European Convention on Human Rights.²⁵ Gurkhas were less favourably treated in the amount of pension which they received, as compared with other British army soldiers, but more favourably treated as to the time at which it was payable (a pension was payable immediately after 15 years, whereas, a British soldier was entitled to a deferred pension payable at the age of 60). The Court also took into account the very different living conditions in the societies to which Gurkhas and other British soldiers would retire. Although it found that there was no breach of Article 14, nevertheless the litigation led to a fundamental review of conditions of service.²⁶ In the second case, the discrimination concerned difference in the compensation payments to Gurkha and British soldiers who were held prisoners of war by the Japanese during World War II. The court held the lower payments to the Gurkhas to be irrational. This conclusion led to compensation payments of £10,000 each being made to the Gurkhas affected.

²⁴ *Smith and Grady v UK* (2000) 29 EHRR 493, European Court of Human Rights.

²⁵ *R (Purja and others) v Ministry of Defence* (2004) 1 WLR 289, CA.

²⁶ HL Debs, 11 January 2005, <http://www.publications.parliament.uk/pa/ld200405/ldhansrd/vo050111/text/50111-47.htm>

Katharine Gun – Charges of Breaching the Official Secrets Act Dropped

In 2003 before the Iraq War, Katharine Gun, a British civil servant working at the electronic monitoring centre in Cheltenham, received an email from the American NSA requesting British assistance in bugging the representatives of six UN Security Council “swing states.” After leaking this email to the press ‘in the public interest’ and admitting her actions to her superiors, she was put on trial for breaching the Official Secrets Act. Ms Gun was represented by the human rights NGO Liberty. However, when the case reached court and her defence required full disclosure of government documents related to the legality of the British decision to go to war, the case collapsed as the government prosecutors offered no evidence against her.

Source: www.liberty-human-rights.org.uk; www.guardian.co.uk/politics/2004/feb/26/interviews.iraq

Conclusion

In this chapter the roles of the three main branches of the state with regard to the security sector have been examined. CSOs have many opportunities to interact with the executive and the parliament and to use the judicial system to reform and make more accountable the various security sector agencies. These range from influencing policy-making and monitoring its implementation, through assisting legislative reform and scrutiny, to assisting in upholding constitutional and human rights standards through litigation and complaints. In all these areas CSOs have a vital part to play in democratic control of the security sector. While this chapter has focused on the relationship between CSOs and various institutional counterparts, the next chapters will focus on methodologies, providing more detailed guidance on how to develop and implement oversight activities.

What you can do as a CSO

Engaging the executive

- ✓ Conduct research and gather evidence on security sector policy and practices
- ✓ Compile comparative data from other countries or theoretical models
- ✓ Produce reports to influence policy-making and stimulate public discussion
- ✓ Second expert advisers to ministries or security sector agencies
- ✓ Deliver specialist training in the armed forces or police, as well as for other CSOs

Engaging the parliament

- ✓ Carry out fact-finding studies
- ✓ Petition and brief members of parliament
- ✓ Organize lobbying campaigns
- ✓ Give oral or written evidence to parliamentary hearings or to committees
- ✓ Supply an expert adviser to a parliamentary committee
- ✓ Draft legislation or legislative amendments for members of parliament
- ✓ Constructively criticize legislation or legislative amendments
- ✓ Draft alternative white papers on security policies

Engaging ombuds institutions

- ✓ Bring monitoring findings to the attention of ombuds institutions
- ✓ Lobby the ombuds institutions to take action
- ✓ Make recommendations on policy amendments

Engaging the judiciary

- ✓ Use litigation to expose abuse and to defend human rights
- ✓ Maintain records that satisfy the criteria for admission as evidence
- ✓ Develop legal expertise to provide evidence at investigations
- ✓ Develop legal expertise to provide defence services for citizens

3

Duncan Hiscock

Research and Information

One of the most important contributions that civil society organizations can make to security sector governance is to act as an independent source of research and information. Through research, CSOs can analyse the existing situation in the security sector and identify ways to improve policy and practice.¹ Furthermore, CSOs require reliable information and coherent analysis to guide and support their own engagement in democratic oversight and security sector reform (SSR). This chapter considers:

- the purposes of research and its role within democratic oversight;
- the main types of research and key topics to study – and which CSOs should undertake which types of research;
- essential research tools and methodologies;
- potential problems when undertaking research, and how to handle them.

Purposes of research

Chapter one of this book introduced the key strategies and methodologies for CSOs to engage in democratic oversight of the security sector, and noted that in practice these areas are closely interlinked. It is fitting to look first at research and information, because research is both a core activity in itself, and a *basis for action* underpinning the other six strategies and methodologies outlined in this handbook (see Box 3.1). Although academics may sometimes analyse the security sector from a purely theoretical perspective, research undertaken by CSOs should always have some *practical usage*, whether it is used by the CSO itself or by other actors.

¹ It is important to note that this chapter does not only apply to CSOs that already consider security matters to be at the heart of their work. In most countries, there are strong research institutions that may have great potential to do work on security-related topics, but have not yet considered doing so. This chapter is also intended to provide basic information for such institutions on how they can become more involved in security sector research. For CSOs that *do* work on the security sector but lack experience in research, it may be a good option to try to work in partnership with more established research institutions. This could also help to encourage these institutions to take on more research on the security sector in future.

The exact objectives for undertaking research will depend on the specific organization, project and situation. However, every research project is likely to have one or more of the following general aims.

Compiling relevant information

A surprisingly large amount of information on the security sector may be publicly available, but it is often spread across many sources, hard to find and difficult to interpret. CSOs can perform an important role by collecting all relevant information on a particular topic together and making it more accessible (to other organizations, the general public and even government officials). This contributes to democratic oversight by making it easier for all relevant actors to be informed about security issues; because they do not need to find this information for themselves, they can spend greater resources on more direct ways of holding the security sector accountable.

Creating a basis for action

All activities in the security sector (including SSR) need to be based on reliable information and careful analysis. Good research is thus a fundamental precondition for all other activities – whether they are carried out by CSOs themselves, by security sector officials or by those with oversight functions. Research provides essential assessments of needs and priorities and supplies the background information that puts any project in context. Not all such research is published; where research is undertaken to inform strategy and implementation for CSO activities, it may be unnecessary or even counter-productive to make this analysis publicly available.

Providing alternative and independent views

In many countries, the majority of information and analysis about the security sector comes from state (or state-controlled) sources. Such information is obviously extremely important, particularly as it is likely to be well-informed about the existing situation and government priorities. Inevitably, however, it presents only one viewpoint, and analysis in published state documents is often limited by the need to appear successful and in control. In terms of democratic oversight, there are clearly likely to be problems if non-governmental actors can only judge the work of their state's security sector according to information and analysis provided by the state itself.

More broadly, policy- and decision-making always benefits from debate and interplay between various views and suggestions. In many states, government officials welcome research from CSOs, because CSOs can 'push the boundaries' by presenting perspectives and proposals that government

officials cannot. Research by CSOs can also be very important in ensuring that the views of different constituencies are represented, particularly those of groups that often suffer most from insecurity but have little political voice.

Deepening understanding of the security sector

Most research aims to deepen our understanding of one or more aspects of the security sector: How does this aspect function, in theory and in practice? What challenges does the security sector face? What is the level of oversight in this sphere? Which areas of concern require greater scrutiny or analysis? Research may be targeted at different groups, seeking to deepen understanding within one's own organization, or among other CSOs, specific constituencies, the general public, the government, the international community and so on. These questions are discussed in more detail in 'Main types of research' below.

Proposing ideas and recommendations for improving security policy and practice

CSOs do not analyse the security sector just for the sake of analysis, but because they wish to promote changes that will improve security policy and practice and/or strengthen the level of democratic oversight. Most research projects therefore articulate a number of ideas and recommendations that they believe would contribute to achieving these goals.

Engaging the security sector

The previous points have emphasized that research is primarily a *means* to achieve other goals. It is worth noting, however, that undertaking research projects also acts as a way for CSOs to engage directly with security sector officials and develop contacts and dialogue. Research can be a particularly useful way of establishing a relationship with officials with whom an organization has not previously worked. This helps to build respect and trust between CSOs and security officials, which facilitates civilian oversight of the security sector over the long term.

Testing transparency

On a related note, research is also an extremely good way of gauging what levels of transparency currently exist in the security sector and how ready state officials are to cooperate with CSOs. Although governments often promise openness and cooperation in the security sector, CSOs sometimes find that the re-

ality is much less positive, and that obtaining information about the security sector (even when it should be publicly available) is in fact a sensitive and time-consuming activity. Research can thus help to identify gaps in transparency and problems relating to democratic oversight which can then be addressed; the section below on ‘Potential problems when undertaking research’ discusses how to deal with such challenges during the research itself.

Box 3.1 How research relates to other CSO strategies and methodologies

Method	Research can...
Advocacy	<ul style="list-style-type: none"> • identify which measures to advocate • demonstrate that advocated measures are based on reliable information and thorough analysis • identify decision-making structures, targets for advocacy, which targets respond to which arguments • generate momentum and rally support for proposed measures
Awareness-raising	<ul style="list-style-type: none"> • identify target groups • identify which information each target group should be aware of • help to decide how to target awareness-raising campaigns at specific audiences • provide key information and arguments that the media can use to raise awareness
Training	<ul style="list-style-type: none"> • help to identify training needs • provide background information and case studies for training materials • assess the impact of past trainings
Monitoring	<ul style="list-style-type: none"> • monitor the implementation of legislation (including international law), policy commitments and reform agendas • (when repeated) track progress in the development and implementation of policy and practice
Legal assistance and reform	<ul style="list-style-type: none"> • identify weaknesses in legislation and propose ways of improving the situation • investigate specific cases, especially where they may have wider implication for national security and security sector governance
Building organizational credibility	<ul style="list-style-type: none"> • demonstrate that your organization is serious, knowledgeable and able to contribute ideas and analysis that are helpful to a range of actors • act as a means to establish contact and develop relationships with both governmental and non-governmental actors

Main types of research

The maintenance of security is one of the state’s most important functions and security sector governance and reform are very wide-ranging topics. The depth and scale of the security sector means that the possibilities for research are infinite, ranging from complex analyses of the whole sector through to investigations of a single issue. This section looks at the key types of research that CSOs can undertake, lists the main topics that CSOs should consider researching and suggests what research is most appropriate and useful for various types of CSO.

It is possible to identify at least five key types of security-related research. Many projects will combine or merge two or more of the types listed below, depending on the goals of the CSO and the project itself, and on the type of information required. These categories are indicative and are meant to suggest the kinds of research that CSOs can engage in, rather than being an exhaustive classification of research types.

Most research projects involve collecting information. As noted above, it can be very useful simply to group together information in a way that makes it more accessible and easier to understand. This is particularly important in the security sector, where much information may be treated as sensitive and even information that is officially available may be hard to find. Examples of this kind of research include compendiums of legislation and procedure, compilations of official statements and statistics, and bibliographies, bulletins and summaries of resources on a particular topic. Adequate data collection is also a prerequisite for most other forms of research that require further analysis (e.g. monitoring, policy analysis).

Second, CSOs can monitor whether security sector institutions (and the state as a whole) are following through on their policies and implementing national and international laws properly. For example, CSOs can monitor whether the defence budget is being spent in line with the priorities, policies, electoral promises and official statements made by relevant decision-makers, thus helping to hold these decision-makers to account. Most such research should be repeated on a regular basis, since monitoring should be an ongoing activity rather than a one-off event: government officials are more likely to behave in an appropriate and transparent manner if they know that CSOs will publish regular reports on what their department has done. Monitoring activities are discussed in more detail in chapter seven.

Much of the research done by CSOs on security-related issues is targeted towards specific policy questions. These can range from very precise topics, such as government policy on air force modernization,² through to the broadest, most fundamental questions about security and defence policy and SSR. They are united by their analysis of the strengths, weaknesses and implications of state policy on their chosen topic; often this includes an analysis of the gaps between policy and practice, and recommendations on how policy can be strengthened or changed to address these issues more effectively.

As well as looking at the security sector in terms of specific policy issues, CSOs can also undertake 'structural analysis' research to highlight various 'structural' qualities of the security sector (see below). Such questions may seem complicated and overwhelming for many smaller CSOs. Nonetheless, these issues are fundamental to the long-term health of the security sector, and organizations that have the capacity to ask these questions (and provide their own responses) make a vital contribution to oversight and security sector governance.

² Murdoch, Clark A, *U.S. Airforce Bomber Modernisation Plans: An Independent Assessment*, Center for Strategic and International Studies, Washington, 2008. Available online at http://www.csis.org/component/option,com_csis_pubs/task,view/id,4301/

Finally, CSOs can also monitor and evaluate security-related projects that either they themselves have run or which are run by other actors. Such research and analysis helps CSOs to maximise the efficiency of their projects, which in turn will help them to build their organizational credibility (see chapter nine) and contribute more effectively to democratic oversight of the security sector in future.

Box 3.2 Examples of research by CSOs on security sector governance and reform

Forum for Civic Initiatives (Kosovo) Research on community safety in Kosovo, including 'Human Security in Kosovo: A survey of perceptions'.
<http://www.fiq-fci.org/en/?do=publications>

International Centre for Policy Studies (Ukraine) Several papers on Ukraine's security sector, including 'Analysis of the Ukrainian Security Policy at the End of 2006: Taking Stock'.
<http://icps.com.ua/eng/library.html?31>

Centre for Study of Democracy (Bulgaria) Various aspects of security, including work on private security companies, police stops and ethnic profiling, and crime trends in Bulgaria.
<http://www.csd.bg/publications.php>

Co-operation and Democracy (Armenia) 'Security Sector Reform in Armenia' (together with international NGO Saferworld) analyses the transformation of the Armenian security sector and prospects for SSR.
http://www.saferworld.org.uk/images/pubdocs/Armenia_English.pdf

Centre for Analysis of Strategies and Technologies (Russia) Regular journals 'Moscow Defence Brief' and *Eksport Vooruzheniy* (on export controls), as well as other publications on defence in Russia.
<http://mdb.cast.ru/>, <http://www.cast.ru/eng/journal/>

Centre for Strategic and International Studies (USA) Deep analysis of many aspects of American security and defence policy, and also of many other aspects of international security.
<http://www.csis.org/pubs/>

Institute for Public Policy Research (UK) Public policy think tank. In 2007, it established a high-profile National Security Commission to produce research and analysis on the main national security challenges facing the UK in the 21st Century.
<http://www.ippr.org/ipprcommissions/index.asp?id=2656>

Institute for Security Studies (EU) Analyses many aspects of EU security and defence policy and practice. The ISS was established by the EU and has strong links to it, but has operational independence.
<http://www.iss.europa.eu/index.php?id=2>

Institute for Security Studies (South Africa) Many reports on security issues in South Africa and across Africa, including a volume of its regular African Security Review dedicated specifically to security sector reform.

http://www.issafrica.org/index.php?link_id=31&mlink_id=3961&link_type=12&mlink_type=12&templ_id=3

Topics for research

The list of topics relating to the security sector that CSOs can research is endless. Nonetheless, there are several key topics and areas where the input of CSOs is particularly useful and important. Box 3.2 gives a few examples of practical civil society research projects in various countries.

Security sector reform

Where the government has made a commitment to SSR, CSOs can play a crucial role in researching various aspects of the SSR process. They can analyse the overall aims and objectives of the government's SSR policy, proposing alternative measures where necessary. They can analyse whether SSR is being implemented in accordance with plans and programmes, and whether SSR is achieving its aims. CSOs can also research the views of the general public and specific groups regarding SSR, especially as many people may be more likely to trust CSOs than government-run research. CSOs can also analyse SSR experiences in other countries and advocate that lessons learned elsewhere be integrated into the SSR strategy. In cases where there is no official SSR process, CSOs can investigate the need for reform and can even develop proposals on potential reforms.

'Structural' questions

The independence of CSOs gives them the space to ask deeper questions about the structure and effectiveness of the security sector that state officials may be unable or unwilling to address, such as: What is the quality of democratic oversight and security sector governance within the state? How effective are mechanisms for policy development and implementation? How has the security sector evolved over recent years, and what have been the drivers of change? How do different parts of the security sector interact, on paper and in practice? Are the goals and priorities of the security sector in line with overall national trends and priorities in other spheres? How much corruption is there within the system, and what are the consequences of this corruption?

Security threats and responses

Civil society experts can analyse the main threats to national and public safety and security, as well as the appropriateness and effectiveness of the state's responses. Such research provides an important counterpoint to official security policy and helps to generate awareness and debate about the role of the security sector.

Security budgets and expenditure

One of the most important oversight functions is the monitoring of how security budgets are allocated and spent. Parliament normally plays the leading role in monitoring budgetary expenditure, but the input of civil society, including the media, is also essential. This topic is discussed further in chapter eight.

Defence policy

Defence policy lies at the heart of security, but in many countries it is perceived to be a sensitive area and few CSOs do research on defence matters. As in other areas, research on defence can strengthen the quality of decision-making in everything from military doctrines to arms export control policy.

Rule of law

In many countries, lawyers' associations and other CSOs analyse various aspects of the rule of law, and monitor – and propose – reforms to the law and justice sector.

Policing

Good policing is fundamental to the maintenance of public safety and security, and the police are the most visible element of the security sector for most citizens. Despite this, in many countries there is little civil society engagement in policing. CSOs can research various aspects of policing, such as public perceptions of security and their expectations of the police, or how the police interact with various minority groups. CSOs and the media should also investigate abuses of power by the police.

Issues that affect communities, minorities and interest groups

CSOs that represent specific communities or groups can undertake research into security-related issues that affect them, for example by researching the physical and environmental dangers caused by poorly maintained weapons stockpiles in the region, or analysing what local authorities could do to make communities safer.

Box 3.3 provides some examples of the different types and topics of research that may be most appropriate for different categories of CSO.

Box 3.3 Types of research that different types of CSO might undertake

Type of CSO	Types and topics of research
Large think tanks/NGOs based in the capital	<ul style="list-style-type: none"> • ‘Structural’ analysis • Policy analysis and monitoring: SSR, defence, rule of law, policing, budgetary expenditures
CSOs/research institutes with specific focus on security, defence and justice	<ul style="list-style-type: none"> • Similar to large think-tanks, but can investigate issues in greater detail
Human rights groups	<ul style="list-style-type: none"> • Monitoring of correct implementation of legislation by the police and other security officials • Investigation of abuses of power by security officials • Monitoring of implementation of international humanitarian law
Local community groups	<ul style="list-style-type: none"> • Local issues such as community safety, protection of minorities and underprivileged groups • Analysis of justice reforms, access to justice, quality of rule of law
Women’s organizations	<ul style="list-style-type: none"> • Identification of security needs of women and children • Gender analysis of the security sector
Organizations offering legal support, such as lawyers’ associations	<ul style="list-style-type: none"> • Investigation of abuses of power by security officials • Analysis of judicial reform and quality of rule of law
Environmental groups	<ul style="list-style-type: none"> • Analysis of environmental threats posed by security actors (e.g. ecological damage at military bases)
Investigative journalists	<ul style="list-style-type: none"> • Investigation of abuses of power by security officials • Monitoring of policy implementation, budgetary expenditure relating to security sector reforms, defence, judicial reform, etc.
Press and media (other than investigative journalists)	<ul style="list-style-type: none"> • Unlikely to undertake significant research themselves, but frequently use research prepared by other sources
Sociological research companies	<ul style="list-style-type: none"> • Public opinion surveys and focus groups on security-related issues, on behalf of other researchers
International NGOs	<ul style="list-style-type: none"> • Structural and policy analysis on security sector reform, defence, rule of law, policing, etc. in cooperation with local CSOs

Essential research tools and methodologies

Many CSOs will have some experience of research, even if they have not worked on security-related matters before. Detailed, ambitious research on complicated 'structural' and policy issues is best carried out by experienced researchers, but many basic techniques are relevant to all forms of research. This section gives a brief overview of research tools and methodologies that may be particularly useful for studying the security sector. Of course, the precise combination of methods and tools that are used will depend on the project in question and must always be adapted to take local circumstances into account.

Research tools

Research is a combination of collecting information and analysing it. The way in which an organization analyses information will depend on the chosen methodology (see below) which will help decide which information is required and how to interpret it. Research tools are the ways in which one actually gathers together all relevant information.

There are two forms of research: primary (field) research and secondary (desk) research. Simply put, primary research is research that aims to collect data that does not already exist (by generating new information through sociological surveys, interviews, focus group discussions, media surveys, etc), while secondary research involves the summary and/or synthesis of data from existing sources (other research reports, official documents, comparative studies of legal frameworks, government statistics and other statistical data).

As noted above, some CSO projects aim merely to make existing information more accessible: this is purely secondary research. Analytical reports may also depend mostly or solely on secondary research, since their central feature is often the strength of their analysis rather than the presentation of new material. Other reports, such as surveys detailing public perceptions of security, may depend wholly on primary research (e.g. opinion polls or focus groups). However, the majority of reports rely on both primary and secondary research, using both existing sources and new information to build and develop their arguments.

There are four key research tools that are particularly useful for people researching the security sector: desk research, interviews with key informants, opinion surveys and focus groups.

Desk research is about collecting information from existing sources. Although it is 'secondary' research, it is usually done first in any research project. This allows researchers to identify what is already available, and what new information is required, thus ensuring that they do not waste resources trying to

generate data that already exists. It also means that researchers can acquire the relevant background information and specialist knowledge before running key informant interviews. Exactly what information is uncovered through desk research will depend on the project in question, but a sample list of sources and types of information is given in Box 3.4.

One of the best ways to collect information is to talk directly to people who are likely to know a lot about a given topic. Interviews with key informants may be 'structured' or 'semi-structured'. Structured interviews mean that the interviewer has a set list of questions to ask, which he asks to every (category of) respondent. They can be useful for ensuring that all necessary issues are covered, and are particularly useful for *quantitative* types of research, where the researcher wishes to present information in numerical and graphic form. However, they can often be inflexible, as they do not allow researchers to tailor their approach to different interviewees and to 'direct' the interview in order to focus on areas that are most useful or productive. For this reason, 'semi-structured' interviews can often be more useful. Researchers prepare a preliminary list of topics or questions that they wish to address, but allow the interview to proceed much more freely, guiding the discussion as they see fit. The targets for such interviews will depend on the topic, but may include government officials (decision-makers and operational staff), parliamentarians, academics, journalists, community organizations and other CSOs, religious leaders and international representatives. It is important to talk to key informants from as many relevant backgrounds as possible, as each will bring their own information and perspective. Some key informant interviews may be sensitive and require extra caution (see Box 3.6 below).

Opinion surveys are a very useful way of generating statistically valid quantitative data on public views of numerous security matters, such as perceptions of safety and crime, attitudes towards the police and assessments of security-related policies. However, designing and implementing large-scale household surveys is a complicated business, and is thus best carried out in cooperation with sociological research institutes. If there are institutions that carry out regular opinion surveys in their country, CSOs may also be able to convince them that it would be important to include security-related questions in their regular polls. For example, the Russian Public Opinion Research Centre (commonly known by its Russian abbreviation, VTsIOM) regularly includes questions about public perceptions of security and of security sector institutions in its nationwide studies.³

Opinion surveys provide much useful data, but they cannot go into much detail about people's attitudes and level of knowledge about a particular subject. Focus groups can fill this gap by considering security-related issues with a small group in a facilitated discussion. They are also useful for exploring the attitudes of minorities and specialist groups more deeply (opinion surveys sample a cross-section of the population and often fail to disaggregate data so that they do not specifically profile the views of smaller

3 VTsIOM's website publishes a wealth of information about public opinions of safety and security: <http://wciom.ru/>

minorities). There are numerous general guides about conducting focus groups available online.⁴ Note that in some circumstances it may be necessary to pay expenses to focus group participants, but this should generally be avoided.⁵

Box 3.4 Types and sources of information for desk research

Types of information

- **Policy documents:** national security concepts; white papers; ministry and department strategy papers.
- **Official statements and reports:** statements by officials and parliamentarians; reports and statistics from government agencies.
- **Media reports:** relevant articles in the press, radio and television.
- **Analytical studies:** previous research by CSOs, international bodies, academics, etc.
- **Opinion surveys:** other sociological surveys may be available that ask questions relating to security.

Sources of information

- **The internet:** information for desk research and analysis can increasingly be found through search engines and websites. However, the internet should not be the only place to search for information.
- **Online databases:** several online databases are available which group together relevant statistics and reports. The Stockholm International Peace Research Institute (SIPRI) has several databases: <http://www.sipri.org/contents/webmaster/databases>. A UK site on community engagement in policing contains a database on police reform: <http://www.communityengagement.police.uk/index.php?url=terms.htm>
- **Libraries:** many reports and research articles are still published in hard copy only. Libraries at universities and international affairs institutes may be particularly useful. Many CSOs also build up their own libraries of relevant material.
- **Personal contact:** Other people (especially those met during research projects) can often tell what information is available and where to find it.

Institutions with access to relevant primary data

- Regional and national government
- Police
- Magistrates and prosecutors
- Prisons
- Private security companies, car guards and security guards

4 Two good starting points for those wishing to read more online about focus group methodologies are the Kansas University *Community Toolbox* (available at http://ctb.ku.edu/tools/en/sub_section_main_1018.htm) and the *Basics of Conducting Focus Groups* at the Free Management Library (available at <http://www.managementhelp.org/evaluatn/focusgrp.htm>)

5 When holding focus groups in poorer areas, it may be necessary to pay expenses in order that participants can afford to travel to where the focus group is being held and that they will not suffer loss of earnings for the day they have taken out of their normal routine. This should be avoided where possible, as there is a risk that participants will be more interested in receiving payment than in accurately sharing their views; indeed, findings may be distorted because participants feel that if they are getting paid, they should say what their 'employer' wishes to hear. If it is unavoidable, the level of expenses paid should be in keeping with local conditions.

- Organizations responding for example to gender-based violence
- Social workers, counsellors, district surgeons and doctors
- Hospitals and clinics
- Schools and businesses
- Civic organizations and trade unions
- Insurance businesses and banks
- Councils

Research methodologies

The research methodology is the process by which an organization decides which information is required, how to obtain it, how to analyse it and how to present the findings. For many of the types and topics of security-related research that CSOs can undertake, it is useful to refer to existing methodologies.

Sometimes, these methodologies will have been explicitly codified and written down. It is not possible here to give a comprehensive list of research methodologies for the numerous security-related matters it is possible to research. One document that may be of particular relevance to researchers of security sector governance is *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, prepared by the Clingendael Institute for the Netherlands Ministry of Foreign Affairs.⁶ This is written more for donors and government-contracted researchers than for independent CSOs, but it is very detailed and maps out the whole process for assessing the quality of security sector governance in a state: what questions should be asked; what information must be obtained; how the research should be written up and presented. It needs to be adapted to the needs of CSOs and the specific situation in each country, but it provides a very useful guide on how to undertake research on security sector governance.

It may also be possible to find published methodologies for more precise topics. A good example is the ‘Small Arms and Light Weapons Survey Protocols’ developed by the Small Arms Survey for UNDP. These documents give detailed instructions on how to carry out comprehensive research on small arms issues in any country and have already guided the implementation of many small arms research projects, particularly in Southeast Europe.⁷ Similarly, there are well-developed protocols on how to assess the impact of landmines, which are supplemented by a series of advisory papers and standards. These were developed by a coalition of NGOs in cooperation with the UN Mine Action Service, and Landmine Impact Surveys have been or are still being carried out in countries around the world.⁸

6 Ball, Nicole, Tsjearid Gouta and Luc Van de Goor, *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, Clingendael Institute, Amsterdam, 2003. This and other publications of the Clingendael Institute can be found online at <http://www.clingendael.nl/cscp/publications/occasional-papers/>

7 SEESAC, *SALW Survey Protocols 1-5*, Small Arms Survey, Geneva, 2004-2007, available online at <http://www.seesac.org/index.php?content=41§ion=6>

8 More information can be found on the website of the Survey Action Center, the coordination body for Landmine Impact Surveys: <http://www.sac-na.org/resources.html>

In the majority of cases, however, no formalized research methodology is available. Nonetheless, it is usually possible to gain a good idea of how a certain topic can be researched by looking at how similar research reports have been done. Most good research reports explain their methods near the beginning. It is usually possible to get inspiration from studying such reports; by adapting the objectives, questions and format of presentation to fit the needs of one's research, it should be possible to ensure that research methodology does not need to be designed from scratch.

Funding research

Inevitably, CSOs require funding in order to carry out research. Finding resources is a challenge for any CSO, no matter what topic they work on, but the sensitive nature of many security issues makes it even harder as many people are not comfortable funding such research. However, there is growing understanding that the quality of security sector governance is crucial to the long-term strength of the state, and that research by CSOs can help to strengthen security sector governance. This means it is slowly becoming easier to find resources.

In practice, CSOs are unlikely to be able to raise funds through members or voluntary contributions. They usually have to rely on larger institutional donors. These may include one's own government, international organizations (e.g. UN, OSCE, EU), bilateral international donors (embassies), business groups, private individuals, charitable foundations and international NGOs. International NGOs will often wish to work in partnership with local CSOs rather than simply providing them with the money. Nonetheless they are often a good option, for two reasons. Firstly, they tend to have good knowledge of funding streams and contacts within donor organizations, which can help to attract extra resources. Secondly, they bring specialist experience from many fields of research, which can strengthen the quality of research of local CSOs and give them greater credibility.

Whoever a CSO is funded by, it is important for it to be conscious both of the expectations of the donor, and of how one's image may be affected by association with certain donors. In some countries, for example, there is considerable suspicion of research funded by international donors; conversely, in many countries the public may not believe in the objectivity of research that is solely funded by the government. Managing these tensions is always a challenge (see below). As a general rule, CSOs should seek funding from a variety of sources: the more diverse funding streams are, the harder it is for any one donor to put pressure on a CSO, making CSOs more able to protect the independence and objectivity of their research.

Attracting research funding is not simply about writing project proposals. Meeting potential donors in person is a much more effective way of explaining why an organization feels this research is necessary and how it plans to go about it. CSOs should also contact the various stakeholders of their research be-

fore they begin – it will be considerably easier to get funding if a CSO can show that the people who will be affected by its research are already interested in their proposed topic. Lastly, CSOs should not give up easily: it may not always be possible, but a good research proposal nearly always finds support eventually.

Potential problems when undertaking research

Undertaking research on security-related issues can be a complicated and potentially hazardous operation. Security is one of the key functions of the state and has not traditionally been an area of much transparency. For obvious reasons it is a sensitive area, and some parts of the security sector's work will inevitably remain confidential. Some security sector actors are suspicious of, or even hostile towards the idea of civilian actors researching security issues and attempting to strengthen democratic oversight. This can make it hard for CSOs to obtain, analyse and present information on the security sector. This final section considers a number of challenges and dangers that may arise while undertaking security-related research, and suggests strategies for mitigating or overcoming these problems.

Maintaining objectivity

This chapter has emphasized that research undertaken should be a basis for action and should underpin other activities that directly or indirectly strengthen democratic oversight of the security sector. However, this instantly raises questions about maintaining objectivity: if the organization that is undertaking the research already has strong views on a subject, it may design the research in such a way that it is more likely to support its aims, even if it is not intellectually honest.

It is not just CSOs themselves which may exhibit some 'internal' bias. Various other actors will also have expectations and views about CSOs' research, and may try to overtly or covertly steer a project in order to better suit their aims. This is particularly true of two groups: government officials and donors. Government officials may be concerned that a CSO's research will portray them in a bad light. This may lead them to try to present information in an especially positive way and to attempt to manipulate or block any research findings that they dislike. Donors are less likely to be openly hostile, but they too have their priorities and preconceptions about what type of work is necessary and should be funded; CSOs need to bear this in mind before accepting money.

Box 3.5 suggests steps CSOs can take to ensure that the research remains objective. These steps should be built into the project as appropriate from the design phase.

Box 3.5 Suggested steps to maintaining objectivity in research

Consider employing external researchers. Depending on the topic, it may be better to use external researchers who are knowledgeable and respected. This may give the research greater authority, and can also solve problems when there is a lack of researchers within your organization with suitable skills and experience.

Use recognized templates and methodologies. If the topic to be researched has been investigated before, in your country or in other countries, it may be possible to adopt the methodology that these previous studies have employed (see above), adapting it where necessary to current conditions. This can mitigate the researchers' conscious or unconscious prejudices, and can boost the credibility of the research with other actors.

Be explicit about your methodology. Whether you are employing an established methodology or have developed your own, it is important that the project documents and the final report clearly explain how the research has been managed, including the purposes of the research; how information was acquired; and what criteria were used in your analysis. The more clearly the methods and logic behind the research are visible, the easier it will be to justify its findings.

Build in opportunities for external review. From the start, the researchers should plan to present their findings to a range of reviewers before it is officially published. In particular, researchers should make clear to state officials that they will have the opportunity to review a draft report at an appropriate stage; this will give them the chance to correct factual inaccuracies and to respond to analysis that they believe is misguided or unfair. Researchers should commit to correcting all factual errors but underline that they are not obliged to change their conclusions. It is also very useful to have the report peer-reviewed (e.g. by other organizations and academics). In many cases, it is also advisable to send drafts to donors for review.

Assessing physical risks to researchers' safety

Research into security matters can be very sensitive and can sometimes provoke considerable hostility from people who would rather not have certain issues investigated. Unfortunately, in some cases research can even be physically dangerous, with threats against researchers, their family and colleagues. This is most likely to happen when research deliberately or accidentally touches on areas of corruption. CSOs should think very carefully before undertaking any activities where there may be a risk to a researcher's safety. In most cases, research should be terminated immediately if there is any threat to security. However, occasionally researchers (particularly investigative journalists) may believe that the issue is important enough that it is worth taking some risks. Nonetheless, CSOs should never take unnecessary risks or put their staff in any danger without their explicit consent, and only after careful risk assessments have been carried out.

Access to information

In many countries, a culture of secrecy remains in the security sector, and getting access to information – even information that is supposedly publicly available according to legislation or other commitments – can be a frustrating business. Similarly, it may be difficult to organize productive interviews with government officials. Security sector officials are often secretive and suspicious of civilian actors, and may be reluctant to release information to CSOs about their activities in either written form or through interviews. To overcome this, researchers should make use of both formal and informal channels of communication with state officials, often in combination.

At the formal level, researchers should make maximum efforts to demonstrate they are acting in good faith and are ready to operate according to protocol and procedure. At the beginning of the research phase, letters should be written to senior decision-makers in relevant ministries and agencies, explaining the purpose of the research and expressing a desire for cooperation. Further letters can then be sent requesting information and interviews. It is also important to show gratitude and acknowledge when government officials have cooperated with the research team.

Unfortunately, however, in some cases such formal approaches will have limited success. They may not receive a prompt response, stalling the data collection process. Sometimes this is a deliberate strategy on the part of some officials; at other times, requests for information and interviews may simply have become stuck in bureaucracy. In such situations, *informal contact* may prove more effective. An organization may know security sector officials on a personal level, through previous projects or by other means. Often it can be more effective to approach these contacts directly, asking for help finding the information or arranging the meeting it requires. The knowledge that the same organization has also applied for help through formal channels may reassure them that they will not get into trouble by helping this organization.

When an organization does succeed in obtaining an interview with a key informant, it may still find that security officials are very cautious towards them. This may be fuelled by fears that information will be misused or misrepresented, particularly if they have had bad experiences with researchers or journalists in the past. For these reasons, CSOs should be transparent about the purposes and methodology of their work, and emphasize that security officials will have a chance to review findings before they are published. CSOs and researchers should also ask clarify whether their interviewee is speaking ‘on the record’ (i.e. they can be quoted), anonymously, or does not wish the information they give to be published at all, and respect their wishes (see Box 3.6).

Sometimes, however, CSOs will have to accept that it is simply not possible to obtain the information they require. This is not necessarily a failure, as it may help to demonstrate problems with transparency and oversight. CSOs must show that they have made all reasonable efforts to obtain this information.

If CSOs have not been able to do so, they should note this in their final report.⁹ Here, comparisons with levels of transparency in other countries may be very useful (if available): showing that other countries have been much more open and cooperative on this issue may encourage state officials to be more helpful in future.

Box 3.6 Sensitive key informant interviews

Many interviewees may be happy to speak 'on the record' about the topic you are researching, i.e. they are happy for their name to be quoted and for relevant information or ideas to be attributed to them. However, due to the sensitive nature of many research topics related to security, this may not always be the case.

There are several options for how to reference information from key informants:

- **Full acknowledgement:** where they are happy to be quoted on the record, e.g. 'Interview with A. Jedermann, Ministry of Defence, 22 October 2007.'
- **Anonymous but giving some indication of professional experience:** where they are happy for you to quote their information and indicate approximate source, but not attribute it to them, e.g. 'Interview with Ministry of Defence official, October 2007'.
- **Fully anonymous:** where you take all measures to protect their identity, e.g. 'Anonymous interview, October 2007'.

Note that acknowledged interviews are normally dated, but you do not normally give a specific date with anonymous interviews in case this makes it possible to identify your source. Depending on the sensitivity of the information, you may also have to take great care not to identify the source of your information even in private notes you make of the interview.

It is important to always establish the conditions under which an interview is taking place from the very start. You should make a decision about how you expect the interview to be conducted before you begin contacting informants. For some sensitive research projects, it may be better simply to say that no information will be attributed to a specific interviewee. In many cases, though, it may be possible to conduct some 'on the record' interviews while others are non-attributable. Consider whether the informant is likely to request to speak unofficially – if they are, you should emphasize in your initial contact with them that you do not require them to speak in their official capacity.

In some cases, informants may allow you to record the interview. This is useful as it is a lasting record that allows you to ensure that you have stored, interpreted and presented information correctly. For more sen-

⁹ There may be occasions when it is not advisable to draw too much attention to the fact that an organization has not been given the information that it wished for, in order not to damage a long-term relationship with an important contact. This, however, should only be done in isolated cases; it is nearly always better to highlight problems with insufficient transparency as without attention they are less likely to be solved in future.

sitive interviews, however, this is not normally possible. You may be allowed to take notes, though there are times when even this may be unacceptable. You should reserve time straight after the interview to make a (non-attributable and carefully protected) record of the meeting and the information that you learned so that it will be remembered correctly when you come to write up your report.

On occasion, key informants may tell you a piece of information in order to help you understand something, but request that you do not publish this information in any format. **Always respect the wishes of the informant.**

Presenting the research

The final challenges facing CSOs arise when they come to publish and disseminate their research. There is no point in writing a brilliant piece of research if the right people (e.g. key decision-makers, the general public, the chief of police) will never read it or even be aware of it. It is a sad fact that well-argued research reports by CSOs often have little or no impact because their findings are not properly disseminated. It is extremely important for CSOs to be aware of their target group(s) throughout the process: think about how to ensure that they will pay attention to the findings of their research. Publishing and publicizing research findings successfully requires a carefully crafted strategy and adequate resources (money, personnel, time, contact lists). CSOs should therefore begin planning their dissemination strategy at the time that the research is designed, and make sure that their strategy is complete *as they are completing the research*, rather than afterwards, so that it can still be published while it is thoroughly up-to-date. It often makes sense to launch a report so that it coincides with an important and relevant event, when it is more likely to grab people's attention.

As noted above, it is good practice to keep the people met during research informed about the final report the organization is preparing. Often, CSOs may wish to give key informants (particularly government officials) the right to comment on – but not veto – research before making it more publicly available. This serves both to give one more chance to check the accuracy of research findings, and to keep key contacts engaged in an organization's work – if they are asked to comment on a CSO report, there is a much greater chance that they will read it! This may also apply to focus groups and the communities they represent, especially where an organization has sought the views of minorities or marginalized groups. Often, such groups are not kept informed about the results of research. This can lead to resentment, and they may become cynical about the worth of participating in future research if they cannot see any evidence that their views are being heard.

It is also necessary to predict the likely impact that one's research will have, including on any minorities or specialist groups relevant to the report. The research may be controversial, and damage relationships with key actors or damage an organization's reputation. When CSOs publish research on the security sec-

tor, they often have to walk a fine line between objectivity and political expediency. CSOs should always aim to be as objective as possible, since such research is likely to be of higher quality and will have greater impact over the long term. Research that is obviously 'pro-government' will lead other actors to question the independence of a CSO and may damage its standing within the community. Equally, if it is clearly biased against the government or specific security sector actors, it is also likely to provoke a harsh response. This may cause long-term damage to an organization's relationship with the government, threatening other projects and limiting the opportunities to influence decision-makers in future. Even when an organization is confident that its research is suitably objective, there may be times when it is politically wise to consider how it can be packaged in a way that will reduce the risk of alienating key audiences. This will depend on the report and the political situation in which an organization is operating; the emphasis should be on how to present the report and deal with the consequences, rather than on rewriting it to suit particular interests.

Researchers should also be aware of the risk that the media, government officials or other actors may wish to use the findings for their own ends, and may deliberately or unwittingly misuse or misinterpret the findings of the research. Reports that deal with security matters may be particularly susceptible to such abuse due to the sensitivity and political volatility of such issues. Again, it is hard to predict exactly how different actors will react and behave, but researchers should be aware of the political situation and try to ensure that their work is written in a fashion that is clear and is difficult to misunderstand. This is particularly true of any executive summaries, conclusions and recommendations within the report.

Conclusion

Independent research projects conducted by CSOs can deepen the public's understanding of security sector challenges, propose new ideas, give policy recommendations and create a basis for action in favour of democratic governance of the security sector.

The tools and methodologies introduced in this chapter are essential guidelines for CSOs interested in conducting research projects that engage the security sector. CSOs can further their strength and credibility by building capacity in different types of research, be it structural analysis, monitoring or public opinion surveys. As outlined above, one effective strategy to gain competence is to learn from the example of well-established NGOs and CSOs working on security sector-related issues.

Ultimately, the impact of research projects conducted by CSOs in improving public oversight of security sector reform will depend on the organizational credibility of a CSO, its professionalism and its ability to effectively engage governments and the public at large.

What you can do as a CSO

Develop a research strategy

- ✓ Compile relevant information
- ✓ Deepen your understanding of the security sector
- ✓ Create a basis for action
- ✓ Develop a research strategy in one or more types of research (collecting information, monitoring, policy analysis, 'structural' analysis or monitoring and evaluation)

Conduct research

- ✓ Carry out desk research
- ✓ Conduct interviews with key informants
- ✓ Commission opinion surveys (to sociological research company)
- ✓ Organize focus group discussions

Ensure objectivity

- ✓ Consider employing external researchers
- ✓ Use recognized templates and methodologies
- ✓ Be explicit about your methodology
- ✓ Build in opportunities for external review

Present research findings to stakeholders and the public at large

- ✓ Plan your dissemination strategy at the time that the research is designed
- ✓ Secure adequate resources (money, personnel, time, contact lists, etc)
- ✓ Keep the people that you have met during your research informed about the final report
- ✓ Predict the likely impact that your research will have

4

Alejandra Pero

Awareness-Raising and Networking

Awareness-raising seeks to change public consciousness and generate interest in an issue by providing information on the nature of the problem and how to solve it. It can mobilize the power of public opinion in support of an issue and thereby influence the political will of decision makers. Awareness-raising is a key component of a civil society advocacy strategy. It is different from advocacy in that its target group is the public or specific social groups but not the political decision-makers. In practice, however, it is closely linked with advocacy because its ultimate aim is to help harness political support to shape and influence policy-making.

This chapter focuses on how civil society organizations can work to increase the awareness of the public and the media on issues aimed at enhancing democratic governance and promoting a transparent security sector. It identifies some of the tools and methodologies CSOs use and provides examples of good practice. Particular emphasis is placed on the importance of engaging all groups of society including women, youth and marginalized groups.

Developing an awareness-raising strategy: key components

Identification of the problem

Whether it is local, national or international, successful awareness-raising is rooted in solid research founded on expertise and local knowledge. Equally fundamental to an effective awareness-raising campaign is a focus on the objectives as well as key and consistent messaging.

Box 4.1 Getting started

To start an awareness-raising campaign the CSO needs to know exactly what it wants to achieve (objective) and how it intends to go about it (strategy). The CSO must define the problem it wants to tackle and its target group.

During the planning process, there are four main questions that need to be addressed:

Why? Refers to the problem that it wants to tackle.

What? Refers to the objective it has chosen (setting goals).

Who? Refers to its target group, and to other players (the supporters, opponents and neutral people who can become either supporters or opponents)

How? Refers to the strategy it wants to use.

Source: Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), *Organising Civil Society Campaigns For Small Arms Action: A Manual for NGOs*, 2005, available online at <http://www.gtz.de/de/dokumente/en-decosac-NGOManual-2005.pdf>

Methods

The political context and the existing capacity of CSOs shape the approach and selection of methods used to raise awareness. These can range from direct action such as organizing public events (e.g. street demonstrations, marches, vigils, street theatre, stalls or exhibitions) to working with the media, publicity and public education. A successful strategy should ensure that the different events and campaigning methods complement and reinforce each other. Prior to rolling out the strategy, it is advisable when possible to test intended methods on a small number of the target group.

Partnerships and network-building

Fostering partnerships among CSOs and building North/South, South/South or East/East coalitions can strengthen and empower awareness-raising campaigns. International non-governmental organizations (NGOs) benefit from the work of strong nationally-based and local CSOs: Human Rights Watch, for example, builds close partnerships with human rights organizations in the South. They work actively with these partners to collect evidence of abuses, to devise strategies for change and to ensure that local concerns are heard and acted upon by the international community. Through these partnerships, national and local CSOs can, in turn, increase their influence at the national level. Ways to build alliances at the international level are discussed further in chapter 13 of this handbook.

Box 4.2 Tips for building coalitions and networks

1. Define your short-term and long-term goals and make sure that these are agreed among partners. With a coalition it is especially important to ensure that your goals are reasonable, realistic and achievable. Take into account the participants' levels of ability, interest and expertise.
2. Plan events that will bring coalition members together, such as watching a relevant video, setting up tables to ask members of the public to sign a petition or meeting a public official.
3. Don't avoid difficult issues or possible obstacles – put these on the agenda and discuss them.
4. Know that the quality of the process of discussion, agreement on objectives, and planning will be reflected in the final product and outcome. So put time and energy into this preparation and process work.
5. Keep all members informed about progress and changes of policy. This will maintain good relationships for the future. Work out your communication processes: produce regular newsletters for members, set up an e-mail list, hold regular meetings and so on.

Source: <http://www.icbl.org/resources/campaignkit/campaign.html>

Awareness-raising campaigns tend to be more successful and carry more weight politically when they represent a large number of people. Furthermore, campaigns tend to mobilize more people when they comprise a wide variety of groups and can raise more money, make a bigger impression on the media and approach an issue in a more comprehensive way.¹

Box 4.3 The International Campaign to Ban Landmines

The International Campaign to Ban Landmines is a coalition of NGOs whose goal is to abolish the production and use of anti-personnel mines. It was established in 1992 when six NGOs with similar interests (Human Rights Watch, Medico International, Handicap International, Physicians for Human Rights, Vietnam Veterans of America Foundation and the Mines Advisory Group) agreed to work together to reach their shared goal.

¹ Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), *Organising Civil Society Campaigns For Small Arms Action: A Manual for NGOs*, 2005, available online at <http://www.gtz.de/de/dokumente/en-decosac-NGOManual-2005.pdf>

The initial campaign spread to become a network of over 1,400 NGOs – including women, children, veterans, religious and environmental groups and human rights, arms control, peace and development organizations – in ninety countries. They work locally, nationally and internationally to eradicate antipersonnel landmines. The campaign’s greatest success occurred in 1999 when the Mine Ban Treaty was ratified by the United Nations, banning the production and use of anti-personnel mines.

The International Campaign to Ban Landmines was awarded the Nobel Peace Prize in 1997.

Source: <http://www.icbl.org>

Partnerships also facilitate the exchange of expertise and knowledge among CSOs around a common set of issues. Strong and well-organized civil society networks are mechanisms that can be used to ensure that messages reach a broad range of constituencies across regions or nations. For a network to be used effectively, it is key to develop a comprehensive strategy that can access multiple audiences. For example, the Otpor (Resistance) youth movement in Serbia shared its knowledge and practices on awareness-raising strategies with youth movements in Georgia in 2003. In 2004, members of the Ukrainian opposition youth movement travelled to Serbia for a course on organizational and negotiation skills and techniques to monitor elections that have a high risk of fraud.²

Box 4.4 Advice to civil society networks on how to network well

1. Civil society networks should have the greatest possible clarity about who they are, what constitutes membership in the network and what is expected of members.
2. Civil society networks need to seriously reflect on what they can do to enhance their effectiveness and efficiency, by familiarizing themselves with research on the topic and attempting to determine what structures work best for various purposes.
3. Civil society networks should be sensitive to the issues of power, leadership, representation, inclusiveness and accountability, both within the network and in relation to outside parties.
4. Civil society network functions should extend beyond information-sharing and focus on actions and initiatives for change as well.

Source: European Centre for Conflict Prevention, *Conference Report: From Reaction to Prevention: Civil Society Forging Partnerships to Prevent Violent Conflict and Build Peace; Working Group on Civil Society Networks; Global Partnership for the Prevention of Armed Conflict*, ECCP, Utrecht, 2005, p. 43.

² Jovanovic, Milja, *Rage Against the Regime: The Otpor Movement in Serbia* in Van Tongeren, P. Brenk, M.; Hellema, M. and J. Verhoeven (eds) *People Building Peace II: Successful Stories of Civil Society*, Lynne Rienner Publishers, Boulder, 2005.

CSO forums are a useful venue for CSOs to reach out to a broader set of possible partners and strengthen their base. At these forums CSOs can engage in public debate, deliver their messages, network among each other and campaign.

The World Social Forum (WSF) – now in its eighth year – is one such forum.³ In the last few years, numerous regional, national, local and thematic social forums have flourished, such as the European Social Forum, the Pan-Amazonian Social Forum, the US Social Forum and the Social Forum on Climate Change. The local and thematic forums provide a space to discuss issues particularly sensitive to a community or country. For example, the World Social Thematic Forum on Democracy, Human Rights, War and Drug Trafficking held in Cartagena de Indias, Colombia in June 2003 focused on drug trafficking. Colombia was purposely selected not only because it lies at the heart of the problem, but also to open up a space for debate on issues that are taboo and dangerous to discuss in Colombia itself.⁴

Monitoring and evaluation

Awareness-raising strategies must also be monitored and evaluated. Checks must be made to measure how the campaign has developed. Monitoring assesses: 1) whether the activities are carried out according to plan; 2) whether the budget is spent according to plan; 3) whether progress is being made towards meeting the intended goals; and 4) what adjustments need to be made to ensure success. Elements of the awareness-raising strategy, such as its tools, can be monitored and evaluated through assembling small ‘focus groups’ of the target population to discuss their response.

Evaluation is key for assessing whether the expected objectives have been met and also to learn from the process. Evaluation results serve to inform future plans and similar initiatives. An in-depth evaluation may also include a collection of quantitative data taken through polls to measure the campaign’s impact on the target group.

3 The WSF reflects the emergence of an international civil society movement calling for people-centred development alternatives. It attracts thousands of civil society activists with diverse agendas, coming from trade unions, development NGOs, women’s organizations, landless movements, indigenous peoples’ organizations, minority groups and peace movements. They gather under a common platform, “Another World is Possible” and see themselves as a counterpoint to the World Economic Forum in Davos, Switzerland. According to civil society experts, the WSF has played a role in the permeation of ideas from the anti-capitalist movement into mainstream global politics. See: Glasius, M, M. Kaldor and H. Anheier (eds), *Global Civil Society 2005/6*, Sage, London, 2006, p.234.

4 Glasius, M, M. Kaldor and H. Anheier (eds), *Global Civil Society 2005/6*, Sage, London, 2006, p. 204.

Tools

Awareness-raising tools are materials that are specifically designed and packaged for awareness-raising campaigns at the local, national and international level. Selected tools are used to target the media and communication experts, parliamentarians or the public at large. They can be of a narrative or audiovisual nature, and can range from publications, newsletters and posters to stickers, leaflets, logos, t-shirts, armbands, bracelets and banners.

Box 4.5 The Otpor (Resistance) movement in Serbia

In 1998 Otpor, a student-led mass movement, emerged to help mobilize the Serb population to end the culture of fear and remove President Slobodan Milosevic. Otpor was a leaderless movement and targeted young people. The campaign started by spray painting clenched fists on the walls of Belgrade's streets and facades. The clenched fist aroused curiosity among the public and came to symbolize the emergence of a civil movement defiant of the current regime.

In August 2000, once Milosevic had announced early elections, Otpor initiated its campaign, "Gotov je!" meaning "He's finished!" During that period, Otpor produced more than sixty tons of material for the campaign, which included T-shirts, posters, brochures, flyers, and most importantly, stickers. According to Milja Jovanovic, an Otpor activist, the black and white stickers with block letters declaring "He's finished" were probably the most important part of the campaign. The stickers were placed everywhere from Milosevic's own campaign posters to road signs, garbage cans, cars and shop windows. On 24 September 2000, Milosevic was voted out of power. The Otpor movement had contributed to the end of the authoritarian regime.

Source: Jovanovic, Milja, *Rage Against the Regime: The Otpor Movement in Serbia* in Van Tongeren, P, M. Brenk, M. Hellema and J. Verhoeven (eds) *People Building Peace II Successful Stories of Civil Society*, Lynne Rienner Publishers, Boulder, 2005.

Audiovisual material

Audiovisual material such as video and documentary film has become an effective way of raising public attention and promoting change. Produced by the international NGO WITNESS, *Operation Fine Girl: Rape used as a Weapon of War in Sierra Leone* is a documentary video on the devastating impact of the ten-year civil war on Sierra Leone's young women who were abducted, raped and enslaved by rebel forces. It also tells the story of one young boy, who was abducted and forced to become a killer. *Operation Fine Girl* is an example of the power of the moving image and personal testimonials.

The video helped to raise the issue of sexual violence in Sierra Leone's post-war transition process. CSOs used the video as an advocacy tool and were able to petition the international community and the Truth

and Reconciliation Commission to include sexual violence in their investigations. *Operation Fine Girl* also encouraged healthcare and social service providers to discuss the psychosocial impact of war. The video has been used for education and advocacy purposes in Africa, Europe and the United States.⁵

Radio

Radio is a powerful instrument to spread information and raise awareness particularly in poor and rural areas, but also among immigrant and minority groups poorly served by major radio outlets. Community radio is a radio service that caters to the interests and needs of a particular area and may broadcast news overlooked by more powerful and mainstream groups. In many cases it can play a role in enabling public participation and giving a voice to poor and more marginalized communities. Community radio stations exist all over the world, although many lack government recognition and legal frameworks and may face threats of closure. Nevertheless, community radio is an important vehicle to raise awareness and promote participation at the local level. It has also been effective in promoting dialogue and reconciliation in conflict and post-conflict environments.

Set up by the CSO Search for Common Ground in 1995 at the height of ethnic and political violence in Burundi, Radio Ijambo produces programmes aimed at advancing the peace process by fostering debate and discussion, and maintaining links between Burundi and the world. It is broadcast on seven radio stations in Burundi, Tanzania and the Democratic Republic of Congo.⁶

Community radios are also supported through international non-governmental organizations such as the World Association of Community Radio Broadcasters (AMARC) that serves community radio broadcasters around the world. Its goal is to support and contribute to the development of community and participatory radio.

Interpress Service's Latin American regional office launched in February 2008 a new radio service in Aymara, Quechua and two Mayan languages, working with the community radio network AMARC-Pulsar,⁷ its Latin American initiative. The radio broadcasts are part of a special coverage of indigenous peoples in Latin America focusing on land and rural issues, which is also being supported by the International Fund for Agricultural Development (IFAD).⁸

5 Sources: Gregory, Sam, 'Operation Fine Girl Exposes Sexual Violence: WITNESS in Sierra Leone' in Van Tongeren, P, M. Brenk, M. Hellema and J. Verhoeven (eds) *People Building Peace II: Successful Stories of Civil Society*, Lynne Rienner Publishers, Boulder, 2005.

6 Source: http://www.sfcg.org/programmes/burundi/burundi_studio.html

7 Pulsar, an AMARC initiative, has been transmitting news and information electronically throughout Latin America and the Caribbean since 1995.

8 Source: <http://www.ips.org>

Box 4.6 Radio Voices Without Frontiers

Radio Voices Without Frontiers (RVSF) 2008 is an international broadcast campaign of AMARC co-produced in collaboration with community radio stations around the world. One of its goals is to promote access to the media by minority and disadvantaged groups. RVSF explores issues of racism, discrimination and gender. It is a multilingual broadcast transmitted via the Internet and satellite by radio stations in five continents.

March 21st was declared International Day for the Elimination of All Forms of Racial Discrimination by the General Assembly of the United Nations in 1966. RVSF 2008 is a one-day broadcast campaign through the AMARC network to actively engage community radios on issues of tolerance, equal rights and diversity. The campaign aims to highlight issues of racism from civil society perspectives on all levels – local, regional and worldwide.

Source: <http://rvsf.amarc.org>

The Internet

Increasingly, the Internet has become a powerful platform for outreach, gathering, exchanging and disseminating information, campaigning, mobilization and fund-raising. The use of on-line forums and petitions, interactive websites, email discussion groups and listservs have facilitated opportunities for everyday citizens to become more politically active and engage directly with their parliamentarians or congressional representatives. The Internet has also brought people to work together across national borders and facilitated networking and coalition-building among CSOs and the public at large.

Email groups such as UnitedforPeaceandJustice.org and Moveon.org in the United States were instrumental in mobilizing hundreds of thousands of people to take to the streets in New York on 15 February 2003 to join the global protest against the war in Iraq.

Wireless communication

The use of mobile phones and text messaging has become a significant tool in information dissemination and political mobilization. Wireless communication circumvents the usual channels and sources of information. It allows for instant communication at any time and anywhere. It also comes from a reliable or known source, such as a friend, a colleague or a family member, thus enhancing its credibility. Its power lies in its reach and its immediacy.

Wireless communication can be an effective tool for people living in societies where organizing is banned and information provided by the mass media is overseen by the state. Increasingly, there is a trend towards individuals using wireless communication to voice discontent and organize protests that impact on the established power structure and formal politics.

Box 4.7 The Kosovo Small Arms Control Initiative

As part of its public awareness campaign against gun violence, the Kosovo Small Arms Control Initiative (KOSSAC) and the Kosovo Small Arms and Light Weapons Commission developed a branding strategy and logo: 'Safety Matters!' which was used in different phases of the campaign.

The campaign included different media (written press, TV, radio) and involved a number of government institutions, NGOs advocating against gun violence, the ministries of education and internal affairs (on "Safe Schools") and the general public who were encouraged to report incidents of gun violence to the police. Through a partnership with the Post Telephone Kosovo (PTK), the campaign also included the sending of 540,000 short message services (sms) through mobile phone networks to all subscribers with the campaign logo and the slogan "Kosovo speaks up against gun violence because safety matters!"

Source: UNDP, Kosovo Small Arms Control Initiative (KOSSAC), <http://www.ks.undp.org/?cid=2,103,226>

In the Philippines in January 2001, thousands of citizens mobilized through text messaging took part in massive demonstrations demanding the removal of the head of state, Joseph Estrada. Motivated by political events taking place at the time, the movement known as People Power II lasted for four days. Smart Communications transmitted 70 million text messages, and Globe Telecom handled 45 million text messages each day as opposed to the normal daily average of 24.7 million.⁹ In addition to the Internet and the radio, wireless communication was a key component in organizing the protests leading to the ousting of the president.

The arts

The arts continue to be a powerful vehicle to raise public consciousness. Artists' subtle and innovative ways of raising awareness are as powerful as more conventional approaches. From awareness-raising about landmines at local levels to raising issues at international levels, the work of artists can be instrumental in reminding people of fundamental human security issues.

⁹ Glasius, M, M. Kaldor and H. Anheier (eds), *Global Civil Society 2005/6*, SAGE, London, 2006, p. 268.

Box 4.8 The cellist of Sarajevo

In the spring of 1992, several shells exploded in the centre of Sarajevo, Bosnia while people were waiting on a bread line. Twenty-two people were killed and more than a hundred were wounded. The next day at 4pm Vedran Smailovic, a concert cellist appeared at the exact site of the explosions in formal evening wear as if for a performance, and began playing Albinoni's Adagio, which he considered to be the saddest music he knew.

On each of the following 21 days Smailovic returned to the exact spot to play and mourn the death of the 22 people killed from the bombings. The *cellist of Sarajevo* as he was called, came to symbolize civil resistance in Bosnia and the endurance of the human spirit. He continued to play in graveyards, ruins and bombsites until December 1993. His story filtered to the press and musicians worldwide honoured him in festivals and concerts.

Sources: http://www.lifepositive.com/Mind/Positive_Chronicles/The_cellist_of_Sarajevo.asp

Working with the media

In general, people obtain most of their new information from the news media. Media is a powerful tool to form public opinion about government policy. The media exposes wrongs, articulates the needs and aspirations of people and advocates for change. CSOs work with the media to convey their messages and seek the media's support to raise awareness of an issue deserving public attention.

The media has played a crucial role in Bangladesh, for example, by revealing development concerns. Print media in the mid-1990s first picked up the issue of arsenic contamination in Bangladesh's drinking water. News coverage drove both the national government and the international community to pay attention to the issue and guide policymakers.¹⁰ In 2003, the BBC World Service launched a two-week season of special programming on HIV/AIDS including news reports, high-profile interviews with several world leaders and celebrities, documentaries and on-line coverage to mark World AIDS Day.

Getting media attention is key: AIDS activists and CSOs like the Treatment Action Campaign (TAC) in South Africa have been very active in ensuring the media addresses their issues – TAC, for example, hosts almost daily press conferences to inform the media about discriminatory practices. According to a journalist for the South African Broadcasting Corporation (SABC), CSOs set the agenda for the South African media, and make it their mission to convince reporters to cover the issues they are fighting for – such as access to antiretrovirals and adequate government policies on HIV/AIDS.¹¹ The relationship with the media was critical for TAC when it sued the government to provide free Nevirapine to HIV-positive pregnant women.

¹⁰ Biswas, Masudul K, 'Developmental Issues in News Media: NGO-Media Interaction in Bangladesh' in *The International Journal of Not-for-Profit Law* Volume 9, Issue 3, 2007.

¹¹ Malan, Mia, 'Media-NGO Partnerships Through a Different Lens' in *AIDSLink*, Issue 86, 2004.

It consistently informed the media about the advantages of Nevirapine, provided the media with statistics and linked journalists with HIV-positive pregnant women.

In Mongolia, the CSO Globe International ran a media campaign on democracy, good governance and civil society. The campaign goals were to raise public awareness, encourage greater citizen participation in discussing governance issues and develop a culture and practice of civic journalism in Mongolia. Television and radio programmes focusing on civil society and participation were aired for five months leading up to the International Civil Society Forum held in Mongolia in September 2003.

Working with the mass media on security sector reform issues is certainly difficult because the issue at hand is complex and not easily cast into simple messages and images. Past experience of NGOs shows, however, that imagination and good contacts can make it possible to engage even mass media in a creative and effective way.

Box 4.9 Television

On 14 September 2003, Brazilian NGOs led by Viva Rio organized a march on Copacabana beach to raise awareness on the impacts of firearms and to support new legislation for stronger controls. The mobilization of participants received a boost from an uncommon source: TV Globo, the most widely-viewed and influential network in the country. On 'Mulheres Apaixonadas' ('Women in Love'), one of its popular evening soap operas, the theme of armed violence came to the fore since one of the main characters was 'killed' by a stray bullet in a shootout between police and a bandit. This event had a strong emotional repercussion for residents of Rio de Janeiro, where on average one person dies every six days from a stray bullet.

During the week that preceded the big march, characters from the soap announced that they would be participating in the march, and actually did participate, drawing many fans to the event. In spite of heavy rain, close to 50,000 people participated in the "Brazil Without Guns" march along Copacabana beach. The march was shown in another episode of the soap opera. Thus fiction met reality, stimulating a national debate on the theme of arms proliferation and drawing multitudes to the streets in support of a cause.

Source: Viva Rio Press Release, available at http://www.iansa.org/media/viva_rio_march_release.doc

Developing a strategy to work with the media

An effective strategy to work with the media includes a series of key components (also discussed in the context of direct advocacy in the following chapter). Based on the experience of the International Campaign to Ban Landmines, the most important tips for designing effective campaign messages are:¹²

¹² See: <http://www.icbl.org>

- Make your messages short and simple;
- Use everyday words and images;
- Make your most important points first;
- Give the issue a human and local face – give a real life story;
- Emphasize the positive values of what you are advocating;
- Use values that are acceptable within your particular culture;
- Pay attention to individual differences within a particular culture;
- Try out your message on different people to see if they understand it;
- Practice presenting the message repeatedly to improve it and your presentation skills;
- Provide additional background information without getting into complicated statistics;
- Always include an action component in your message.

Journalists at risk

Public awareness campaigns on security sector governance sometimes expose issues that threaten the political establishment. Journalists reporting on such controversial issues, exposing wrongdoings or a misuse of power, may find themselves in danger. Appealing internationally or liaising with CSOs working on press freedom can sometimes provide needed support and may be a way to ensure protection. More detailed recommendations on how to work in restrictive environments can be found in chapter 14 of this handbook. The fundamental challenges of safety and strategizing approaches for positive change have also been mapped out by the Institute of War and Peace Reporting.¹³

Box 4.10 The rights of journalists and freedom of the press

The Committee to Protect Journalists (CPJ) is a CSO whose aim is to monitor abuses against the press and promote press freedom around the world. It promotes and defends the rights of journalists to pursue their professional responsibilities without fear of physical attack or legal reprisals. CPJ engages in fact-finding missions; documents and verifies attacks on the press with five regional coordinators; lobbies for the release of journalists in prison; protests to the parties responsible for press freedom violations and provides information regarding press freedom violations to the International Freedom of Expression Exchange (IFEX), a global email network. In the case of an emergency, using local and foreign contacts, CPJ can intervene whenever local and foreign correspondents are in trouble. CPJ is prepared to notify news organizations, government officials, and human rights organizations immediately of press freedom violations.

Sources: <http://www.cpj.org>

¹³ See Bickler, Borden *et al*, *Reporting for Change: A Handbook for Local Journalists in Crisis Area*, IWPR, London, 2004, available at http://www.iwpr.net/index.php?apc_state=henparr&s=0&o=special_index1.html#top; see chapter 14 on the issue of journalist safety http://www.iwpr.net/docs/pdf/14_iwpr_training_manual.pdf

Marginalized and disadvantaged groups

Marginalized groups such as ethnic and religious minorities, indigenous and tribal peoples and lower castes are often the most affected by non-transparent security practices. Targeted by the police because of their ethnicity, race, or religious beliefs, they are often victims of systemic racism, denied their basic human rights and lack the political support to defend themselves against abuses.

Discrimination against these groups runs deep, making them more vulnerable to abuse by security personnel and systemic violation of human and civil rights. In Thailand, for example, almost a third of the indigenous and tribal population of the highlands continues to lack citizenship.¹⁴ In 1962, Syrian-born Kurds were stripped of their citizenship. They are denied many rights such as the right to vote, the right to own property, the right to have marriages legally recognized and the right to freedom of movement and to legally leave from and return to their own country. They and their descendants carry laminated orange identity cards that testify to their statelessness.¹⁵ The marsh dwellers of Iraq suffered government-sponsored desiccation of their lands as a punishment for their uprising against Saddam Hussein's regime following the Gulf War of 1991.¹⁶ Working with these groups requires challenging deep-rooted racism and social norms.

Awareness-raising campaigns aimed at addressing security sector issues need to take into consideration the particular concerns and circumstances of marginalized and disadvantaged groups. It is advisable for CSOs to engage these groups by including them in the design and implementation of CSO strategies and campaigns.

In recent years, marginalized groups such as minorities, indigenous and tribal peoples and Dalits (the untouchable in the Indian caste system) have demonstrated their exceptional mobilization efforts and increased political influence. There are numerous indigenous peoples' organizations, networks and umbrella organizations all over the world. The Dalits of India are increasingly more organized and minority groups such as the Kurds have established their own political parties. Gay and lesbian pressure groups have developed strong networks in western democracies. Most are engaged in human rights advocacy and development issues. Awareness-raising on discrimination by the security sector remains a key priority of such groups. Their efforts often lead to structural improvements that benefit not only the marginalized group but the society as a whole.

¹⁴ IWGIA, *The Indigenous World 2004*, IWGIA, Copenhagen, 2004, p. 252.

¹⁵ Human Rights Watch, Syria: The Silenced Kurds. *Human Rights Watch* Vol. 8, No. 4(E), 1996, available online at <http://www.hrw.org/reports/1996/Syria.htm>; Zoepf, Katherine, 'After Decades as Nonpersons, Syrian Kurds May Soon Be Recognized', *The New York Times* 28 April 2005, available online at http://www.nytimes.com/2005/04/28/international/middleeast/28syria.html?_r=2&oref=slogin&oref=slogin

¹⁶ IWGIA 2004, op cit, p. 326.

Box 4.11 Racism and unaccountable policing: victims push for police reforms

Crime victims and victims' groups give a human face to the problem of unaccountable policing and have been important catalysts in shaping public opinion. Media attention given to the sustained suffering of a single family in England finally created the political will within government to bring about changes to address institutional racism within the police.

Stephen Lawrence was a black youth killed in an unprovoked racist attack in 1993. For years, the Metropolitan Police of London appeared to pay little attention to his murder and provided little or no information to his grieving parents about the progress of investigations. Explaining their treatment at the hands of the police, Mrs Lawrence said: "It is clear to me that the police came in with the idea that the family of black victims are violent criminals who are not to be trusted."

Nevertheless, the family persevered for years. They complained to the Police Complaints Authority that the first police investigation had been bungled, and then took the matter to the Home Secretary. A special inquiry in 1999 made wide-ranging recommendations to increase the responsiveness and accountability of the police and the Crown Prosecution Service. The police publicly apologized to Stephen's parents, and admitted to faulty investigations. Much of the new civilian oversight structure in the UK owes its establishment to the case and the consequent recommendations.

Source: Maja Daruwala and Clare Doube (eds), *Police Accountability: Too Important to Neglect, too Urgent to Delay*, report of the International Advisory Commission of the Commonwealth Human Rights Initiative Chaired by Sam Okudzeto, New Delhi, 2005, p. 74.

Indigenous peoples and the United Nations

Indigenous peoples and minorities seek the support of the United Nations because it provides the international legal framework needed to legitimize and support their struggles at home. UN declarations and conventions can be used as powerful advocacy and lobbying tools at the national level. International recognition in the UN of an issue empowers local groups to advocate and raise awareness. For example, indigenous peoples' organizations can petition for expert missions to be sent to their countries to report on human rights conditions. The UN Special Rapporteur for the Human Rights of Indigenous Peoples¹⁷ and the UN Independent Expert on Minority Issues¹⁸ have visited multiple countries and reported back on their constituencies' grievances and concerns. These reports have become important tools for raising awareness not only to decision makers, but the public and media at large.

¹⁷ Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, <http://www.unhcr.ch/html/menu2/7/b/mindp.htm>

¹⁸ UN Independent Expert on minority issues, <http://www2.ohchr.org/english/issues/minorities/expert/index.htm>

Box 4.12 The Consejo Indígena Polupar de Oaxaca ‘Ricardo Flores Magón’: A coalition of indigenous community-based organizations

The Consejo Indígena Popular de Oaxaca “Ricardo Flores Magón” (CIPO-RFM) is an organization representing indigenous communities of Chatin, Mixtec, Chinantec, Cuicatec, Zapotec, Mixe, Triqui, based in Oaxaca, Mexico.

On 20 April 2004 activists from CIPO-RFM set up a permanent protest camp outside the governor’s palace in Oaxaca town centre. The protest was in response to the murder of indigenous members of the Consejo by paramilitaries, the seizure of their lands and unresolved aspects of an agricultural conflict. One of the main purposes of the camp was to educate the local townspeople about their struggle and the ongoing death threats and intimidation they were suffering. The response from local people was generally positive and many expressed interest in the campaign and sympathy for the state of the indigenous communities. Despite numerous attempts from the police to remove the protestors, the activists stayed and the camp remains a permanent feature of the Oaxaca town centre.

Source: <http://www.indymedia.org.uk/en/2004/12/303257.html>

Youth

Nearly half of the world’s population (almost three billion people) is under the age of 25. Today’s generation of young people is the largest in history.¹⁹ Youth can be key actors in the public oversight of the security sector. While often targeted by the security sector and highly affected in conflict situations, they are also the boldest in their protests aimed at demanding change and seeking public awareness of injustices as seen prominently in Tiananmen Square in 1989. CSOs engaged in awareness-raising activities can benefit from the participation and engagement of youth by tapping into their innovative mobilization and fearless strategies, as well as their strength in numbers (see the example of Otpor in Serbia, in Box 4.5 above). CSOs have a role to play in creating a space for young voices to be heard by people of all ages. An articulated youth voice can be an important force in public policy-making and peacebuilding.

Women

Women are critical civil society actors and are engaged in areas key to security sector governance. They are active in trauma counselling, voter education, law reform, gender awareness and political advocacy. Women are also involved in promoting female candidates to run in post-conflict elections and in in-

¹⁹ UNFPA, *State of World Population 2006: Youth Supplement*, UNFPA, New York, 2006, available online at http://www.unfpa.org/upload/lib_pub_file/655_filename_yswp-en.pdf

creasing women's overall political participation. Women's groups can be partners in urging policy-makers to pay greater attention to civilian security through greater participation of women in police forces, judicial systems and peace committees. CSOs can support women's initiatives and provide trainings that encourage networking and exchange of practices and create opportunities for women's participation in the security sector.

Box 4.13 "Is it necessary to be a man to enter Parliament?"

In March 2007, a few well-known Turkish women initiated a campaign to create awareness of the lack of top female politicians in Turkey. "Is it necessary to be a man to enter Parliament?" was the rallying question. The campaign's open-air billboards, posters and bulletins showed these women donning men's clothes and fake moustaches. The posters and TV spots attracted nationwide attention, created a commotion and generated support. Fifty-four women's NGOs joined the campaign led by the CSO Association for Educating and Supporting Women Candidates (KA-DER). KA-DER's aim was to raise the number of female candidates and call for political parties to allocate one of the top three positions on their lists to women. The idea emerged from the fact that Turkey ranks 163rd among 167 countries when it comes to women's representation in Parliament. With the elections on 22 July 2007 in Turkey, the percentage of women in parliament sprang from 4.2 percent to 9.1 percent, from 24 women to 50.

Source: <http://www.esiweb.org/index.php?lang=en&id=245>

Conclusion

There are multiple awareness-raising strategies, methods and tools that can be used to convey and spread messages, and to gather the support necessary to influence public opinion. Forging CSO partnerships, coalitions and networks across the globe (North/South, South/South, East/East and local/local) that include women, young people and marginalized groups can ultimately create the political momentum that generates change.

What you can do as a CSO

Develop an awareness-raising strategy

- ✓ Identify problems in security sector governance
- ✓ Identify the underlying obstacles including deeply-rooted assumptions about power and security
- ✓ Identify objectives for an awareness-raising campaign
- ✓ Identify relevant target groups
- ✓ Identify appropriate methods to raise public awareness, including media campaigns, public education, vigils, exhibitions, demonstrations and other public events

Build coalitions with other CSOs

- ✓ Build partnerships with international NGOs with experience in awareness-raising campaigns
- ✓ Build partnerships with local CSOs
- ✓ Initiate joint awareness-raising campaigns

Research and develop awareness tools

- ✓ Examine how your CSO could most effectively use audiovisual material, radio, the Internet and wireless communication in an awareness-raising campaign
- ✓ Develop a strategy to work with the media

5

Peter Albrecht

Advocacy

An established political space for CSOs to carry out advocacy activities relating to the oversight and monitoring of the security sector generally indicates the consolidation – or in some post-conflict and transition states, the emergence – of strong democratic institutions. It means that NGOs, professional associations, independent media and research institutions are in a position to make an impact on executive and legislative policy-makers to:

- Strengthen legislation and oversight procedures of security sector institutions and personnel;
- Participate in consultations and review processes regarding security and justice policies; and
- Open up political space for public participation where such space does not yet exist.

Fundamentally, the advocacy activities of CSOs may thus lead to positive change in the perceptions or understanding of decision makers on a particular problem or issue; ultimately these actions may change the way decisions are made and the behaviour of security sector actors more generally.

This chapter lays out strategies and concrete recommendations on how CSOs can engage in advocacy activities with respect to the security sector, and thereby positively impact on how matters of national and localized security are decided and acted upon.

Box 5.1 Advocating for asset declarations by judges – a case from Transparency International’s work in Argentina¹

The following example focuses on the level of transparency and accountability in Argentina’s judiciary. The example is included here to reflect the need for a comprehensive approach to security sector reform that is

¹ Transparency International, *Combating Corruption in Judicial Systems – Advocacy Toolkit*, 2007.

integrated with justice reform. For instance, a judiciary that lacks transparency and accountability can easily be perceived as corrupt, which will have a negative impact on efficient policing.

Under Argentina's 1999 Ethics Law, all public officials, including judges, must present sworn declarations listing their assets within 30 days of taking up their positions. Declarations must be renewed each year, and then 30 days after leaving office. The same law gives any citizen the right to obtain copies of these declarations.

On 9 February 2000, the Supreme Court rejected the powers granted to the National Public Ethics Commission to request privileged information and established that the Supreme Court would respond to requests for information about judges' asset declaration instead. In practice, the procedures established by the Court were so cumbersome that it was made virtually impossible for any member of the public to examine judges' asset declarations. Under the new regulation, a written application had to be submitted for each asset declaration and the relevant judge or judicial official was empowered to veto the request.

Poder Ciudadano, a Chapter under Transparency International in Argentina, requested copies from the Judicial Council of the judge's asset declarations in May 2000, but the Council said its powers to do so had been circumscribed by the Supreme Court.

In March 2004 *Poder Ciudadano* joined other CSOs in calling on the Court to make the asset declarations public. The request was opposed.

Defining advocacy

In principle, advocacy is an organized approach to presenting a problem, working towards solutions, and then presenting these solutions to the relevant decision makers. As an activity vis-à-vis the security sector, it is a key component of oversight. If carried out on the basis of convincing arguments and an in-depth understanding of the political environment, significant impact can be achieved. Advocacy is a multi-faceted endeavour, which may include activities such as public education and influencing public opinion; research; networking; constituent action and public mobilization; agenda setting and policy design, implementation and monitoring. Fundamentally, however, there is no consensus on the exact activities which will increase influence in a policy process.

² Nabacwa, Mary Ssonko, *Policies and Practices Towards Women's Empowerment: Policy advocacy by Gender focused NGOs and the realities of grassroots women in Uganda*, Action Aid, London, 2001, p.8, available online at http://www.actionaid.org.uk/doc_lib/123_1_reality_grassroot_uganda.pdf

Essentially, advocacy for change is a long-term endeavour and often offers limited accumulation of knowledge. One process is rarely repeated or replicated. This does not imply that learning is unfeasible, but it does emphasize the importance of making each step of a successful advocacy campaign explicit if lessons from one initiative are to be carried through to the next.²

It is worth noting that advocacy is not the same as education or awareness-raising among the general public and the media, simply because the latter two do not directly aim to influence key decision makers. However, they are forms of action that can support advocacy work and as such can still form a vital component of an organization's advocacy campaign. For instance, training provided by CSOs will inevitably represent the organization's approach to a particular issue, including conflict-sensitive development, human rights and so forth.

Challenges to carrying out advocacy

Civil society's ability and space to carry out effective advocacy campaigns are conditioned by a number of circumstances, including:³

- Traditions of secrecy that continue to surround the security sector, limiting civil society's access to relevant information as well as to key decision makers who are the ultimate target group for advocacy campaigns;
- Prioritization of national-level security concerns over civil liberties and human rights, which means that there is less scope for demanding accountability from the security sector;
- Lack of expertise and capacity among CSOs to engage with the technical dimensions of procurement and budgeting for the military and police;
- Limited donor support to CSO activities in security sector reform processes that usually favour technical assistance to state actors within the sector;
- Fragmented civil society, which fundamentally leads to the inability of organizations to collectively advocate on issues related to security sector oversight.

Although these challenges constitute real limitations to the inclusion of CSOs in security sector reform processes, there are a number of ways in which civil society groups make an impact through advocacy campaigns.

³ Karen Barnes and Peter Albrecht, 'Civil Society Oversight of the Security Sector and Gender' in *Gender and Security Sector Reform Toolkit*, Megan Bastick and Kristin Valasek (eds), DCAF, OSCE/ODIHR, UN-INSTRAW, Geneva, 2008.

Box 5.2 South Africa's White Paper on Defence and its limitations

During the drafting of South Africa's White Paper on Defence, the executive had not been fully convinced of the utility of public consultation from the outset. However, consultations brought parliamentary praise and goodwill, leading to Defence Review working committees being set up. Comprising parliamentarians and civil society analysts as well as senior officers and civil servants, provincial workshops were convened, as were two national consultative conferences.

Parliamentarians and civil society groups were influential on many issues, but their limitations were also exposed during the critical discussion on force design. There was simply a lack of military expertise, and therefore little informed debate on the offensive force design recommended by the South African National Defence Force (SANDF). Parliamentary approval of this force design led to a controversial arms acquisition programme that included the procurement of warships and combat aircrafts at a cost of over US\$5 billion. This did not fit well with the principles and direction of the Defence White Paper's emphasis on a non-offensive defence posture and its pledge to contain military spending in favour of socio-economic development.

Source: Nathan, Laurie, *Local Ownership of Security Sector Reform: A Guide for Donors*, University of Birmingham, London, 2007, p. 103.

Changing policy

The development of policies relating to security matters has in the past been surrounded by secrecy, and the demands of national security do require a degree of confidentiality. However, while the technical and legislative details on how to establish democratic security sector institutions are clear, successful implementation relies on the capacity of the population to express views and concerns relating to security provision. If security and justice provisions are indeed regarded as matters of public policy, and fundamentally as a public good, they should be debated on an equal footing with issues of the economy, health and education. Open public debate can be promoted in various ways, such as public surveys, focus group discussions, televised documentaries and debates, newspaper articles, public information campaigns, university seminars or classes, and special parliamentary sessions involving the public.

Focusing only on the policy process – as CSOs are often criticized for doing – and winning the short-term goal of immediate legislative or policy reform leads to the danger of ignoring necessary long-term efforts to sustain and deepen such gains. Success should be measured against increased participation of marginalized groups in defining their own security needs, strengthened accountability of state security institutions to the citizenry, including changes in their practices, and the inclusion of CSOs in policy processes.

Box 5.3 Women's organizations demand police to act on domestic violence: the Austrian case

As a consequence of sustained advocacy by women's groups, many European countries adopted new strategies to combat violence against women in the 1990s. As part of their advocacy efforts, women's organizations had long worked to document cases. These cases clearly demonstrated that women lacked protection and the findings were then used to demand action from public authorities. Due to a lack of adequate legislation, the police could typically only try to calm down the situation and advise threatened women to leave the house with their children. As a result of the advocacy efforts, many European countries now have legislation on barring orders and temporary injunction procedures.

For example in Austria, the "Protection from Violence Act" came into force on 1 May 1997. In addition to this new law, there is now a systematic collaboration between the police and women's support organizations. Whenever a barring order is issued by the police, the victim will be contacted by the responsible Intervention Centre (run by an independent women's support organization). The Intervention Centres are officially authorized services for the protection of victims and provide free counselling as well as free support during court proceedings.

Source: Logar, R, 'The Austrian Model of Intervention in Domestic Violence Cases', Expert Group Meeting organized by the UN Division for the Advancement of Women, 17-20 May 2005, Vienna, Austria. Available at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/logar.dv.pdf>

Levels of advocacy

Security sector-related advocacy may target people and institutions with influence at all levels – from the local police station to the United Nations. Particularly in post-conflict and fragile contexts, state institutions may be weak or non-existent, and non-state actors such as paramount chiefs and irregular security forces may be the sole providers of security and justice.

Across post-conflict, transitional, developing and developed countries there are therefore substantially different types of actors to engage with for advocacy purposes. This is particularly the case at the local level where local institutions have a monopoly on providing security and justice:

- **Local level:** For instance local police stations, local government institutions, local party representatives, local chiefs;
- **National level:** For instance, the executive that initiates the development of security policies, and parliament that gives its consent or rejects policies and budgets for their implementation;
- **International level:** For instance, the UN Department of Peacekeeping Operations, United Nations Development Programme, key decision-makers and officials at the UN as well as in the in-

dividual country missions that are engaged in formulating, negotiating and ratifying UN policies on security sector reform. Important players at the international level also include other governments, especially through their embassies, and international NGOs who you can lobby to support your advocacy strategy.

The issue that you want to address potentially cuts across all three levels and your advocacy campaign therefore depends on:

1. The scale of the problem that you wish to address;
2. Where you can have the greatest impact on the problem or issue;
3. Your organization's networks and relationships;
4. The mission of your organization.

Box 5.4 NGO Liaison Offices – an entry point for advocacy in Eastern and Central Europe and the Baltic States

Many countries in Eastern and Central Europe and among the Baltic States, including Poland, Czech Republic and Estonia, have established NGO liaison offices. Among countries in the region, offices have been set up according to different models:

1. Poland, Croatia, Czech Republic, Slovakia, Slovenia: Functions of the office are carried out by a bureaucratic unit and a broadly representative advisory body, which work in partnership as stipulated in laws, decrees or charters;
2. Romania, Hungary: Government bodies oversee NGO-government cooperation without an advisory body;
3. Latvia, Estonia: Existing departments handle NGO-government liaison functions in addition to their other responsibilities, including integration of society, local government and regional administration;
4. Lithuania: Various government departments are responsible for coordinating with NGOs within their area of authority.

Purpose and areas of cooperation: The overarching reason for establishing the NGO liaison offices in the above listed countries has been to enhance linkages between civil society and government. NGO liaison offices are not specifically set up for the purpose of dealing with the security sector. They can nevertheless constitute important entry-points for CSOs to have a voice in these matters.

Main areas of NGO-government cooperation: The major activities of the liaison offices in all these countries are drafting and consulting on legislation, direct or indirect financing, and exchanging information. Four of the countries – Slovenia, Romania, Estonia and Hungary – emphasize education, including training NGO representatives and others active in civil society. Encouraging civic participation, open governance and social dialogue are priorities in Slovenia, Latvia, Romania, Estonia and Lithuania.

Specific fields of cooperation: Liaison offices in some countries support NGO-government cooperation in specific fields, including Poland and Croatia (research), Estonia (statistics and support systems for civic initiatives), and Hungary (development of ‘information society’ resources).

Challenges: The obstacles to effective NGO-government cooperation are quite similar in all countries. Challenges exist in building trust and overcoming misconceptions and false expectations. In Slovenia, Poland, Czech Republic and Hungary, a difficulty has been determining who has authority to represent NGOs collectively in cooperative efforts. Procedural failures due to inexperience have interfered with cross-sectoral consultations in Romania. Administrative constraints (including old structures, flawed coordination, limited resources and inefficiency) have hindered cooperation in Romania, Czech Republic, Estonia and Hungary.

Source: Gerasimova, Maria, ‘The Liaison Office as a Tool for Successful NGO-Government Cooperation: An Overview of the Central and Eastern European and Baltic Countries’ Experiences’, *The International Journal of Not-for-profit Law*, vol. 7, Issue 3, (2005).

CSO advocacy and international security sector reform frameworks

International instruments, frameworks and statements are important advocacy tools for CSOs. They may be used to back up an argument, and convince governments of the importance of public participation in defining security needs. Other democratic norms are referenced elsewhere in the book, but the four chief norms specific to security sector governance are the following.

First, the UN report on *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform: Report of the Secretary-General (2008)* presents guidelines for an integrated UN approach to security sector reform, which should strive to “support states and societies in developing effective, inclusive and accountable security institutions so as to contribute to international peace and security, sustainable development and the enjoyment of human rights by all.”⁴

Second, the EU concept note entitled *A Concept for European Community Support for Security Sector Reform (2006)*⁵ can also be used as an important advocacy tool in Europe. This concept note emphasizes the key role of civil society action in SSR, even “without the prior agreement of governments” which can “contribute to improvements in oversight of the security sector.”

⁴ Available at [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/904B9EE812B7591FC12573F400322816/\\$file/Joint+Seminar_A-62-659_S-2008-39.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/904B9EE812B7591FC12573F400322816/$file/Joint+Seminar_A-62-659_S-2008-39.pdf)

⁵ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0253:FIN:EN:PDF>

Box 5.5 Planning your advocacy campaign⁶

<p>What is the issue and what are its causes?</p>	<p>Use research on policies, budgets and so forth to identify the problem, and obtain concrete data.</p> <p>You must come across as an expert if you wish to be taken seriously by actors within the security sector. Thorough preparation and in-depth understanding of the issue that you are planning to advocate on is therefore crucial.</p>
<p>What are your aims and objectives?</p>	<p>The aim constitutes a long-term ambition that will only be realized through a combination of advocacy and practical activities. The aim could be: “Ensure consolidated and sustained openness in Government on issues relating to security.”</p> <p>An objective is a more immediate ambition, and should be concrete and measurable, but not a proposed activity. An example of an objective could be: “The Government is to establish by the end of 2010 a consultative mechanism for CSOs on defence budgeting.”</p>
<p>What are the concrete changes that you are trying to attain?</p>	<p>For example, awareness-raising, knowledge, attitude or behavioural changes of policy-makers or security sector actors, halting judicial corruption or abusive security providers.</p> <p>In other words, what will be different as a result of implementing the advocacy strategy? It could be greater openness in Government on issues relating to security.</p>
<p>What indicators will be used to track progress towards results?</p>	<p>Think about the different sorts of progress you want to keep track of while implementing the advocacy strategy. The indicators may regard process, impact, outcomes, or focus on changes in the environment where you are working, all of which might influence whether you achieve your objectives.</p>
<p>Who are your key stakeholders?</p>	<p>What do they know? How are they influenced? How do they make decisions? What information do they need? Do you know anyone who works with them and/or has their confidence?</p> <p>Apart from understanding the person(s) that you are targeting with your advocacy strategy, networking activities will be crucial (this to gain support of secondary stakeholders, see below).</p>
<p>Who are your primary stakeholders? How have they been involved in designing the goals, objectives, results and indicators of your strategy? Who are your secondary stakeholders and significant others?</p>	<p>Key stakeholders include those who have the power to effect change, but who may need to be persuaded to act; secondary stakeholders include groups whose support can be rallied; primary stakeholders are those who will benefit from the changes being made, and significant others include target groups among security actors who might oppose the strategy. Taking the time to think through how you will work and influence each stakeholder increases chances of success.</p>
<p>What research do you need to carry out to test assumptions about knowledge, attitudes and so forth?</p>	<p>How will you reach a representative sample of you target audience, and what techniques will you use to find out their views about the issues? How do they access information on this topic? Please refer to the chapter on research in this handbook for more information.</p>

⁶ Adapted from Who Makes the News?, ‘Mission Impossible’: A Gender and Media Toolkit, Available online at: http://www.whomakesthenews.org/get_involved/advocacy_toolkit

What are the key messages that you need to communicate to each group of stakeholders to bring about the desired change (e.g. increase their knowledge, change their practices)?	Use focus groups with media practitioners and other kinds of media research to find out what is happening and why and target your messages accordingly.
What types of communication (e.g. popular versions of research findings, fact sheets), channels (face-to-face communication, seminars, the media) and activities are most appropriate for your key stakeholders?	Be explicit about whom you are targeting to do what; do background research on groups and target them with appropriate messages. Think also about who is communicating, involve those who have credibility/influence with key stakeholders.
What is the timing and work plan of your advocacy strategy? What are the key dates and occasions for release of messages and materials?	Do a timeline when planning your strategy so that deadlines are met and tasks distributed in an effective way. Time the dates on which materials are released and distributed.
How much will you need to budget for your advocacy strategy and what skills and expertise are necessary?	Resources include funds, people and their expertise, your organization's reputation (i.e. social capital) on the particular topic that you are advocating on.
How will you assess and disseminate the impact of your strategy and lessons learned from your experiences?	Think about how other organizations can benefit from your experiences.
How will you ensure sustainability of your advocacy strategy?	If you have successfully brought about change, you need to think about how to ensure sustainability of the changes. If the advocacy campaign has been focused at the level of policy, the need for looking at implementation of these policies will be critical. Who will sustain the intervention? What programmatic approaches will be most effective?
What are the risks of your advocacy strategy?	Depending on the political context in which you operate, you need to carefully outline what the risks of your strategy are, to ensure both your physical security and that you are not marginalized from the debate in which you try to engage.

Third, the *Guidelines on Security System Reform and Governance* (2005)⁷ issued by the OECD Development Assistance Committee (DAC) also prove helpful. These guidelines were developed by DAC donors with the intention to help their own governments/agencies, developing countries and international organizations to reinforce work on security sector reforms. The Guidelines point out the importance of supporting “civil society efforts to create a pro-reform environment for democratic governance of the security system.”

7 Available at <http://www.oecd.org/dataoecd/8/39/31785288.pdf>

Last but not least, the OECD DAC *Handbook on Security System Reform – Supporting Security and Justice* (2007)⁸ provides guidance for donor nations on possible ways to close the gap between policy and practice in the field of security sector reform. The Handbook targets development, security, rule of law and diplomatic staff – both practitioners in field missions and those working on policy and strategy issues at headquarters. It includes a section on the role of civil society in contributing to oversight of the security sector and security reforms.

Building an advocacy campaign

CSOs building advocacy campaigns need to strategize their actions in order to competently perform their outreach activities.

Identify the issues and make a plan

The starting point of any advocacy strategy is a clearly outlined plan of what changes you wish to attain, and how you are planning to do it. The guide below can be useful in doing so.

Box 5.6 Mongolia – inclusion of sexual health education in the military training curriculum

Mongol Vision, an NGO established in 1998, works to implement activities on reproductive health, including prevention and control of HIV/AIDS and other sexually transmitted infections (STIs). *Mongol Vision* concentrates its activities among men, including officers and soldiers of Mongolia's armed forces. The work was led by the *Mongol Vision* public health policy steering committee, which included the Deputy Commander of the Mongolian Armed Forces (MAF).

The issue: New recruits to the MAF, especially those from rural areas, have little or no knowledge of HIV or other STIs. Consequently the rate of STIs has been relatively high among MAF officers and soldiers.

The aim: To gain support from the Ministry of Defence and the MAF to increase HIV/AIDS, STI and reproductive health awareness among officers and soldiers.

Key stakeholders: Ministry of Defence and headquarters of the MAF.

Primary beneficiaries: Soldiers, officers and their sex partners.

Approaches and communication: Letters were sent to the Ministry of Defence and headquarters of the armed forces; official and unofficial meetings were held with high-level officials; a project was developed

8 Available at <http://www.oecd.org/dataoecd/43/25/38406485.pdf>

in collaboration with high-level officials; a workshop was held with high-level officials; commanding officers and military unit doctors presented a report on the current STI situation among MAF personnel.

Indicators of success and sustainability: Sexual health is included in the official education curriculum for military staff; increased awareness among high-level officers; increased support from the Ministry of Defence; broadened base of activities of *Mongol Vision*.

Source: International HIV/AIDS Alliance, *Advocacy in Action, A Toolkit to Support NGOs and CBOS Responding to HIV/AIDS*, 2002, see <http://www.aidsmap.com/en/docs/4782D096-C740-41A5-AF06-D67C14B46DB8.asp#8e83e1b6-6ffa-4479-85c3-0151eee78311>

The role of research in advocacy

Research is the cornerstone of any advocacy strategy, and should be carried out to assess the situation in your country. It must be based on accurate qualitative and quantitative data from credible sources, including academia and policy think tanks, but also state institutions and CSOs, as well as drawing on quantitative sources such as official statistical reports. Consultations with key stakeholders within the institution that you are seeking to influence are equally significant. Policy-makers and academics alike who decide on political direction and set agendas need detailed and clear messages, supported by rational arguments that are based on sound evidence. In designing an advocacy strategy around the budgeting for the security sector, for instance, expert knowledge is needed to produce a comprehensive analysis of state budget allocations, the macro-economic assumptions underlying the budget and the impact of budget allocations on specific sectors or socio-economic groups. Please refer to the research chapter in this handbook for more information.

Once you have made an assessment, you need to develop recommendations on how these changes may be brought about. If comprehensive research already exists but policy-relevant recommendations do not, use research conducted by other organizations as supporting evidence for recommendations advocated for by your institution.

As a point of departure, the recommendations will be specific to your country – its political, legal and economic context – and must be realistic. Furthermore, the recommendations should list detailed actions that different actors within the security sector should take. Finally, if you are pursuing policy change, focusing on a limited number of messages, such as those that could potentially strengthen civilian oversight of the police or the armed forces, would be more effective than trying to cover all the areas in a given policy superficially.

The process should result in an advocacy strategy for your organization, and a position paper that clearly outlines in 2-3 pages: the problems that your organization is seeking to address; a credible argument as

to the reason for your organization's commitment to the issue; and the activities that you are planning to implement in support of the advocacy agenda. Following this process will ensure that you:

- **Know your topic:** To be authoritative and credible on security sector matters, being able to argue a case convincingly is vital, as is the ability to identify solutions to a problem identified. Know and present the technical aspects of the solutions that you propose as you will be dealing with experts in their respective fields. This will help to avoid criticisms against CSOs sometimes failing to distinguish between advocacy and constructive analysis, on the one hand, and political partisanship and fact-free 'analyses,' on the other hand;
- **Identify other organizations working on the issue:** Take note of what other organizations are doing to avoid duplication and collaborate if appropriate;
- **Focus the planning process:** Relevant activities to achieve the aim and objectives of your organization's advocacy campaign will be generated;
- **Establish a baseline:** Provide an assessment of the issue and the need that you are addressing, establishing a baseline from which the impact of advocacy work will be monitored. Only a detailed account from the outset of your advocacy campaign will allow you to evaluate successes and failures *post facto* (at the same time, it is important to keep in mind that isolating the impact of advocacy from the impact of other factors and activities may be impossible);
- **Know your targets:** Explore your targets' position on the issues that you wish to address, their voting record, speeches and newspaper articles written by or about them and their history of involvement in security-related policy-making; explore their constituents and issues facing those he or she represents. Recognize the bureaucratic, budgetary and administrative constraints that exist among state agencies;
- **Use networks:** The contacts that you have through your work, and the rapport that you have with individual security sector actors, will be crucial entry-points to get your message across. Ultimately you are aiming to change notions and practices of individual people working in security institutions, and thus the overall direction of those institutions.

Budget analysis

CSOs may provide input to discussions on the national budget by generating debate in the media, publishing budget framework papers and making available reports to members of parliament. CSOs can also provide politicians with the required technical assistance in analysing proposed allocations to the security sector. For instance, a gendered budget analysis may determine whether adequate funding is going to addressing the different needs and priorities of men and women, or whether and how allocations to the armed forces are impacting negatively on socio-economic development. Although covered in more detail in chapter eight of this handbook, CSO analysis of executive budget proposals may take five major forms:

- Produce a comprehensive budget analysis and supporting recommendations;
- Examine macroeconomic assumptions underlying the budget and look at the effects of the budget on macro-variables such as the deficit, national debt, interest rates, growth and employment;
- Analyse the impact of the budget allocated to implementation of security policies on specific sectors or socio-economic groups. For instance, the Tanzania Gender Networking Programme set up a gender budget initiative in 1997, focusing on macroeconomic policies and planning and how they impacted on men and women in Tanzania;
- Analyse taxes and revenues and what the impact of their distribution is likely to be on the security of women, men and children;
- Review transparency and participation in the budget process through stakeholder surveys, and by extension challenge government departments to set specific and concrete goals that are measurable, realistic and achievable within clear time frames.

Understanding policy-making

To fully appreciate where power lies in the political system it is essential to understand decision-making and legislative procedures, and the role and responsibility of the executive, parliament and other actors in the process. Having a thorough understanding of these factors will enable cogent coordination of the advocacy process to target the appropriate politicians and officials and at the appropriate time. One way of positioning various actors and their roles and responsibilities in the security sector may be found in Box 5.7 below. For a more extensive analysis, please refer to the introductory chapters of this handbook.

The development of a National Security Policy (NSP) and sector-specific policies are the task of competent government departments and agencies, while parliament's primary role is to ensure that policies address needs identified by the public, including civil society. It does so in three main ways:

- **Decision-making:** When NSPs and other security policies reach parliament, the latter holds the democratic right to give its consent to or reject them as well as to suggest changes. Parliament has similar leverage regarding the main phases of a typical budget cycle, including budget preparation, budget approval, spending and audit. A cautionary note, however, stems from a study on budgeting for the military sector in eight sub-Saharan countries. Even where parliaments approve defence budgets, they may not know the exact strength of the armed forces or may take orders from – and be in collusion with – the executive;⁹

9 SIPRI 2007, *SIPRI Yearbook: Armaments, Disarmament and International Security*, Oxford, Oxford University Press, 2007.

Box 5.7 Functions of state bodies in security sector oversight

	Parliament	Judiciary	Executive		
			Head of state	Cabinet	Chief of General Staff
Supreme Commander	In some countries parliament debates and/or appoints the supreme commander.	Constitutional court evaluates the constitutionality of the president or cabinet as commander-in-chief.	In some countries the head of state has a ceremonial function; in others he or she has real authority, such as command in wartime.	The government is supreme commander in times of war.	In some countries the supreme military commander exists only in times of war; in others it is permanent.
Security policies	Debates and approves national security policies and sector-specific policies; enacts laws.	Can interpret the legality and constitutionality of policy	Signs laws related to security policy	Proposes, develops and implements security policies.	Advises the government; plans, helps and implements the security policy.
Budget	Approves budget.	N/A	In some countries the executive holds (often controversial) veto powers.	Proposes budget.	Advises the government.
Defence laws	Adopts laws.	Constitutional court interprets the constitutionality of laws.	Signs promulgation of laws.	Proposes laws and adopts by-laws.	Advises the government; implements laws.
Personnel	In some countries parliament has the power to approve major appointments.	Judges lawfulness of their behaviour.	Appoints main commanders; approves personnel plans.	Appoints main commanders.	Advises on personnel plans; implements personnel plans; appoints lower commanders.
Procurement	Reviews and/or approves major arms procurement projects.	Judges violations of laws on corruption and fraud.	In some countries the executive can (often controversially) play a deciding role.	Proposes arms procurement.	Initiates and implements the arms procurement process.
Sending troops abroad/hosting foreign troops	<i>A priori</i> approval, <i>a posteriori</i> approval or no approval.	Judges lawfulness of their behaviour.	In some countries the executive can (often controversially) take unilateral decisions.	Negotiates participation in international missions; decides on rules of engagement.	Operational command.

- **Implementation:** During implementation of security policies, it is the role of parliament to scrutinize government activities, including through continuous budgetary monitoring. Security policies have critical financial consequences and are therefore essentially about the tax-payers' money;
- **Assessment and learning lessons:** Parliament audits figures and performance regarding implementation of security policies. Progress reports, provided by relevant government agencies, are essential to oversee implementation and gain insight into whether the principles outlined in a security policy are implemented.

Parliament's central role in the policy-making process makes it a key entry-point for ensuring the voice and footprint of CSOs in the development of policies. In this regard direct participation in parliament's security-related committees may be an option. Other activities that may be considered include the promotion of joint monitoring activities between parliamentary committees and CSOs, CSO input to inform parliamentarians' questions to ministers, a standing liaison office for civil society with parliamentarians, and policy advisers to collaborate on specific issues of concern.

Formal meetings

Formal meetings with policy-makers and other relevant actors are the most common forms of advocacy. Roundtables may also be considered. At the international level such events constitute an efficient way of bringing together both individual states and stakeholders and inter-governmental agencies. Engaging individuals in the meeting who are affected by the issue that you wish to address will bring greater credibility to the debate, and make an equally greater impact on policy-making.

One example is provided by a meeting of the NGO Working Group on Women, Peace and Security, in collaboration with the Norwegian and Dutch country missions to the UN in New York, holding a high-level roundtable on the interface between women and security issues in the UN Peacebuilding Commission's work with Burundi and Sierra Leone. Burundian and Sierra Leonean women peacebuilders spoke at the event, and it gave relevant policy-makers at the international level an opportunity to exchange ideas and lessons learned on how to ensure women's participation in defining rule of law priorities in Burundi and Sierra Leone.¹⁰

Apart from organizing meetings yourself, participation at key events will also bring attention to the issue that you wish to address.

¹⁰ Source: <http://www.womenpeacesecurity.org/>

Box 5.8 Structuring your meeting

1. Preparation ----->	2. During the meeting ----->	3. After the meeting
Know your key messages	Be positive about certain aspects of the policy or legislation	Keep note of the meeting – what happened, who was there, agreed actions
Identify mutual interests	Focus on one issue and stick to key messages	Follow up on the meeting with a phone call, letter or email
Prepare information for your target	Offer solutions, not problems	Provide additional information if promised
Timing of the meeting	Be truthful and credible – if you do not know, say so	If suitable to the type of meeting, send a letter to restate your views
	Offer to provide more info	Finalize your official position on an issue before any vote on policy and related legislation takes place
	Leave behind a briefing paper	Stay involved
	Make suggestions about other people to talk to	

Write a letter

Another commonly used communication channel is to send letters. To be effective, the letter should be short and succinct, while at the same time providing sufficient information to raise policy-makers interest in further pursuing the issue. A generic set of rules to follow includes:

- State clearly what you would like your reader to do; begin with a hook, a single factual sentence, which captures the attention of the reader;
- Explain briefly why you think that the recipient should make a certain action and help him or her understand why action is needed. Incorporate key messages throughout the letter, but avoid repetition;
- Use short, focused sentences and paragraphs;
- Avoid jargon or acronyms.

Letters in themselves will rarely suffice to engender change, and should therefore be combined with informal or formal meetings and events.

Committees and boards

It can help to sit on committees and boards. They provide an effective platform from which to get your organization's views across and influence people and policy directly. Similarly, you may also wish to invite key stakeholders to sit on the board of your organization.

Parliamentary hearings

In general, parliament has two tasks: monitoring the executive and representing the interests of the citizenry. During parliamentary hearings, politicians liaise with external experts regarding a certain issue. CSOs that are seen as expert in a concrete area usually participate, and hearings ultimately seek to provide politicians with information needed to carry out their job in parliament.

Parliamentary committees

Parliamentary committees that deal with issues of security and justice are important entry-points for advocacy activities. Several different types of committees exist, including permanent Standing Committees (e.g. for defence) and ad hoc committees, whose purpose is to deal with a specific task (e.g. the development of a national security policy). Provided Parliament has a genuine role to play in oversight of defence in particular, and security and justice more broadly, it will be a primary interlocutor for CSOs.

Network

If possible, networking directly with ministers and officials in relevant ministries and departments, as well as in inter-governmental organizations is critical to get your message across. It can take various formal and informal forms, some of which are identified above. It is worth considering a number of different communication channels to reach important policy-makers. Insiders, such as the policy-maker's staff and associates can help, as can outsiders such as the media and influential organizations. Once communication channels are opened, stay proactive and maintain regular communication.

Community-level advocacy

CSOs that have, for instance, gender equality and women's rights as their core business may serve as the critical link between the reality of insecurity that men and women experience, and policy-makers at the national and international level. Security-focused organizations operating at the community

level often have grassroots networks that allow them to identify crucial security needs as they play out in people's everyday lives. Such data will be of critical significance, both in the process of producing security sector reviews and as early warning, which in turn are vital for determining national security priorities and policy.

Ways of engaging local communities in security policy debates, formulation and advocacy-related activities include:

- Assisting grassroots CSOs in formulating security needs and priorities at the local level;
- Facilitating interaction between community-based groups including non-state authorities if necessary, and local security providers;
- Contributing to the development of local security strategies that address, for example, gender-based violence;
- In partnership with community-based groups, providing comparative learning and context-specific guidance for national stakeholders for a more coherent and strategic approach to the formulation of security policies;
- Monitoring whether security policies adopted at the national level are implemented locally.

Local-level engagement is essential, because policy gains at the national level do not automatically trickle down to communities and can sometimes have little or no impact there. Sustained advocacy activities are thus essential as a law is interpreted, implemented and applied. Advocacy is significant because as long as a particular value system is in place, making new norms embedded in legislation operative is difficult, and requires action at local, national and international level.

Box 5.9 Advocacy opportunities at the local level in Sierra Leone

In Sierra Leone, the Office of National Security (ONS) is associated with Provincial Security Committees (PROSECs) and District Security Committees (DISECs) at the local level. PROSECs and DISECs constitute consultation forums to assess and respond adequately to security threats throughout the country. Decentralized security institutions located in the interior of the country can serve as early warning mechanisms for the government, because they report directly to the ONS that provides secretarial support to the National Security Council, and thus the head of state.

PROSECs and DISECs have provided an opportunity for CSOs to influence local-level security policies. They have been put in place to ensure that a platform exists for CSOs to express their security concerns on behalf of their communities, and that security policies reflect actual public needs.

Source: http://www.daco-sl.org/encyclopedia/1_gov/1_4ons.htm

Networks and coalitions – strength in numbers

In general, an advocacy campaign will be more powerful if it is promoted through a network or coalition of CSOs. A network will provide strength in numbers, and help protect individual organizations from being targets of abuse or political pressure. There may also be a benefit in pooling both human and financial resources.

In many countries it may be difficult for CSOs to engage directly in security and justice issues, including policy-making processes, because of a closed or even hostile political environment. Security sector reform (SSR) is ultimately about changing power relations, and the emancipation of those previously lacking security will lead to a reduction in the ‘hard’ power wielded by those previously monopolizing power relations in their own interests. Participation in security-related discussions and mechanisms at the regional level can therefore be a significant means of exerting pressure on policy-makers at the national level. CSOs are often seen as having more credibility if they are members of regional or international networks or if they have international partners. Such support may be used as a lever for national engagement with governments on the development of security policies.

When building a coalition of CSOs that seeks to influence the policies and activities of security sector actors, the following points should be kept in mind:

- The diversity of groups and organizations represented in the network;
- Creating a common set of principles for the network to avoid impinging on the individual areas of work of each member. Ground rules should therefore be set from the beginning: what are the objectives and parameters of the coalition? Who is the coalition accountable to? What is the duration of the coalition? What is the leadership of the group? Who is its spokesperson?;
- Specialized knowledge on how the security sector operates, policy-making processes, and gender should be represented robustly in the network to guide the process (a related point is the availability within the network of specialized knowledge that is not immediately accessible to policymakers);
- Representation of experts and other individuals who are highly regarded among policy-makers;
- Maintaining and building the credibility of CSOs (see chapter nine of this handbook).

Box 5.10 The African Security Sector Network

The ASSN, funded by the UK’s African Conflict Prevention Network, provides an illustrative example of how a network of organizations may enhance the voice of each individual organization in the SSR field. ASSN was established to create cohesion among various CSOs and networks of CSOs working in the field, and to avoid duplication. By bringing together these organizations under an African network of networks, identifying

core member competencies will be facilitated. Furthermore, by avoiding overlap in core competencies, individual organizations can be strengthened to bring added value to the overall network with the intention of contributing to the peace and security agendas of Africa.

The ASSN envisages continental and regional security communities with the ability to use the available resources and pool of knowledge existent in Africa and elsewhere, in order to achieve well-governed national security sectors and more effective collective peace and security arrangements.

By sharing its accumulated knowledge and lessons learned, the ASSN seeks to create a framework that enables capacity-building to promote dialogue across a diversity of actors and issues with respect to the reform and transformation and governance of the security sector and to stimulate informed debate towards the positive influencing of policy and decision-makers.

To this end, the ASSN recently co-sponsored a seminar to discuss lessons learned from the Uganda Defence Review process, organized two dialogue sessions on SSR in Liberia, coordinated a research project on SSR provisions in peace agreements, and developed and delivered SSR training in various African countries.

Source: <http://www.africansecuritynetwork.org/>

Working with the media

Working with the media has the potential to strengthen an advocacy campaign. It ideally promotes public scrutiny of the security sector by sharing information about reform efforts. The media can be the critical multiplier effect of an advocacy campaign, and will often engage if asked to do so.

Working through the media has the potential to widen an advocacy campaign's reach to sections of society that may lack the technical expertise or professional or personal interest in the security sector, but

Box 5.11 Advantages and challenges of working with the media

Advantages	Challenges
<ul style="list-style-type: none"> • Widen the reach of your advocacy campaign to new segments of society • Potentially enhance popular support, thereby increasing pressure on decision-makers • Sparks media interest in a new issue, thereby creating debate • Encourages more in-depth coverage • Enables accurate representation of issues that relate to actions of the security sector 	<ul style="list-style-type: none"> • Explain complex technical matters in a way that the ultimate consumers of security and justice, the population, will understand and appreciate • Not understanding rules of engagement with the media • If there is lack of clarity in messages, misrepresentation is likely • Negative publicity

who, fundamentally, are the primary consumers of the security and justice provided. This is particularly the case as SSR and security sector governance are being viewed as public policy concerns, but nevertheless remain shrouded in a degree of secrecy.

Provided that media interest is sparked, journalists can be encouraged to report on issues such as access to courts or popular engagement in the formulation of security policies.

An issue to keep in mind is that the media will not necessarily tell a story the way an advocating organization or coalition wants it to be told. Particularly in states transitioning to democracy, the media often crosses the border between promoting oversight and sensationalism. This makes it critical to be particularly clear in the messages that an organization wishes to convey: it must be easy to distinguish between advocacy and constructive analysis on the one hand, and political partisanship and unfounded analyses on the other hand. Box 5.12 indicates steps that an organization may take to manage the messages that it wishes to release on the issue that is being advocated for.

Box 5.12 Tips for working with the media for a multiplier effect

Key messages

- Identify and follow through on 2-3 points that you want to get across
- Always bring an interview or discussion back to these points

Speak with one voice

- If working in a coalition, ensure that all members understand the messages that are being communicated to the press
- It is advisable to nominate a spokesperson

Contacting the press directly

- Be proactive: do not only respond to issues that are already in the news, but provide stories and press releases
- Write letters to the editor to spark debate – they must be brief and to the point

Make it easy for them

- Provide concise and clear written information, such as in a press information pack or briefing. This can include contact information, information about the issue that is being advocated for, background to the issue, information about opposite views, facts and statistics.

Press briefings and press releases

- Know deadlines and the best time to contact the press
- Have press kits at all events
- Provide background briefings so that journalists can conduct their own investigations

Be a credible source

- Become a reliable source so the press comes to you and your organization for authoritative information about different aspects of security sector governance. Credibility when dealing with security sector actors is closely associated with a level of technical expertise.
- Only invite the media when you have something important to say
- If you use statistics make sure they are reliable

Appearing on TV and radio

- Stick to the key messages
- Invest in training in interviewing techniques

Evaluate your campaign

- Document and evaluate press coverage and learn from previous campaigns

Source: Until the Violence Stops, Advocacy Toolkit, 2005, <http://www.vdayeurope.org/newsletters/advocacydoc.pdf>

Also see Media Advocacy for Nonprofit Organizations published by the Michigan Resource Centre on Domestic and Sexual Violence lists a number of relevant resources. It is available online at <http://www.mcadsv.org/mrcdsv/resource/Bibliographies/Media%20Advocacy%20for%20Nonprofits.pdf>

Monitor and assess your advocacy strategy

Developing appropriate frameworks to monitor and evaluate advocacy campaigns is a challenging exercise for a number of reasons. A causal relationship between CSO advocacy activities and outcomes is difficult to determine. The security sector is a complex set of interrelated institutions within which decisions are often taken in an opaque manner, so cause and effect are often not revealed to the public domain that CSOs belong to. Essentially, the impact of an advocacy action can be seen as causing a ripple effect of different changes and responses over time. It therefore remains difficult to pin down exactly what caused a certain impact.

External factors are similarly unpredictable, including the political situation in a country, the advocacy activities of other agencies, including CSOs, and staff turnover (i.e. personality will impact directly on success with achieving aims and objectives of your advocacy campaign).

Compromise versus victory is another issue to take into account, because achieving all objectives of an advocacy campaign is unlikely. Furthermore, a compromise may actually further your long-term aim more than fully achieving your shorter-term objectives would have. Moreover, although the long-term aim may be clear, it may lose its relevance over time: indicators of success should change accordingly.

The **long-term** nature of reaching advocacy aims – changing policy and behaviour – equally poses a challenge to measuring impact as opposed to outcomes.

A more pragmatic observation is the fact that evaluation takes financial and human resources that often are not available to CSOs. For lessons-learning, however, monitoring and evaluating implementation remains a vitally important exercise. It should be undertaken during or immediately after the conclusion of an advocacy campaign, given the turn-over of staff in CSOs.

That said, there are a number of issues that can be measured, and that an advocacy campaign may help to achieve as part of a set of activities by several organizations.

Box 5.13 Framework for understanding possible outcomes and impact of advocacy and campaigning work¹¹

Dimension of work	Indicators of progress	Indicators of change and longer-term impact
<ul style="list-style-type: none"> • Policy change and legislative change 	<ul style="list-style-type: none"> • Increased dialogue on an issue • Raised profile of issue • Changed in opinion of stakeholders and decision-makers • Changes in public rhetoric • Changes in written publications 	<ul style="list-style-type: none"> • Changed policy • Change in legislation. • Policy and legislation change implemented • Positive change in people’s lives as a result of the policy or legislative change
<ul style="list-style-type: none"> • Strengthening civil society through collaboration (NGOs, social movements, networks, community-based organizations, etc.) 	<ul style="list-style-type: none"> • Change in individual members’ skills, capacity, knowledge and effectiveness • Change in individual civil groups’ capacity, organizational skills and effectiveness • Greater synergy of aims and activities in networks and movements • Change in collaboration, trust or unity of civil society groups 	<ul style="list-style-type: none"> • Increased effectiveness of civil society work. • Civil groups active in influencing decision-makers in ways that will benefit poor people.
<ul style="list-style-type: none"> • Enlarging democratic space or the space in which civil society groups can effectively operate in society Greater freedom of expression 	<ul style="list-style-type: none"> • Greater acceptance/recognition of civil groups • Existence of forums for civil groups to input into a wider range of decisions • Increased legitimacy of CSOs 	<ul style="list-style-type: none"> • Increased participation of civil society groups in influencing decisions • Change in accountability and transparency of public institutions
<ul style="list-style-type: none"> • Supporting people-centred policy-making 	<ul style="list-style-type: none"> • Greater awareness of individual rights and the power systems that withhold them • Change in the capacity of CSOs to mobilize and advocate on their own behalves 	<ul style="list-style-type: none"> • Improved access of ordinary people to security and justice

11 J. Chapman, ‘Monitoring and Evaluating Advocacy’, *PLA Notes*, 43:48-52, 2002.

Conclusion

Activities of the security sector, particularly with respect to defence and national security issues, are often surrounded by secrecy. Matters of national security do demand this to a certain degree, but casting security as a strictly intra-governmental realm will be counter-productive. Secrecy may cover up financial mismanagement through corruption or lack of expertise.

The advocacy activities of CSOs play a critical role in ensuring a degree of transparency and accountability of the executive when it comes to decisions around the delivery of justice and security. This chapter has addressed some of the ways in which advocacy can be taken forward in relation to the security sector in order to bring about change in policies and practices among security and justice actors at the local, national and international level. It provides an overview of how to plan an advocacy campaign, including the central role of strong research, networking and how to monitor and assess the impact of the process.

In conclusion, it is important to note that your advocacy strategy will work only if you come across as an expert in the area that you are advocating within. Whether you take up a position in a local, national or international CSO, you must understand the political and bureaucratic institutional arrangements in the context that you operate. Positioning yourself as an expert also means that you must be well-versed in the language that is spoken among security actors.

Being an expert does not only mean the ability to voice your or others' security concerns, as significant as this ability is. It also means thinking through the possible responses that can be expected from security institutions – which are often conservative and resistant to radical change – and governments with limited financial or human resources. Changing institutions and the practices of people that sustain them is an incremental process at best, and your advocacy strategy must therefore be structured accordingly.

What you can do as a CSO

Build and strategize an advocacy campaign

- ✓ Identify key issues
- ✓ Identify key stakeholders
- ✓ Identify aims and objectives
- ✓ Identify key messages
- ✓ Identify communication platforms
- ✓ Identify indicators to track progress
- ✓ Identify key obstacles
- ✓ Identify research needs
- ✓ Identify a work plan
- ✓ Identify a budget, human resources and skill sets
- ✓ Identify risks

Target campaigns at appropriate levels

- ✓ Lobby local democratic institutions and local security providers
- ✓ Lobby democratic institutions at the national level and the ministries responsible for security
- ✓ Lobby international and regional actors for assistance

Understand policy-making

- ✓ Identify which agencies and institutions are responsible for security policies
- ✓ Identify their key decision makers
- ✓ Identify key democratic representatives with responsibility for – and those with an interest in – security policies

Build networks and coalitions of like-minded CSO groups

- ✓ Work with the media
- ✓ Promote key messages
- ✓ Speak with one voice as a network
- ✓ Contact the press directly
- ✓ Hold press briefings
- ✓ Disseminate press-packs
- ✓ Maintain credibility

Monitor and assess your advocacy strategy

- ✓ Identify effective policy changes
- ✓ Strengthen CSO collaboration

6

Angela Mackay

Training

This chapter looks at the ways in which civil society organizations can become involved in developing and conducting training on effective, transparent and democratic security sector governance.

Examples of how training by CSOs to security sector agents or to other CSOs has been accomplished, levels of success, lessons learned and best practices are few. In comparison to other democratization issues, training materials on security sector oversight are limited in number, and in some instances are also limited in value. Several factors contribute to this lack: the relatively embryonic formation of civil society organizations in many locations where security sector reform is being undertaken; the systemic absence of meaningful evaluation and follow-up of training activities; the paucity of culturally appropriate materials independent of Western models, language and examples; and, perhaps most significantly, the mutual hesitancy of CSOs and the security sector to engage in such political activity. Of those who have engaged with the issue, self-creation of training materials has proved to be the most effective route to take. This chapter elaborates further how CSOs can generate their own tailor-made training materials, and the variables to consider when creating them.

Overall, training is a concrete, tangible function that CSOs can perform. In order to clarify the possibilities and limitations of training, and support CSOs in that role, this chapter will:

- explore the potential challenges and responses for CSOs
- examine training as a process that can strengthen and reinforce security sector oversight and reform
- use examples to demonstrate what principled training can accomplish
- offer practical advice and examples on training methodology and content

Definitions

Why civil society organizations?

For the specific and varied perspectives that they can bring, it is important to ensure the broadest possible civil society representation in training activities. All the organizations and associations that exist outside of the state should be eligible for inclusion. Such inclusiveness reinforces and helps to build the reform process, and sends the critical message that security affects and is affected by all elements of society.

Training – what it is and what it is not

- Training and education are frequently confused. In the context of this handbook, training is distinguished as activities with the ultimate purpose of stimulating knowledge and ideas that enable learners to change attitudes and acquire the skills to modify behaviour.
- Training does not refer to long-term academic courses that result in degrees or diplomas or that require testing and complex assessments.
- Within the broad interpretation of human security, security governance training at no time refers to traditional technical military or police training, but to developing the competency and skills required by security forces to practice, support and reflect the rule of law and human rights norms and standards.
- Training content relevant for security sector reform encompasses a wide array of topics. These topics include, but are not be limited to, the following:
 - Leadership and management
 - Interviewing methods and skills
 - Human rights codes and conduct
 - Child rights and child protection
 - Gender, human rights and the rule of law
 - Community policing and community safety
 - Conflict management
 - Contact skills: communication, negotiation, facilitation
 - Oversight and monitoring methods
 - Working with the media
- Target audiences can be highly diverse, from senior to junior levels – as well as throughout the different services, including military forces, all sections of the police, specialized units, border guards and corrections officers, private security companies and public officials.

- Training can take a variety of forms and is not necessarily structured, formal or in a classroom environment: it includes seminars, roundtables, workshops, public discussions, job exchanges and field exercises.
- Increasingly, training takes place 'on the job' through mentoring, coaching, team-building and one-on-one support systems.

Overall, training is a part of the remedy: it is not the cure itself.

Potential challenges and responses

Box 6.1 highlights some of the most predictable issues to be addressed when considering CSO involvement in training. These issues are context-specific and will occur with varying degrees of complexity and significance in different locations; their relevance also differs according to the operating environment (post-conflict, transition societies and other environments). Incentives will also differ, as will the status of CSO development at the point of departure. None of the solutions proposed is easy to implement, but the responses herein presented are entry points and persuasive arguments in the design of comprehensive training strategies. The contribution that donors and other external supporters can be expected to make towards implementation is also outlined. Overall, challenges exist both within CSOs and in the external environment in which they operate. Responses, therefore, need to be tuned and adapted to this great variety of influences.

CSOs cannot resolve external problems such as inadequate equipment or irregular pay to the armed forces, but they can take responsibility and recognize the negative factors that drive the attitudes of the security sector and their political managers. CSO training successes are not the sole solution to security sector governance and reform: donors and other supporters can facilitate an environment for joint and shared activities as well as articulate the relationship between state bodies and CSO, at least in the initial stages of engagement.

Donor funds are often critical to the survival of CSOs, but there is a mutual responsibility to limit the asymmetry between donor and recipient. Donors, like accomplished trainers, need to stay out of the way of the learning process, by maintaining only limited control over the development of local capacities, content and policies, while at the same time providing consistent support, information, encouragement, advice and resources. Box 6.2 suggests how to link the most-often encountered challenges with donor support.

Training as a process

All training activities must be demonstrably linked to the achievement of the overall goals of security sector governance and reform. As training is a tool intended to ensure the maintenance of standards and to help bring about change, its benefits need to be clear, quantifiable and achievable, while proceeding at a speed with which the target groups, and society at large, can cope.

In general, training is too often seen as a panacea, as a missing piece which, if supplied in adequate quantities, will resolve the deficiencies arising from a lack of information, knowledge, experience and skills. If embarked on with unrealistic expectations, insufficient resources and inadequate planning, disappointment and recriminations follow and the supposed benefits of training will be undermined and public confidence damaged. As a result, training must be positioned as an integral element in a broad-based strategy.

In some cases, the urge to ‘develop capacity,’ particularly in post-conflict and transition states, can give rise to multiple, ill-connected, competitive and duplicated trainings, as donors are often determined to be visible and training is identified as a ready and achievable target. However, training is not a public relations exercise, but an exercise in building democracy. Tangible products – manuals and courses – are secondary to options for ‘creative learning or incremental discovery’ for local stakeholders.¹

Different issues must also be addressed to create sustainable capacity development at individual and institutional levels, as well as creating an enabling environment for the process. Through its capacity development programmes Capacity 21 and Capacity 2015, the United Nations Development Programme (UNDP) is promoting comprehensive approaches to capacity development that are needs-oriented, build on existing assets, and take into account structural as much as contextual changes required for capacity development to have lasting impact. These approaches have been widely endorsed by development practitioners, beneficiary institutions and organizations, and the donor community. Based on a thorough capacity assessment process, the capacity development approach details capacity development strategies for four different organizational dimensions: i) Institutional Reform and Incentives, ii) Leadership Capacities, iii) Education, Training and Learning, and iv) Accountability and Voice Mechanisms. In turn, each of the response strategies should ideally address at least two of the following ‘points of entry’ to effectively enable a process of capacity development:

- a) Enabling Environment – the ethos, incentives/constraints, policy frameworks, interaction of groups/networks/organizations, by which individuals are able to function, for example legal/judicial environment, financial management environment;

¹ Fukuda, Sakiko, Carlos Lopes and Khalid Malik (eds), *Capacity for Development: New Solutions to Old Problems*, UNDP/Earthscan, London, 2002.

- b) Organizational level – provides the framework for individuals to connect and achieve goals beyond individual capacities, collective manifestation of individual capacities, such as ministries, departments, districts, NGOs, etc.;
- c) Individual level – repository of knowledge and skills, the building blocks of organizations, the target of individual performance assessments, the responsibility of organizations.²

Often, the lack of both evaluation and clear linkage between training and tangible results not only wastes resources but contributes to a loss of faith in training. Evaluation of training is critical because it contributes to improved practices, better results and increased public confidence.

Training is not a casual undertaking. Rather, it requires significant investments of time and energy, as well as a long-term view and commitment. There is often no durable 'quick-fix' solution to training needs in quantitative and qualitative terms. Moreover, CSOs working to develop an internal identity and credibility need supporters and funding in order to remain committed for the long term.

Training is a process, not an event. Short term bursts of activity are of limited value.

Adult learning

CSOs that engage in training activities need to tailor teaching methods to adult learning, as most of the beneficiaries of courses that are offered likely to be mature students. The following section introduces basic guidelines for teaching adults.

Adults know their abilities and need to be active – rather than passive – recipients of information. No matter what the subject, learning involves the emotions as well as the intellect; this is especially true when dealing with sensitive subjects. Adults need to practice, to discuss and to take an active role in resolving problems.

An attitude shift requires changes not only to the understanding of how something is done, but also changes to the underlying beliefs of why something is done in a certain way. Decades of established attitudes and practices by security sector agents will not change in any meaningful way because a trainer says they must.

² For further reading on how to apply comprehensive capacity development, see the library of concepts, tools and guides at <http://www.capacity.undp.org/> and OECD DAC, *The Challenge of Capacity Development – Working Towards Good Practice*. DAC Guidelines and Reference Series, 2006, www.oecd.org/dataoecd/4/36/36326495.pdf

Adults have a well-developed set of attitudes they believe about what is right, correct or moral, based on their belief system. Expecting them to change these attitudes can mean challenging an aspect of their identity; in other words, adults need to be convinced before they change their attitude. If adults change

Box 6.1 Issues affecting CSO involvement in training

Potential challenges (internal)	Responses	Donor and other institutional support
Mutual mistrust and suspicion causes hesitancy and tension	<ul style="list-style-type: none"> i) Take the time to build relationships ii) Conduct joint training assessments and analysis to identify training needs iii) Identify skilled and consistent 'points of contact' to communicate with security sector partners iv) Identify 'champions' in security sector to support activities v) Develop training programmes together and initially select training topics of mutual significance and benefit, e.g. civil-military responses to non-political civil emergencies³ vi) Conduct roundtable discussions with security sector on training programme detail vii) Form 'dialogue' groups/dedicated networks to ensure on-going communication 	<ul style="list-style-type: none"> i) Recognition enhances legitimacy of CSOs ii) Demonstrate support for champions and leaders iii) Act as enabler rather than director iv) Support development of networks and linkage with regional experiences
State funding to CSO training providers limits flexibility and independence	<ul style="list-style-type: none"> i) Incorporate short-term, measurable benchmarks to demonstrate results to state funders ii) Do not accept restrictions to monitoring role (if applicable) as a condition for funding from national state bodies iii) Ally with umbrella networks to protect local NGOs from state pressure and abuse iii) Demonstrate transparent and effective use of funds – invite state funding officials to attend and observe training iv) Use success to increase flexibility 	<ul style="list-style-type: none"> i) Align policies and interests of donor and recipient – ensure training activities match stated vision of SSR – or risk loss of credibility ii) Help local CSO build partnerships with regional and international bodies iii) Defend CSOs from intimidation
Diverse and competing demands for CSO involvement in all areas of SSR ⁴	<ul style="list-style-type: none"> i) Set priorities ii) Clarify CSO primary function(s) whether direct service delivery, research, advocacy, intermediary or mediator iii) Identify 'lead' CSO in different areas iv) Recognize and exercise strengths; resist demands to "be all things to all people" v) Specialize and focus: children's, women's or minority rights; community safety; trafficking prevention vi) Initiate practices that support collaboration rather than competition or duplication vii) Ensure responses remain linked to popular will and are not the product of 'elite' entrepreneurs 	<ul style="list-style-type: none"> i) Do not place unreasonable demands on fragile institutions ii) Use networks and umbrella organizations to identify resources and best practice and feed this into CSO activities

³ Michael Pugh, 'Civil Society and the Security Sector: SSR is Too Serious a business to be Left to Soldiers' in *Sourcebook on Security Sector Reform*, Fluri, Philipp and Hadzic, Miroslav (eds), CCMR, Belgrade, 2004.

⁴ See Chowdhury, Naved, Chelsie Finlay-Notman, and Ingie Hovland, 'CSO Capacity for Policy Engagement: Lessons Learned from the CSPP Consultations in Africa, Asia, and Latin America,' *ODI Working Papers*, No. 272, 2006, available online at: http://www.odi.org.uk/publications/working_papers/wp272.pdf

Potential challenges (internal)	Responses	Donor and other institutional support
Diverse local CSOs lack cohesion, focus and organization; their presence is minimal or none existent in some contexts; seen as partisan and 'politicized' or wholly needs-based, with limited vision	<ul style="list-style-type: none"> i) Clarify CSO ethics (aims, methods and beliefs) to ensure credibility ii) Pool resources iii) Combine local knowledge and international resources (including monetary resources) iv) Avoid duplication v) Build networks as networks tend to be stronger than individuals or single group 	<ul style="list-style-type: none"> i) Support efforts of organizational development ii) Select and support CSOs using 'bottom-up' processes to build trust, cooperation and inclusion iii) Guard against obvious alliances with 'westernized' interest groups
Mutual unfamiliarity with methodologies, training methods and specialized subject matter leads to a lack of confidence and competence as trainers	<ul style="list-style-type: none"> i) Identify local, skilled facilitators ii) Use indigenous training methods (popular arts; storytelling; consultative meetings; religious assemblies, etc.) iii) Training of trainers sessions to be included in larger training strategy iv) Request mentoring and coaching by professionals iv) Shadow/share training preparation and delivery with professionals 	<ul style="list-style-type: none"> i) Place high premium on local expertise ii) Support development of ToT delivery and mentoring and coaching capacity iii) Fund professional exchanges, study trips, one-on-one skills development and coaching
Lack of resources; local CSOs are typically rich in people, but lack funds, space, equipment and material	<ul style="list-style-type: none"> i) Form short-term funding partnerships with international organizations and funders;⁵ ii) Concentrate financial support on essential needs; iii) Ensure training methodologies are low tech and easily replicable;⁶ iv) Insist on Training of Trainers (ToT) programme for a 'cascade' effect. 	<ul style="list-style-type: none"> i) 'Pool' donor training funds ii) Commit to long-term support for learning processes, back-up and support iii) Recognize modest goals and significance of incremental change. Fund 'small' but key needs: libraries, journals, Internet access, knowledge of tools and methodologies⁷

behaviour for negative reasons such as fear, anxiety or animosity or as a result of manipulation or threats, the change will not be sustainable and ultimately performance standards and work quality will be not improve.

5 'Short term' is a relative statement. Here, the point to be emphasized is that CSOs and their supporters need to focus on limiting financial dependency and ensure that external support is channelled into developing local training capacities and inclusive of concrete, practical ongoing follow-up support.

6 Source: <http://www.networklearning.org>

7 Vankovska, Biljana, *Civil Society Empowerment and the Lessons Learned from the Balkans*, DCAF Working Papers, No. 32, 2002, available online at http://www.dcaf.ch/_docs/WP32.pdf

Box 6.2 Linking potential challenges to donor support

Potential challenges (external)	Responses	Donor and other institutional support
Demand for rapid results from security sector reform and expectations regarding improved respect for human rights	<ul style="list-style-type: none"> i) Acknowledge security sector interests and motivation to receive training (incentives will differ) ii) Recognize different needs at different levels (senior military officers and enlisted soldiers need different approaches) iii) Use experts for specialized training iv) Use training to showcase civil society's human rights concerns and needs and include local resources v) Use local examples and develop understanding of why knowledge of human rights is of universal relevance vi) Build joint record of "Best Practices" applied to local human rights problems 	<ul style="list-style-type: none"> i) Resources alone will not build confidence without local participation and ownership in planning phase ii) Support civil-society organizations that have strong ties to the local community – or risk failure
Military and police, often inadequately equipped, and paid, are isolated from the community; unfamiliar with CSO perspectives and reluctant to acknowledge CSOs as trainers	<ul style="list-style-type: none"> i) Build relationships, develop trust, explain what CSOs are and do ii) Ensure CSO familiarity with security sector structures, ranks, functions and regalia iii) Develop joint training opportunities iv) Request training from security forces (mine clearance; weapon recognition; navigation and radio skills) v) Analyse problems and develop solutions together 	Facilitate and support exchanges and joint training for security forces and CSOs
Resistance to change at all levels	<ul style="list-style-type: none"> i) Work at all levels: bottom up, through the middle and top down ii) Develop internal leadership capacity to engage with security sector iii) Identify champions and leaders to spearhead change process iv) Training content must demonstrate obvious benefits 	Help position local CSOs in relation to reluctant governments
Military 'chain of command' culture inhibits creative problem-solving	<ul style="list-style-type: none"> i) Develop training practices that support joint activities ii) Model participation and inclusion in development of training strategy as well as in training design and delivery iii) Enlist support of groups that 'speak' the military language – e.g. veterans' organizations that have an interest in dialogue with the military 	Reputation of international organization can help CSO persuade military participation
Donor agendas unduly influence training priorities and practices of CSOs	<ul style="list-style-type: none"> i) Engage as partners and develop comprehensive proposals ii) CSOs through solidarity and networks are vital elements in successful SSR iii) Funds in return for influence will fail if CSO do not retain autonomy, do not have community links or capacity to deliver iv) Focus on existing resources, rather than succumb to donor demand for new organizations, elite leaders or artificial agendas unrelated to actual citizen needs 	<ul style="list-style-type: none"> i) Work with organizations with ties in the community, so groups begin to integrate issues of security sector reform into local agendas ii) Legitimacy will be lost if a funder fails to remain relevant to need

In order for trainings to be successful, the following fundamental principles of adult learning should be included:

- Adults have experience and like to use it (the trainer should use the participants' experience in classes);
- Adults can make choices (they like to be able to control their learning);
- Adults need to see the relevance of learning;
- Adults are motivated to learn;
- Adults need to be actively involved in their own learning process.

The principles in practice

In order to acknowledge the adult learning process and behaviour, meet the need for practical examples and provide adequate opportunity for reflection and assimilation, training must adhere to its own a set of principles. Therefore, trainers should:

- Select methods, activities and environments where participants feel secure and respected;
- Support small, open-ended, expertly facilitated discussion, observed interviews and role-playing rather than large-scale, multi-purpose, one-size-fits-all training sessions;
- Use adults' life experience to reflect how that experience matches, supports or contests what is being taught;
- Use a diagnostic approach to problems rather than a 'name and blame' approach;
- Alternate and balance different learning styles and techniques (audio, visual and practical);
- Use task-based practical examples to ensure relevance of materials and examples;
- Establish agreed ground rules and use them if necessary to reinforce respectful behaviour.

How can training strengthen and reinforce democratic oversight of the security sector?

The development of training on security sector reform and democratic security sector oversight is still at an early stage. While materials for standalone trainings are still being created, demand exists for ever more sophisticated oversight techniques. Basic texts and trainings have been established, and trainers often prepare specific material to satisfy a particular societal or institutional need, particularly where the transparency and accountability aspects of security sector reform, human rights observance and related institutional practices are concerned. CSOs should attempt to go beyond existing training materials and innovate their own materials. Such initiatives can be pursued in several ways.

Creating, consolidating and developing the capacity of CSOs to monitor the security sector

This can be achieved by conducting awareness-raising and advocacy programmes on democratic oversight issues, by interacting effectively with democratic institutions and the media and by conducting training for CSOs, the security sector, democratic institutions and government ministries. Possible outcomes include:

- Improved societal understanding of the common objectives of SSR;
- Improved coordination between stakeholders;
- Improved implementation of reforms;
- Improved public understanding and support for reforms.

Box 6.3 Georgian Foundation for Strategic and International Studies

The Georgian Foundation for Strategic and International Studies (GFSIS) has provided a training course for Georgian journalists on security policy issues titled 'State Security and International Relations', capacity-building for the National Security Council of Georgia, as well as training for national minority leaders on international security sector reform issues.⁸

Supporting and analysing the security sector's intent to improve its accountability, transparency and proficiency

If successful, such efforts will satisfy key benchmarks and other evaluation criteria. Possible outcomes include:

- Measurable reductions in crime rates;
- Improved reporting and referral of cases to appropriate victim services and reduction of court waiting times;
- Improved gender awareness within the security sector and in its societal relationships;
- Regular polls which reflect an improvement in public approval ratings of security sector services.

⁸ Duncan Hiscock, *The Role of Civil Society in Security Sector Governance in the South Caucasus*, paper presented at the 1st Joint Workshop on 'Security Sector Governance in South Caucasus – Challenges and visions', held in Reichenau, Austria 21-24 November 2003, available at http://www.dcaf.ch/news/PfP_Reichenau1103/Papers/Hiscock.pdf

Box 6.4 Nepal

In Nepal a women's organization has provided training to senior military commanders on international human rights and conventions relating to women's and children's rights. They highlight the impact of the military's harassment and violence, seek to promote protection of life and explain how the military's actions violate international norms.

Source: Personal research and documentation of the author.

Linking training outcomes to broader policy or reform goals

This can be achieved by establishing quantifiable objectives linked to demonstrable training results. Possible outcomes include:

- Publicized codes of conduct, complaints procedures and ethical standards that eliminate corrupt practice;
- Security sector agents that provide efficient service;
- Non-discriminatory court judgements and improved prison visitation services;
- Gender mainstreaming within the security sector;
- Sustainable civil-military consultative processes.

Box 6.5 Saferworld – Training for Action

As governments and civil society organizations become increasingly keen to address issues of armed violence in their communities, but often lack the capacity to do so, Saferworld developed capacity-building tools, including tailor-made resources, and provided training on a number of issues including arms control, community-based policing, conflict prevention, peacebuilding and conflict-sensitive development.

Training has taken place in many countries, including Nepal and Sri Lanka, and services are summarized in the 'Training for Action' brochure.⁹ Sample training materials included:

- Community-based policing sample training materials;
- Small arms and light weapons example training materials;
- Conflict prevention and conflict-sensitive development example training materials.

⁹ Saferworld, *Training for Action*, London, 2005, available online at <http://www.saferworld.org.uk/pages/training.html>

Ensuring practical relevance

It is important to ensure that every level of training, regardless of subject matter, is made practical and relevant to the trainee's frame of reference and profession, and also contributes to the development of social capacity. Possible outcomes include:

- Increased retention of security sector personnel and recruitment to security sector agencies from a broader societal base;
- If it becomes evident that security sector agents apply human rights norms and standards then witnesses and victims are more likely to cooperate in investigations.

Box 6.6 Burundi

In Burundi, 'Dushirehamwe' has developed different training modules dealing with conflict prevention, management and peacebuilding, and tools for community participation. All key components of the population: MPs, CSOs, police, religious groups, researchers and youth are invited to attend to talk about community concerns in democratization and peace and security.

Source: Gorette Ndacayisaba, Advocacy Program Officer, Dushirehamwe. Interview with the author.

Setting behaviour standards and developing feedback relationships

The aim is to model democratic, inclusive, rights-based behaviour, but equally importantly, build the crucial relationships upon which effective security sector practice can develop. Possible outcomes include:

- The establishment of sustainable structures and systems to share information and resources, together with cross-institutional training as a clear demonstration of the value of relationship-building between CSOs and the security sector;
- Increased respect and confidence, which would ultimately lead to civil society support for security sector actions and a better understanding of people's security needs by security sector agencies;
- A renewed public faith in state security, which would help avoid the growth of vigilantism.

Box 6.7 Partners for Democratic Change (Partners)

Partners is a global non-governmental organization committed to building sustainable local capacity to advance civil society and a culture of change and conflict management worldwide. Its network helps communities manage change and conflict through cooperative approaches worldwide. Examples of the involvement of the organization include the following.

In Argentina, Partners worked throughout the Buenos Aires Province with municipal leaders, police, citizens, and NGOs to establish Public Safety Forums that were mandated – but never realized – under new legislation. As a result of its efforts, relations between forum members and local police have improved, and citizens feel they have a safe place to report crimes without fear of retaliation.

In Hungary, the organization facilitated dialogue between police and communities to investigate and follow up on allegations of ethnic discrimination by police officers and facilitate constructive police-community interaction.

Similarly, in the Czech Republic, Partners' "Street Law" initiative has trained law students, police officers and elementary and secondary school students in using the legal system as a problem-solving tool, through interactive methods such as mock trials and role-playing. Partners has been active in a number of other countries throughout the world.

Source: Dr. Laina Reynolds Levy of Partners. Interview with the author.

Involving CSOs in the reduction of secrecy and the promotion of transparency for public accountability

Possible outcomes include:

- The development of more effective monitoring systems;
- Increased public and media debate, contributing to the definition of security concerns and priorities.

Box 6.8 Indonesia – Infid, Kontra S, ProPatria

From 2005 to 2007, three Indonesian CSOs provided a training course in Jakarta on security sector oversight and reform issues for CSOs from across Indonesia. CSOs from all parts the Indonesian archipelago received training on monitoring human rights observance by the security sector, as well as on transparency and accountability mechanisms.

Source: Interviews conducted by the Geneva Centre for Democratic Control of Armed Forces (DCAF) with stakeholders, Jakarta, January 2007.

Incorporating local history, culture and traditions into the reform process

Possible outcomes include:

- The elimination of formerly undemocratic practices, offensive iconography and uniforms by the military and police;
- The inclusion of minority voices will help prevent culturally inappropriate behaviour, decisions and structures.

Training civil society and security sector staff together

This should increase their knowledge of and familiarity with each other, as well as foster mutual respect and understanding of their democratic functions. Possible outcomes include:

- Improved knowledge and capacity, enabling joint identification of safety and security concerns and shared solutions;
- Improved performance managing public events (such as protests and demonstrations), as well as joint responses and shared responsibility in civil emergencies.

Box 6.9 Georgia – Association for Legal Public Education

The project “Support to the Rule of Law: Promoting Behavioral Change among the Public and Police Forces of Georgia” has been implemented by the CSO ALPE in coalition with the British Council, the Liberty Institute and the Georgian Institute of Public Affairs, with support from the European Union.

The project’s main objectives are to promote a society based on the rule of law, to create a strong system of civil monitoring of the law enforcement system (including the treatment of people in custody), to conduct special training and retraining courses together with the Police Academy and to organize a communication campaign in order to establish a trustworthy and healthy relationship between the police and society.

Source: http://www.alpe.ge/projects/completed_projects/97/

Box 6.10 Additional examples of CSO training initiatives on SSR issues

In **Colombia**, women’s groups have been working through their networks to redefine security based on humanitarian needs.

In **Guatemala**, FLACSO, a security-focused NGO, convened civil society, government representatives and members of the security sector in a consultative process to develop solutions to specific SSR challenges.

In **Kenya**, Saferworld has developed a training curriculum on community-based policing for senior officers, new recruits and community leaders, using media outreach and public education to raise awareness of the reform package.

In **Sri Lanka**, Saferworld has trained civil society networks to develop a better understanding of human security with specific reference to the impact of small arms.

Source: Sanam Naraghi Anderlini and Camile Pampell Conoway, *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action: Security Sector Reform*, International Alert, London, 2003.

The **CLEEN Foundation** in Nigeria (<http://www.cleen.org>) has promoted a Police Station Visits Kit, a simple tool for citizens to use in assessing how well local police serve the public.

The **International Helsinki Federation for Human Rights** (www.ihf-hr.org) supports the development of human rights monitoring networks as well as giving status and protection to those reporting on human rights issues.

CSO training by regional and international actors

The following are examples of training programmes initiated by other non-state actors (to the exclusion of CSOs) that have sought to embed local ownership in SSR training programmes.

Kosovo – community policing programme¹⁰

The Organization for Security and Cooperation in Europe (OSCE) was mandated in 1999 to provide Kosovo with a sustainable, representative, community-based local law enforcement service. The programme was funded bilaterally by the United States Department of Justice International Criminal Investigative Training Assistance Programme (ICITAP) and supported by the Community-Oriented Policing and Problem-Solving Unit (K-COPPS), established by the UN Mission in Kosovo (UNMIK) and the Kosovo Police Service (KPS). It strove to define policing roles for both law enforcement professionals and community members. The programme was mandated to develop new and strengthen existing relationships between police, local governance bodies and communities so as to ultimately reduce crime rates and improve community living standards and safety.

10 Dr Tamara Duffey, Special Projects Officer, Director's Office, Kosovo Police Service School. Interview with the author.

Organized in eight multi-ethnic municipalities, participants included KPS officers, municipality representatives and community members including village and religious leaders, educators, business leaders, civil society representatives and young people. Participants worked together to identify, prioritize and solve community problems ranging from domestic violence, illegal possession of weapons, cattle rustling, illegal landfills and environmental problems, to unemployment, drugs in schools, prostitution, and police-public communication. A significant component of the programme was the inclusion of training for trainers for both police and community representatives selected from all participating municipalities to shadow the programme facilitators for 10 weeks, and then to attend a training for trainers. The purpose of this component was to develop the capacity of the local participants as trainers, as well as practitioners, of partnership-building and problem-solving.

ICRC and National Societies in Central Asia¹¹

The International Committee of the Red Cross (ICRC), whose role is to protect the victims of international and internal armed conflicts and to promote international humanitarian law, can be a significant contributor to the provision of training to armed forces and in the development of Red Cross and Red Crescent National Societies around the world. The approach the ICRC has taken in Uzbekistan – simple on paper, yet immensely time-consuming and complex in practice – describes the model now adapted throughout five states in the region and highlights the importance of senior-level ‘buy in’.

ICRC’s approach towards opening the door to international humanitarian law dissemination involved significant ‘behind the scenes’ activity. In Uzbekistan this process involved ‘patience, persistence and courtesy’ with eleven ministries. Using ICRC’s position and status as a lever, the approach ultimately resulted in government approval of training at lower levels.

A roundtable with civil society actors, particularly university students and academics, developed agreement with all the stakeholders and enabled training without external intervention. Memoranda of Cooperation followed between ICRC and some state ministries. Key to success, in these demanding circumstances, was the pursuit of a long-term vision coupled with patience, the involvement of senior levels in policy development and the development of a strong sense of self-interest among the actors.

Police Reform in Rwanda¹²

UNDP implemented a police reform project in Rwanda. The project involved significant consultations with civil society as part of the initial approach to security sector reform Rwanda began earlier in the

¹¹ Ted Itani, former ICRC delegate. Interview with the author.

¹² Susanne J. Brezina, Programme Manager, GTZ Kenya Office, Peace Support Training Centre, Nairobi (formerly at UNDP). Interview with the author.

decade. The overall aim of this project was to overcome a culture of impunity in the police which was deeply rooted and was perceived to have contributed to the Rwandan genocide.

The project aimed to:

- establish a transparent and accountable police force, monitored by the citizens;
- design a police code of conduct, to be approved by the citizens;
- design a Police Act (as the basis for new legislation);
- train the police force in community policing and human rights.

The project team consulted the population, community after community – gathering people on the hill and discussing with them what they thought their new police should do and what they should not be allowed to do. The results of these consultations were recorded and provided the basis for the police Code of Conduct. Once drafted, the Code was again submitted to the population for approval, before going to Parliament.

As a result of the consultations, the police officers wore their names and service numbers stitched on their uniforms and the population was informed they could report police officers who committed an offence. Accordingly, the population was constantly sensitized about their rights, the laws and the newly designed police code. Simultaneously, the police were trained on international police standards, community policing and human rights. Different representatives of the local communities were invited to attend each of these trainings (at the time there were about 2000 police officers) and approve its design and contents (although this happened at a basic level, it helped to assure the population that their opinion was appreciated).

The project was considered a success as the population felt a sense of ownership and learned that the laws apply to everyone, even police officers. The population also understood that their contribution in policing was necessary. This helped to overcome the culture of impunity which previously existed in Rwanda.

Getting started¹³

The outline in Box 6.11 is a structured example of how a CSO can develop an SSR Training Course relevant to its stakeholders' training needs. It uses the training process ADDIE as a model to follow when developing a quality learning experience in human rights training.

¹³ See World Bank Institute for simple, straightforward template for training design: www.worldbank.org/wbi

Box 6.11 Developing a training course

<p>Step 1 Assessment</p>	<p>PURPOSE</p> <p>Identify training needs by:</p> <ul style="list-style-type: none"> i) assessing who the participants are ii) assessing their level of knowledge iii) determining what they should know, i.e. goals and objectives iv) identifying existing gaps <p>METHOD</p> <p>Informal: collection of information on the participants before training; analysis of pre-class survey; test or questionnaire; group discussion</p> <p>Formal: one-on-one interviews; survey to test skills</p>	<p>COMMENTS</p> <p>What are participants required to know? To be able to do?</p> <p>What is the existing level of human rights knowledge?</p> <p>What do they believe about human rights?</p> <p>What are prevalent attitudes, skills and behaviours?</p> <p>EXAMPLE: <i>An assessment may reveal that participants believe that in principle all children have the right to an education, but in practice poverty requires children to work to support the family economy or that it is too dangerous for girls to attend school. How would human rights training on the Child Rights Convention address this?</i></p>
<p>Step 2 Design</p>	<p>To determine the content</p> <ul style="list-style-type: none"> i) Clarify objectives as the basis for meeting expectations ii) Organize the infrastructure (premises, visual aids, technology, environment, support structure) iii) Draft agenda and allocate timing dependant on both objective factors (objectives, content) and subjective factors (personalities of trainer and trainees) and time available <p>Objectives should be SMART:</p> <p>Specific – state the desired result</p> <p>Measurable – able to be observed, demonstrated</p> <p>Achievable – realistic</p> <p>Relevant – of value and significance to trainees</p> <p>Time-bound – appropriate to the time available</p>	<p>How does the training conform with and support the greater national and institutional mission? Where does it fit in with other training?</p> <p>EXAMPLE: <i>Are all security sector elements receiving comparable training? How can they be integrated and connected?</i></p> <p>Is preparation or a pre-training assignment required?</p> <p>EXAMPLE: <i>Providing basic human rights documents in advance with preparatory task attached can develop familiarity and initiate civil society inclusion</i></p> <p>What, in broad, concrete terms will participants be able to do after the training that they could not do before?</p> <p>EXAMPLE: <i>Will police be able to describe and conduct witness interviews in conformity with human rights norms and standards?</i></p>
<p>Step 3 Development</p>	<p>To provide a comprehensive and effective guide to the management of the training</p> <p>This includes decisions on the use of:</p> <ul style="list-style-type: none"> i) pre-course assignment ii) visual aids iii) material delivery style iv) case studies and exercises v) group and individual activities vi) role-plays, interviews and demonstrations vii) diaries and mapping viii) homework assignments 	<ul style="list-style-type: none"> i) Both participants and trainers need to be clear about the process and conduct of the training. ii) Course materials must be credible and relevant, incorporating participants' life experience. iii) Time must be included for private reflection. iv) Role plays, interviews and demonstrations by trainers must be practiced and explained with care. Do not use "victims" for demonstrations. v) Homework can provide reinforcement and opportunities for application.

Step 4 Implementa- tion	To deliver training as an integral component of security sector reform and ensure that it supports the development of effective, transparent and democratic governance	Both content and style of training needs to reflect attitudes and behaviours that are being taught, thus reinforcing the concept of inclusive human security.
Step 5 Evaluation	To use appropriate means and measures to judge the success of the training <ol style="list-style-type: none"> i. Qualitative or quantitative methods? ii. How will a 360 degree evaluation be conducted? iii. Will a daily assessment be conducted? iv. Are participants to be assessed? v. How is material and methodology to be evaluated? vi. What are the key questions to ask on the course evaluation? vii. What is the strategy for long-term evaluation and feedback? viii. How will trainees receive support and follow-up? ix. What is the plan for mentoring and coaching? 	<p>Evaluation is an ongoing process and is to be designed as the ultimate test of effectiveness and relevance. Principled training incorporates evaluation results into the continuous learning cycle.</p> <p>Regular feedback during training allows for ongoing adjustments to timing, content and activities.</p> <p>Evaluation determines if training responds adequately to stated expectations and needs.</p> <p>360 degree evaluation allows for self-evaluation by trainers and participants.</p> <p>Post-training evaluation, over time, allows for reflections and assessment whether the training works. EXAMPLE: <i>Are witness interviews conducted according to human rights norms and standards? Do corrections staff facilitate detainee rights in accordance with IHL?</i> If not, why not? What is missing? Can training help to correct the problem?</p>

Box 6.12 Selected training materials & resources on democratic security sector oversight issues

Parliamentary oversight

Born, Hans; Fluri, Philipp and Anders Johnsson, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices, Handbook for Parliamentarians*, DCAF/IPU, Geneva, 2003.

<http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=25289&nav1=4>

Kinzelbach, Katrin and Eden Cole, *Democratising Security in Transition States: Recommendations*, UNDP, DCAF, Bratislava, 2006.

<http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=19152&nav1=4>

Defence

Van Eekelen, Wim and Philipp H. Fluri, *Defence Institution Building : A Sourcebook in Support of the Partnership Action Plan (PAP-DIB)*, LaVAK, Vienna, 2006.

<http://www.dcaf.ch/publications/kms/details.cfm?id=26223&nav1=4>

Transparency International, *Addressing Corruption and Building Integrity in Defence Establishments*. Working Paper No. 2, 2008.

http://www.transparency.org/publications/publications/working_paper_no_2_defence

Democratic Defence Management – PAP-DIB ADL

http://www.dcaf.ch/pap-dib/_index.cfm?print=1

Born, Hans & Ian Leigh (eds.), *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, OSCE, Warsaw, 2008.

http://www.dcaf.ch/odihr/_index.cfm?navsub1=24&nav1=3

Civil-military relations

Pantev, Plamen (ed.), *Civil Military Relations and Democratic Control of the Security Sector: A Handbook*, Procon, Sofia, 2005.

<http://rdsc.md.government.bg/BG/Activities/Publication/Images/CMRHandbook.pdf>

Police

Osse, Anneke, *Understanding Policing: A Toolkit for Human Rights Activists*, Amnesty International, Amsterdam, 2006.

<http://www.amnesty.nl/documenten/rapporten/Understanding%20Policing%202007%20Full%20text.pdf>

Senior Police Adviser to the OSCE Secretary General, *Guidebook on Democratic Policing*, OSCE, Vienna, 2008.

http://polis.osce.org/library/details?doc_id=2658

Intelligence

Born, Hans and Ian Leigh, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies*, DCAF/University of Durham/Parliament of Norway, Geneva, 2005.

<http://www.dcaf.ch/publications/kms/details.cfm?id=18718&nav1=4>

Gender

Bastick, Megan and Kristin Valasek (eds), *Gender & Security Sector Reform Toolkit*, DCAF/OSCE-ODIHR/UN-INSTRAW, Geneva, 2008.

<http://www.dcaf.ch/gender-security-sector-reform/gssr-toolkit.cfm>

Ombuds institutions

Kinzelbach, Katrin and Eden Cole, *Monitoring and Investigating the Security Sector: Recommendations for Ombudsman Institutions to Promote and Protect Human Rights for Public Security*, UNDP/DCAF, Bratislava, 2007.

<http://europeandcis.undp.org/cpr/show/53481BBB-F203-1EE9-B54A004C8D44FAB5>

Private security companies

Private Security Regulation

<http://www.privatesecurityregulation.net/content/database.htm>

Toolkits on Key PSC Oversight Issues

<http://www.privatesecurityregulation.net/content/tool-kits.htm>

Human rights & rule of law

Working with the Office of the High Commissioner for Human Rights: A Handbook for NGOs

<http://www.ohchr.org/english/about/ngohandbook.htm>

International Development Law Organization

<http://www.idlo.int/English/External/IPXpublications-su.asp>

ODIHR, Countering Terrorism, Protecting Human Rights: A Manual, OSCE, Warsaw, 2008.

http://www.osce.org/odihr/item_11_28294.html

Peacebuilding

Engaging Civil Society in Peacekeeping

<http://pbpu.unlb.org/pbps/Pages/Public/viewdocument.aspx?id=2&docid=885>

UNDP, *UNDP and Civil Society Organizations: A Toolkit for Strengthening Partnerships*, UNDP, New York, 2006.

http://www.undp.org/partners/cso/publications/CSO_Toolkit_linked.pdf

Ball, N. and K. Fayemi (eds), *Security Sector Governance in Africa: A Handbook*, Centre for Democracy and Development, London, 2004.

http://www.ssrnetwork.net/doc_library/document_detail.php?id=3155

UNDP, OAS, CIDA, IDEA, *Democratic Dialogue – A Handbook for Practitioners*, New York, 2007.

http://www.idea.int/publications/democratic_dialogue/index.cfm

Gleichmann, Colin, Michael Odenwald, Kees Steenken, Adrian Wilkinson, *Disarmament, Demobilisation and Reintegration: A Practical Field and Classroom Guide*, GTZ, Stuttgart, 2004.

Large, Judith and Timothy Sisk (eds.), 2006. *Democracy, Conflict and Human Security: Pursuing Peace in the 21st Century* (Volume 1 & 2), Stockholm: International IDEA.

http://www.idea.int/publications/dchs/dchs_vol1.cfm;

http://www.idea.int/publications/dchs/dchs_vol2.cfm

Security sector reform training courses

GFN SSR Training courses for Practitioners and Non-Practitioners

http://www.ssrnetwork.net/practitioners_course/index.php

http://www.ssrnetwork.net/practitioners_course/nonacadem.php

A Beginner's Guide to Security Sector Reform (SSR) March 2007 Birmingham: University of Birmingham
http://www.ssrnetwork.net/publications/ssr_beginn.php

International Alert, *Inclusive Security, Sustainable Peace*.
<http://www.international-alert.org/publications/41.php>

Saferworld 'Training for Action'
<http://www.saferworld.org.uk/pages/training.html>

Conclusion

CSOs cannot compensate for state action, but have an important role in bringing their independence and impartiality to the training arena. In addition to the advantage of developing a pool of skilled professional trainers, the participation by CSOs in training the security sector ensures that their knowledge of local realities is included.

The key ingredients that make the difference between mere argument and concerted action include:

- Training conducted parallel to other reform activities and embedded in a comprehensive SSR strategy;
- Support by Champions and Leaders – senior level 'buy-in';
- Demonstrated results through improved performance and linkage to strategic benchmarks;
- Long-term commitment by donors, trainers and CSOs;
- Meaningful evaluation that links needs and results and shares 'Best Practices' on a national and regional basis;
- Broad-based comprehensive training of trainers.

What you can do as a CSO

Identify training needs in the security sector

- ✓ Identify 'points of contact' in the security sector
- ✓ Conduct training assessments and analysis in order to identify training needs
- ✓ Research existing training programmes to avoid duplication
- ✓ Set training priorities

Develop training programmes for security sector personnel

- ✓ Use available international and local resources to develop training programmes
- ✓ Specialize in and focus on issue-areas (women's, children's or minority rights, community safety, trafficking, etc) where your organization has a comparative advantage
- ✓ Identify short-, medium- and long-term measurable benchmarks and objectives to demonstrate results

Implement training programmes

- ✓ Select methods, activities and training environments where participants feel secure and respected
- ✓ Use a diagnostic approach to problems rather than one based on 'naming and blaming'
- ✓ Incorporate local and traditional methods and local history and culture in training programmes
- ✓ Insist on Training of Trainers programmes for a cascade effect

7

Vahan Galoumian

Monitoring

For much of the modern era, the collection, classification and interpretation of social reality remained a state prerogative. The state not only played a prominent role in regulating various aspects of collective life, it was also the major – frequently the only – source of qualitative and quantitative data about various aspects of social reality.

Increasingly, however, non-governmental organizations, including research institutes, academic institutions, survey centres and civil society organizations in developed and developing countries have used active monitoring strategies to provide alternative perspectives and analyses of relevant social issues and the impact of state policies. Monitoring has become one of the most visible and active efforts that CSOs can undertake to ensure the security sector is democratically overseen. Moreover, the credibility of CSOs' activism, be it awareness-raising or advocacy at local, national and international levels, depends on their ability to monitor the effectiveness of state policies and programming in the security field, as well as the provision of security as a public good.

This chapter introduces monitoring and its relevance to CSOs' active engagement on security sector oversight issues, and also provides an overview of the tools required to ensure effective data-gathering relevant to security.

It is divided as follows: first, it discusses the relevance of independent monitoring to the democratic oversight of the security sector. Second, it details a range of monitoring tasks that CSOs can undertake to investigate and scrutinize the security sector and the various challenges they are likely to face. Third, basic guidelines for methodology and information-gathering techniques are considered. This chapter concludes by discussing the significance of the monitoring report and the relationship of monitoring to other CSOs activities such as awareness-raising, advocacy and alliance-building.

The role of independent monitoring in democratic governance

The term ‘monitoring’ is used in the project management terminology to refer to processes performed to control project execution, identify problems and take corrective action when necessary. Although this issue is addressed later in the chapter, it is not the broader use of the term here. Put simply, monitoring is here used to refer to the planned and systematic examination of a specific aspect of social reality conducted over an extended period of time and according to transparent and consistent methodology.

In 1892, the celebrated Russian writer Anton Chekhov spent three months at the penal colony of Sakhalin interviewing thousands of convicts and settlers for a census. Upon his return, he wrote:

“Sakhalin was a place of unbearable sufferings, such as only human beings, free of bond, can endure. We have let millions of people rot in prison, destroying them carelessly, thoughtlessly, barbarously; we drove people in chains through the cold across thousands of miles, infected them with syphilis, deprived them, and multiplied criminals.... All of us are to blame, yet [outrageously] this is no concern of ours.”¹

Chekhov’s description of neglect and forgetfulness dates from the 19th century but it does not differ extensively from more recent instances of repression and information cover-ups. State suppression of disconcerting information of the activities of what we today call the security sector – compromised of the army, the police, prison guards and the intelligence services – is no novelty in human history. The ability to monitor state policy is vital in order to query official statements in the developed and developing world. For instance, the killing of Algerians demanding independence in the town of Sétif in 1945, the deaths of Palestinians in Lebanese refugee camps in 1982 and the Tiananmen Square protests of 1989 were exposed by independent monitors.

This reality is the *raison d’être* of monitoring: only independent accounts of state policies and practices are likely to bring scrutiny and accountability to the security sector and only a higher degree of transparency is likely to change malpractices over time.

What is monitoring?

Monitoring differs from a simple study that would seek to get a ‘snapshot’ of a collective phenomenon or a governmental policy. Monitoring also differs from traditional academic research as its goal is not only to doc-

1 Chekhov, Anton, *A Journey To Sakhalin* (Translated by Brian Reeve), Ian Faulkner Publishing, Cambridge, 1993.

ument social phenomena but, ultimately, it is to change this reality for the better.² Finally, it is also different from other advocacy efforts: monitoring not only attempts to change government policies but seeks to document and analyse the impact of current governmental action and suggest ways to improve it.

Criteria and benchmarks

The purpose of monitoring is to assess the conformity of state practice with a set of pre-established rules or guidelines. To affirm whether an organ of the state violates or transgresses rules, one must first explicitly describe the criteria against which governmental action is being assessed.

These criteria include two broad categories: legal obligations and best practices. Legal obligations include specific regulations, national legislation, the constitutional framework and international law. Best practices, on the other hand, are widely agreed upon standards that reflect a consensus among theorists and practitioners in a particular domain.

Methods

The principal ‘tool’ of monitoring is the publication *and* dissemination of a monitoring report and the end goal is, as stated above, to influence social, institutional and political change. Identifying shortcoming in the functioning of public institutions and exposing these shortcomings to the public is likely to create pressure on state institutions to deliver better services to the citizenry. For instance, an organization may choose to monitor the human rights commitments of the police in its relations to a minority group, and publish periodic reports about the situation so as to draw the attention of relevant stakeholders and decision-makers on the issue: ultimately, the aim of the process is to promote the human rights and strengthen the protection to the members of the minority group. To be effective, monitoring must be conducted according to rigorous and systematic methodology, be objective in gathering information and establish respectability in order to successfully affect social change.

Contacts

Because monitoring entails the collection and compilation of data of an aspect of society thus far not sufficiently scrutinized in an independent and impartial manner, developing a network of contacts with

² This does not mean that research and documentation are unimportant for the public oversight of the security sector. For more on the relevant role of research in public oversight strategies, see chapter three of this handbook.

the people that have insider's knowledge of a situation is crucial for most monitoring projects. The following principles, adapted from Amnesty International's handbook on Human Rights Monitoring,³ are useful guidelines for organizations interested in starting monitoring projects. These organizations should aim to:

- Establish relationships based on mutual trust, confidentiality and mutual respect;
- Clearly state to their contacts the goals of their research and how the information provided will be used in reports;
- Respect contacts' confidentiality when they ask to be quoted anonymously;
- Do not endanger the security of contacts by revealing information that might put them at risk (put the contacts first, rather than the information they provide);
- Nurture these relationships by keeping regular contact;
- Share the results of their reports with them and show them how they have contributed to positive change.

One practical 'entry point' in engaging security ministries is the use of former security sector personnel as potential interlocutors. Many CSOs have former army and police officers in their organization and use their contacts to establish working relationships with the army and the police.

Monitoring the security sector

It may seem that the security sector is impenetrable and not a recommendable object for monitoring, due to the culture of secrecy and, in many countries, the lack of transparency attached to it. Yet, these are precisely the reasons why monitoring the security policies and institutions of the state is vital. It is more likely that security sector institutions and personnel will adopt and comply with best practices if systematic monitoring is carried out and reports are disseminated to the public.

Furthermore, in conflict, post-conflict, weak and fragile states, CSOs may find themselves and their stakeholders exposed to a wide range of problems caused by an *absence* of security, principally through the operations of criminal gangs, rebel groups and illegal armed groups. In the absence of an established rule of law, CSOs need to be able to map issues of human rights abuses and other developments impacting on public security to bring these to the attention of both their governments and the international community.

³ Amnesty International, *Monitoring and Reporting Human Rights Violations in Africa: A Handbook for Community Activists*, AI, Amsterdam, 2002. As its title suggests, this handbook is intended for African CSOs, but recommendations are applicable to a broad range of monitoring projects.

Box 7.1 Kyrgyzstan: conflict prevention through monitoring and early warning

The Foundation for Tolerance International (FTI) is an independent Kyrgyz NGO working for peace and conflict prevention and resolution primarily at the cross-border communities of Kyrgyzstan, Tajikistan and Uzbekistan in the Ferghana valley. Created in 1998, FTI produces a weekly early warning bulletin with analysis and recommendations about the conflict situation in Kyrgyzstan.

The Early Warning for Violence Prevention project (EWVP) was started in order to prevent violent conflicts by establishing mechanisms of prognosis/investigation into conflicts and undertaking preventive measures. In order to thoroughly monitor the situation in Kyrgyzstan, the project has established a nationwide network of monitors from civil society activists, academics, journalists and law enforcement agencies. Currently, 32 monitors observe the situation, collect data and are in touch with the Early Warning Center (EWC). Based on the information collected, the EWC processes the information, prepares recommendations on actions for violence prevention and publishes its findings in the Weekly Bulletin. The EWC strives to provide and disseminate accurate information to make timely prevention and intervention possible.

The EWVP, which began in June 2005, has been funded by the OSCE, UNDP and the Belgian Ministry of Foreign Affairs.

Source: <http://www.fti.org/kg/eng/welcome.php>

Ultimately, monitoring aims to establish and strengthen the accountability, transparency and efficiency of security sector agencies. To establish entry points for monitoring, CSOs can engage in investigating specific issues or areas of the security sector – such as recruitment and training practices, integration of and compliance of practices with human rights and international humanitarian law, or internal and external control mechanisms.

Types of monitoring activities

Most times, monitoring projects that engage the security sector are focused on one of the following four aspects:

- Mechanisms of democratic oversight;
- Competence;
- Violation of the human rights of security sector personnel;
- Violation of the human rights of the population at large.

Mechanisms of democratic oversight

Monitoring mechanisms of democratic oversight seeks to establish the existence of instruments that subject security actors to oversight and control by democratic institutions – chiefly parliament and specialized committees – and their authority in practice. Put differently, this type of monitoring seeks to establish whether security ministries act as independent political players or if they are subject to genuine democratic scrutiny.

In practice, CSOs can ascertain the degree of democratic control by monitoring the legal frameworks regulating the work of security actors (monitoring for instance whether new legislation contradicts the constitution, international human rights treaties or state obligations under international law), and monitoring the work of parliamentary committees and the extent to which they are able to influence the performance of security actors. To name one prominent example, CSOs can monitor the role and influence of parliament and the ministry of defence in regulating defence expenditures.

Competence of security actors

Monitoring competence seeks to determine whether the army, the police, border guards and other security actors achieve the goals for which they are established: providing security to citizens. Stated differently, here one seeks to assess the impact of the work of security ministries on the improvement of general security conditions of the public at large.⁴

The sort of research questions that this type of monitoring generates include the following: Are border guards successful at curbing uncontrolled migration and human trafficking? Is the army well prepared for overseas peace operations? Is the police effective in resolving crimes and providing security on the streets? CSOs can provide answers to these questions by monitoring indicators such as crime levels, the resolution rate of violent crimes and levels of illegal migration.

Certainly, the competence of security sector actors is not the only factor that influences these phenomena, but widespread shortcomings are often indicative of an inefficient security sector. More fundamentally perhaps, to speak of the *competence* of the security sector presupposes mechanisms for democratic oversight. Only if security is conceived of as a public good and only if the security sector is subject to democratic control is monitoring competence meaningful.

⁴ To ascertain whether the budget of the army, the police and other security ministries is spent in line with government priorities, CSOs can engage in budget analysis. For more on this topic, see chapter 8 of this handbook.

Violations of the human rights of security sector personnel

Monitoring violations of the human rights of security sector personnel aims to expose abuses of those who work in security ministries. The kind of research questions that this type of monitoring generates include the following: Does the security apparatus respect the civil and political rights of its personnel? Are army recruits treated with dignity, or do they suffer from widespread abuses and intimidation? Is sexual violence practised against new recruits?

Oftentimes, CSOs are unable to monitor violations of the human rights of security sector personnel directly. Instead, they can monitor indicators that prove symptomatic of wider patterns of abuse. For example, monitoring suicide rates among army draftees may prove indicative of wider patterns of violence against draftees. Similarly, CSOs may survey former draftees to establish the political and civil rights of members of the armed forces.

Box 7.2 Monitoring recruitment of child soldiers in Burma

The use of children as soldiers has been universally condemned and a number of international conventions, including the United Nations Convention on the Rights of the Child, firmly condemn and prohibit this practice. Despite growing international condemnation, however, a number of countries continue to recruit and train child soldiers.

Burma is one such example. Officially, the Burmese government claims that the Burmese national armed forces, the Tatmadaw, are an all-volunteer force and that the minimum age for recruitment is 18 years old. But many independent monitoring reports suggest that child soldiers continue to be used in significant numbers in the Burmese army. One of these most recent reports, published by Human Rights Watch, and titled 'Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma' is based on interviews conducted in border areas of Burma, Thailand and China with current and former Burmese soldiers between July and September 2007 as well as interviews with health workers, representatives of several humanitarian organizations, UN representatives in Burma, local researchers and civilians.

Interviewees consistently testified to Human Rights Watch that the majority of new recruits in the Burmese army are conscripts, not volunteers, and that a large proportion of them are children aged under 18 years old. Many young Burmese children interviewed by Human Rights Watch testified to how they were imprisoned, beaten, sold to recruitment officers and eventually taken to recruitment centres. Those who attempt to escape are severely punished and beaten.

In the past, consistent reports from the United Nations and independent sources had already document the widespread practice of recruitment of child soldiers. In 2004, the Burmese military junta responded to

international criticism by establishing the Committee for the Prevention of Military Recruitment of Underage Children. This most recent Human Rights Watch report reveals that the Committee has not taken any significant action to redress the issue.

Source: Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*. London: Human Rights Watch, 2007

Violations of human rights of the population at large

Monitoring violations of human rights of the population at large investigates whether security ministries are respectful of human rights when they interact with the citizenry. Research questions asked for this type of monitoring include the following: Do state organs use torture to gather information from suspected criminals? Does the police use unnecessary violence to disperse crowds? Are there reported instances of disappearances of persons in military or police custody?

CSOs can play a crucial role by establishing whether state organs abide by national and international human rights law in the daily running of affairs. Types of monitoring projects include monitoring visits to prisons to register the well-being of inmates, monitoring specific events such as large demonstrations to judge the work of the police and monitoring the use of torture by the intelligence agencies by interviewing former detainees. Box 7.3 provides an example of a CSO monitoring project on prisons and other places of detention.

Box 7.3 Monitoring prisons and other places of detention in Latvia

Prisons and other places of detention are central for the public oversight of the security sector as violations of human rights often happen in these premises. Around the world, a growing number of civil society organizations have taken action to document and analyse conditions of detention in order to draw public attention to these issues and ultimately change these conditions for the better.

Recently, in 2006, the Latvian Centre for Human Rights published a comprehensive monitoring report on closed institutions in Latvia. Based on 102 monitoring visits to prisons, police custody facilities, illegal migrant detention facilities and mental hospitals, the report highlights a number of lacunas in these places of detention.

While noting improvements in a number of domains in the period leading up to 2006, the report also draws attention to a number of problem areas. These include a lack of provision of information to illegal migrants and asylum seekers on their rights, a lack of in-cell sanitation in a 'considerable number' of police custody

facilities, the fact that legislation on mental health institutions has not been harmonized with international human rights standards and in particular there is no appeal mechanism in place for cases of involuntary hospitalization.

Source: Latvian Centre for Human Rights, *Monitoring Report on Closed Institutions in Latvia*, Riga: LCHR, 2006.

Types of monitoring activities and indicators

The table below details issues, indicators and examples of CSOs that engage in monitoring projects for each of the four types of monitoring.

One important distinction here is between issues and indicators. Issues themselves are difficult to monitor. As monitoring must be 'fact-driven,' organizations need to find indicators relevant to these issues. These indicators, in turn, will permit to broader conclusion on these issues.

For instance, the well-being of draftees is an important issue that needs to be researched independently, but organizations need to determine relevant indicators to monitor it. To do so, organizations will need to link these issues to indicators that are fact-driven and easily verifiable by other parties: the number of cases of maltreatment reported to competent authorities and suicide rates among draftees are two examples. Similarly, to monitor the competence of the police addressing crime, a CSO may decide to monitor indicators such as crime rates per 100,000 inhabitants or percentage of crime resolution.

More generally, organizations will need to 'break down' the different issues affecting the security sector into identifiable indicators that are fact-driven and can be reproduced by other parties. The following table serves as a starting point for identifying such indicators.

Other types of monitoring projects may engage the security sector as a whole, for example by investigating public perceptions of security-related issues and evaluating indicators of insecurity. These reports may seek to determine, for instance, confidence levels of the population in the police, the military, or border guards; public perceptions of insecurity using indicators that point towards possible or perceived causes for insecurity, such as the number of kidnappings reported; presence or proliferation of small arms; and the prevalence of corruption and organized crime across sections of society.

All these approaches aim at shedding light on reality from the perspective of respective CSOs. Monitoring constitutes the first building block for reforming the security sector; parliamentarians and the citizenry in general can only influence change on the basis of precise and independent information. In other words, only when citizens know of the deficiencies of the security sector can they successfully lobby for change.

Box 7.4 Types of monitoring activities

Institution	Types of Monitoring	Issues (Selected Examples)	Indicators (Selected Examples)	Examples of CSO Monitoring
The Army	<ul style="list-style-type: none"> - Mechanisms of democratic oversight 	<ul style="list-style-type: none"> - Parliamentary oversight (Is the military subject to parliamentary oversight?) - Defence budget (Is the defence budget spent in line with the priorities set up by the president and/or parliament?) - Procurement policies (Is procurement policy transparent? Are competing alternatives analysed before purchases are made?) - Personnel policy (Are personnel competitively selected?) 	<ul style="list-style-type: none"> - Findings of parliamentary commissions (where applicable) - Competencies of military ombudsmen institutions and other independent review procedures (where applicable) - Type of documents and extent of information that parliamentary oversight committees have access to (where applicable) 	<ul style="list-style-type: none"> - Committee of Soldiers' Mothers (Russia) - Madres de la Plaza de Mayo (Argentina) - STPR (Sweden) - Justice and Liberty (Georgia) - Kontra S (Indonesia) - Imparialis (Indonesia) - Euromil (Netherlands) - African Security Dialogue and Research, Ghana - Institute for Security Studies, South Africa - Centre for Policy Research & Dialogue, Ethiopia - Transparency International
	<ul style="list-style-type: none"> - Competence 	<ul style="list-style-type: none"> - Professionalism of soldiers - Military involvement in business (Is the military involved in business activities?) - Corruption levels (Is corruption prevalent in the military?) 	<ul style="list-style-type: none"> - Findings of parliamentary committees (where applicable) - Indicators of competence in peacekeeping and peace-building operations - Indicators of combat readiness 	
	<ul style="list-style-type: none"> - Violations of human rights of security sector personnel 	<ul style="list-style-type: none"> - Use of underage children by the military - Hazing (Is there a practice of hazing new police recruits?) - Sexual violence targeting recruits - Treatment of ethnic and linguistic minorities in the armed forces 	<ul style="list-style-type: none"> - Suicide rates among draftees - Number of reported cases of maltreatment of soldiers - Number of underage children in the army - Interviews with current and former soldiers 	
	<ul style="list-style-type: none"> - Violations of human rights of the population at large 	<ul style="list-style-type: none"> - Disappearances of persons in military custody - Use of internationally sanctioned weapons by the military - Sexual violence committed by governmental forces - Compatibility of national policies for the treatment of prisoners with international humanitarian law 	<ul style="list-style-type: none"> - Reported number of cases of rape perpetrated by servicemen - Number of disappearances of persons in military custody - Number of cases of sexual violence perpetrated by peacekeepers targeting the local population in peacekeeping missions 	

Institution	Types of Monitoring	Issues (Selected Examples)	Indicators (Selected Examples)	Examples of CSO Monitoring
The Police	<ul style="list-style-type: none"> - Mechanisms of democratic oversight 	<ul style="list-style-type: none"> - Parliamentary oversight (Is the police subject to parliamentary oversight?) - Police budget (Is the police budget spent in line with the priorities set up by the president and/or parliament?) - Procurement policies (Is procurement policy transparent? Are competing alternatives analysed before purchases are made?) - Personnel policy (Are personnel competitively selected?) 	<ul style="list-style-type: none"> - Type of documents and extent of information that parliamentary oversight committees have access to (where applicable) - Findings of parliamentary committees (where available) 	<ul style="list-style-type: none"> - Human Rights Watch - ICMPD - ALPE (Georgia) - ICN (Georgia) - USIP (Nepal)
<ul style="list-style-type: none"> - Competence 	<ul style="list-style-type: none"> - Internal security (Is the police successful at proving security on the streets?) - Professionalism of police officers - Crime rates 	<ul style="list-style-type: none"> - Resolution rates of major crimes - Crime rate per 100'000 inhabitants 		
<ul style="list-style-type: none"> - Violations of human rights of security sector personnel 	<ul style="list-style-type: none"> - Hazing (Is there a practice of hazing new police recruits?) - Do women police officers have equal rights and are they treated equally? 	<ul style="list-style-type: none"> - Reported cases of hazing targeting new police recruits - Interviews with current and former police officers 		
<ul style="list-style-type: none"> - Violations of human rights of the population at large 	<ul style="list-style-type: none"> - Treatment of prisoners in police custody (Is torture a wide-spread phenomenon? Are the rights of suspects under interview respected?) - Respect for human rights of protestors during large scale protests - Compatibility of national police directives with international law 	<ul style="list-style-type: none"> - Reported cases of torture of persons in police custody - Reported cases of abuse of persons in police custody - Eyewitness accounts of police abuse - Field reports of police conduct during protests 		
Border management	<ul style="list-style-type: none"> - Mechanisms of democratic oversight 	<ul style="list-style-type: none"> - Parliamentary oversight (Are border agencies subject to parliamentary oversight?) - Are borders guards integrated in the ministry of interior and law enforcement agencies, or are they militarised and part of the armed forces? - Is there parliamentary oversight of border guards? - Personnel policy: are personnel competitively selected? 	<ul style="list-style-type: none"> - Type of documents and extent of information that parliamentary oversight committees have access to (where applicable) - Findings of parliamentary committees (where applicable) 	<ul style="list-style-type: none"> - Institute for Security Studies (EU/BE) - ICMPD (Austria)

Institution	Types of Monitoring	Issues (Selected Examples)	Indicators (Selected Examples)	Examples of CSO Monitoring
The intelligence sector	<ul style="list-style-type: none"> - Mechanisms of democratic oversight - Competence - Violations of human rights of security sector personnel - Violations of human rights of the population at large 	<ul style="list-style-type: none"> - Parliamentary oversight (Are intelligence agencies accountable to parliamentary committees?) - Does the intelligence gathered by intelligence agencies prove reliable? - Are the human rights of those who work for intelligence agencies respected? - Do intelligence agencies' policies observe human rights? - Are there problems with monitoring policies, including eavesdropping and wire-tapping policies? - Extraordinary renditions (rendition of citizens to third countries where torture is performed?) 	<ul style="list-style-type: none"> - Type of documents and extent of information that parliamentary oversight committees have access to (where applicable) - Legislations governing the oversight of the security sector - Findings of parliamentary committees - Interview with former intelligence officers - Compilation of evidence based on 'insider's accounts' - Interviews with former intelligence officers - Cases of torture of detainees interrogated by the intelligence sector - Cases of rendition to third countries where torture is practiced 	<ul style="list-style-type: none"> - Privacy International - Electronic Frontier Foundation - Amnesty International - State Watch - Liberty (UK)
The judiciary and the legal system	<ul style="list-style-type: none"> - Mechanisms of democratic oversight - Competence 	<ul style="list-style-type: none"> - Constitutionality of major legal decisions rendered by national, regional and international tribunals with relevance to the security sector - Freedom of association and free speech - Monitoring and applying anti-corruption laws - Ability to handle complex cases independently - Non-discriminatory verdicts - Reduction of court waiting times - Are all individuals and institutions, including government, governed by, and treated equally by the same law? 	<ul style="list-style-type: none"> - Average court waiting periods - Comparison of verdicts to assess non-discrimination - Eyewitness accounts of bribe taking 	<ul style="list-style-type: none"> - Liberty (UK) - Human Rights Watch

Institution	Types of Monitoring	Issues (Selected Examples)	Indicators (Selected Examples)	Examples of CSO Monitoring
The judiciary and the legal system	<ul style="list-style-type: none"> - Violations of human rights of security sector personnel - Violations of human rights of the population at large 	<ul style="list-style-type: none"> - Independence of judges - Non-harassment of defence attorneys - Respect for the civil and political rights of suspects - Equal treatment to members of national minorities and marginalised groups 	<ul style="list-style-type: none"> - Reported cases of harassment of defence attorneys - Interviews with former trial defendants 	
Non-state actors (private military companies, armed gangs, rebel groups)	<ul style="list-style-type: none"> - Violations of human rights of personnel - Violations of human rights of the population at large 	<ul style="list-style-type: none"> - Use of underage children by the military - Sexual violence against female recruits - Observance of international humanitarian law - Violations of human rights of the population in region where rebel group has control - Sexual violence committed against the population - Use of extortion 	<ul style="list-style-type: none"> - Interviews with current and former soldiers - Number of underage children in non-state armed groups 3- Reported number of cases of rape perpetrated by members of armed groups - Number of cases of sexual violence perpetrated by members of armed groups - Eyewitness accounts of indiscriminatory killings perpetrated by non-state armed groups 	<ul style="list-style-type: none"> - Human Rights Watch - Amnesty International

Monitoring: methods, research design and methodological guidelines

Monitoring the security sector is achieved by using a number of research techniques and methodological guidelines. These methods include, but are not limited to:

- analysis of legal frameworks;
- analysis of governmental policies;
- budget analysis;
- data analysis;
- on-the-ground observation;
- collection of testimonies.

Because the purpose of monitoring is to assess the conformity of state practice with a set of pre-established rules, regulations, policies and standards, all monitoring projects should first present the national and international legal framework that regulate the issue or area under investigation. Similarly, it should analyse relevant governmental policies.

Monitoring should also look at how policies are actually implemented into practice. This is done by observing events on the ground, collecting testimonies and assessing relevant data where available.

The following steps offer an introduction to methodological guidelines in pursuing monitoring activities. This section introduces this subject, while resources listed throughout this handbook offer avenues of further inquiry.

Step 1. Choose a monitoring task

What policies will be monitored? What legislation, benchmarks and best practices will be used to evaluate state practice? How does a given law, policy or practice impact various groups of citizens? These are some of the questions that a CSO will address in choosing a monitoring task.

Ideally, a CSO will choose issue areas where it has a comparative advantage over others; where its familiarity with the subject, past experience and contacts, enable it to shed light on a topic that has been inadequately scrutinized until now. The choice of a focused subject of study is advantageous as the monitoring task will require less resources and a more focused study has more chance of providing a comprehensive view of the object of study. Importantly, also, specialization gradually improves institutional reputation, ultimately bringing greater funding possibilities and greater

opportunities to conduct broader studies in the future. For instance, an organization that starts to monitor treatments and conditions of inmates in one region can soon come to be recognized as an expert in the field.

Step 2. Do a preliminary diagnosis of the situation and relevant legal frameworks

Collecting preliminary data on a particular issue area, conducting informal and unstructured interviews and consulting previous research form the basis of a preliminary diagnosis of the situation. Even if a particular aspect of collective reality has never been monitored before in a country, there are undoubtedly other published sources of information that deal with the topic elsewhere. A CSO will benefit from consulting these sources and other existing literature on the issue and connecting themes.

Secondly, monitoring projects must engage with relevant national laws, international treaties and widely agreed-upon best practices regulating the issue under investigation. These rules and standards will inform the observation of events on the ground.

Step 3. Choose appropriate research methods and information-gathering techniques

Having established the relevant legal frameworks and best practices that govern a particular issue area, the monitoring CSO needs to consider whether, in practice, relevant laws are followed, policies implemented and norms respected.

To do so, one must choose the research tool and techniques most appropriate to the object being studied. Box 7.5 provides an overview of the most widely used techniques to gather information on the ground.

Box 7.5 Verifying gathered information: three principles of assessment

The credibility of a CSO monitoring report, and its capacity to influence social change, is largely determined by its transparency and accuracy. Consequently, one of the major steps in any monitoring report must be to verify the documentation gathered in interviews, surveys, data collection and other techniques of information gathering. Three major principles, herein adapted from the *Manual on Human Rights Monitoring* published by the Norwegian Institute on Human Rights, set practical guidelines for CSOs involved in monitoring activities.

1. Assess the trustworthiness of your source

You should first consider whether your source is a first-hand witness or reports to you based on hearsay or rumours. Is your interviewee a victim of police abuse or does he report to you based on second or third-hand sources? During an interview, you and your team should look for ‘consistency and coherence’ in the interviewee’s statements. One way to assess consistency and coherence is to ask for further details about the specifics of an event. Similarly, asking the same question from different angles and different wordings is another way to assess coherence. In doing so, you should keep in mind that your informant, especially if he or she is also a victim, may feel distress from the event and be unable to answer all questions related to the specifics of an event. In administering a survey, one technique is to ask the question in different wording throughout the survey and to check for consistency between answers. More fundamentally then, assessing the credibility of a source is an art, not a science. Does your source have an interest in reporting an event in a certain way? Does he or she have a ‘hidden agenda’?

2. Check for consistency with other independent accounts

Checking for cross-consistency among independent accounts is a technique for assessing the validity of the likelihood of an event. If two or more sources, independent and unrelated to each other, corroborate the same event or violation, this can be taken as an indication – but not as an ultimate proof – of the truth of a piece of information. For instance, if a number of inmates, unknown to each other, report that the same kind of torture methods are used in a prison, their accounts can be taken to be trustworthy. Furthermore, CSOs can check for cross-consistency between the accounts of their sources and reports of other CSOs.

3. Assess whether the report fits into the overall context

Does the information being reported to you fit the overall picture of the issue area you are monitoring? Is this information plausible in light of other available information? If it is not, this does not mean that you must discard this information altogether: it may be that you have uncovered a previously unaccounted trend. In that case, the burden of proof is greater and the responsibility to corroborate the facts you will eventually report is more demanding.

It is important to note that during states of emergency and in restrictive environments, these principles are not easily applicable; for instance, it is difficult if not impossible to check for consistency with other independent accounts. However, CSOs operating in these situations should not hesitate to publish and disseminate these testimonies while indicating that the information has not been verified due to the aforementioned circumstances, as these testimonies are often the only ones available.

Source: Norwegian Institute of Human Rights, 2002, *Manual on Human Rights Monitoring. An introduction for Human Rights Field Officers*. Oslo: Norwegian Institute of Human Rights.

Step 4. Conduct a monitoring study

For projects that embark on a legal analysis of security sector legislation, a monitoring study will investigate the conformity of specific legislation and directives with relevant legal frameworks. For projects that engage in non-legal analysis, monitoring will involve gathering and analysing information to examine mechanisms for democratic oversight, the competence of government actors to provide security to the citizenry and possible violations of human rights.

Since a monitoring project often involves collaboration between many researchers, the organization should ensure that information-gathering techniques are being applied consistently by all researchers on the ground and ensure good communication and understanding among the members of the research team.

Step 5. Communicate results

Having published a monitoring report, CSOs must look at ways of communicating the findings of these reports to relevant stakeholders in the security sector, the government and the public at large. Only when findings are effectively communicated to decision makers and the citizenry can CSOs expect to positively influence social change.

The monitoring report

The primary goal of the monitoring report is to report collected evidence about a particular aspect of social reality, which can later be used to impact on the situation under investigation.

The monitoring report soon becomes the trademark of a CSO, largely affecting its reputation. A comprehensive and detailed report that provides concrete evidence of wrongdoings is likely to attract the attention of the media, international organizations, other CSOs, politicians and the public at large. On the contrary, a poorly organized monitoring report, one that does not cite accurate incidents is likely to damage the reputation of the CSO and weaken opportunities to interact with the international community, and is unlikely to affect positive social change.

There are no standard rules for writing a monitoring report. The following shall serve as guidelines or suggestions; a CSO can combine these with local knowledge. Ultimately, CSOs will perfect their report-writing abilities by consulting monitoring reports published by established and experienced CSOs; Box 7.6 provides selected examples.

Structure of a monitoring report

The monitoring report should first introduce the object of study in its wider context by introducing national law and international treaties relevant to the issue being monitored. In its opening sections, the monitoring report should also include an ‘executive summary’ of the findings of the monitoring process, as many of the people that are likely to read a CSO report – including politicians, donors and journalists – are very busy individuals. The report should be able to grasp the attention of readers by succinctly presenting methodology, major findings and recommendations. Also, if the report is written in a local language, it is generally a good idea to include an abstract in English if not a complete English translation.

The body of the report should methodically and precisely detail the results of the monitoring process. First, for the sake of clarity, the CSO should be transparent as to methodology used in the monitoring process. Ideally, as in social research, another person or organization should be able to duplicate your research and arrive at the same conclusions. Fundamentally, the report should not only be descriptive in character but also provide analysis. Monitoring reports not only provide a snapshot of an aspect of collective reality but its evolution overtime: in doing so, a monitoring report should report on the shortcomings, but also improvements, year on year. A balanced report is more likely to attract public attention than one that is seen as one-sided on a given phenomenon, despite some evidence of a more nuanced assessment.

A monitoring report should also aim to include recommendations to all relevant stakeholders. The recommendations should be based on the findings of the report, signalling how in practice political, economic or social action can help address the shortcomings reported in the findings of the monitoring process; they should not only signal the preferences of the CSOs, and should be independent of the major conclusion of the report.

Box 7.6 Examples of monitoring reports on the security sector

Human Rights Watch, *Get the Gun! Human Rights Violations by Uganda’s National Army in Law Enforcement Operations in Karamoja Region*, Human Rights Watch, London, 2007, available online at <http://hrw.org/reports/2007/uganda0907>

Based on more than 50 eyewitness accounts of law enforcement operations carried out by the Uganda Peoples’ Defence Forces (UPDF) between September 2006 and January 2007, and on visits to the sites of six of these operations, this reports documents violations perpetrated by Uganda’s National Army in the region of Karamoja.

Amnesty International, *Nigeria: Prisoners’ rights systematically flouted*, Amnesty International, London, 2008.

This report, based on testimonies of inmates and interviews with stakeholders, considers that prisoners in Nigeria are systematically denied a range of human rights. Stakeholders throughout the Nigerian criminal justice system are responsible for maintaining this situation.

Association for Legal Public Education, *Public Perception of the Police Performance: Report*, Tbilisi, 2005, available online at http://alpe.ge/nedit/assets/Patrol_Police_eng_final.pdf

Based on more than a hundred face-to-face interviews in the cities of Tbilisi, Kutaisi, Batumi and Telavi, this report aims to identify major problems that hinder the performance of patrol police by surveying public attitudes towards the Patrol Police and attitudes of members of the Patrol Police towards the public.

Instituto Libertad y Desarrollo/Rodrigo Castro and José Francisco García, *The State of Justice in Chile in 2004: Indicators For The Sector*. Social Report Series 95, Instituto Libertad y Desarrollo, Santiago, 2005, available online at http://www.lyd.com/english/noticias/95_social_report_series.pdf

This analyses the delivery of justice in Chile in the year 2004 based on statistics made available by Chilean courts.

In short, all monitoring reports should include an introduction examining the wider social relevance of the object of study, be transparent about the methodology used in the report, contain specific reported cases and present recommendations.

Monitoring and strategies of security sector oversight

Collating information about various security sector practices is in itself unlikely to change security sector practices. Only when monitoring is combined with oversight strategies, such as advocacy and awareness-raising, is it likely to bring scrutiny to the security sector and ultimately affect positive change.

Independent monitoring occupies a prominent place in the democratic oversight of the security sector as monitoring reports are increasingly used by a range of other actors and institutions to hold security ministries accountable. These include parliaments, regional assemblies and international organizations. The United Nations, in particular, has relied extensively on CSO reports in recent years to uphold the human rights commitments of member states. Similarly, in many countries, national ombuds institutions rely heavily on independent monitoring reports to gain a general understanding of the shortcomings and possible abuses of security ministries.

Box 7.7 Nigeria: monitoring police conduct during elections

The Centre for Law Enforcement Education, a Nigerian CSO, partnered with the Open Society Justice Initiative and the Nigerian Police Service Commission (PSC) to monitor police conduct during the 2003 presidential elections.

The project included four components: laying out the ground rules governing police conduct during the elections; disseminating these standards to the Nigerian police and the Nigerian public; monitoring breaches of these standards; and finally issuing public reports on the activities undertaken.

The Centre for Law Enforcement Education and its partners thus formed the non-governmental Transition Monitoring Group (TMG). The TMG recruited 185 monitors for the elections, five for each region of Nigeria. Monitors were given a basic monitoring tool and each returned a two-page report from their respective polling stations. Monitors also had the phone number of the project headquarters to report on specific incidents.

Indications suggest that the project succeeded in “increasing police knowledge and understanding of the guidelines; raising the public profile of the PSC; demonstrating that the PSC could operate professionally and efficiently to fulfil some of its functions; and curbing some of the worst excesses of police abuse which have plagued past elections in Nigeria.”

Source: Open Society Justice Initiative, http://www.justiceinitiative.org/activities/ncjr/police/nigeria_psc

Furthermore, informed advocacy and informed awareness-raising always benefits from annual assessment of a particular aspect of governmental policy, as regular monitoring reports provide an overall picture of improvements and challenges of an issue area and at the same time give concrete examples of abuse.

Conclusion

By engaging in monitoring of security sector activities and oversight, CSOs can contribute to increased accountability and transparency of security sector institutions.

Ultimately, monitoring strengthens democratic oversight and successful reforms of security sector institutions if it is part of a wider, strategic engagement between civil society, the legislative and executive branches of the state. To increase impact, it is advisable to feed information obtained through monitoring back into awareness-raising activities, training and advocacy.

Lastly, the impact of monitoring activities will always depend on the quality of data and information obtained as well as on the credibility and independence of the monitoring organization.

What you can do as a CSO

Build the capacity of your CSO to engage in monitoring

- ✓ Research monitoring methods and information-gathering techniques
- ✓ Read and learn from published monitoring reports on the security sector
- ✓ Choose issue areas where your CSO has comparative advantage

Establish a network of contacts inside security ministries

- ✓ Contact retired security sector personnel interested in SSR issues
- ✓ Join or establish a network of CSOs dealing with the security sector

Establish criteria and benchmarks for monitoring the security sector

- ✓ Research relevant national laws and regulations in your home country
- ✓ Research relevant international human treaties and ensuing state obligations
- ✓ Research relevant international guiding principles and best practices
- ✓ Translate these regulations and treaty obligations into criteria and benchmarks for monitoring the security sector

Monitor the security sector

- ✓ Monitor mechanisms of democratic oversight in the security sector
- ✓ Monitor the competence of security sector agencies in delivering security to citizens
- ✓ Monitor violations of the human rights of security sector personnel
- ✓ Monitor violations of the human rights of the population at large
- ✓ Publish and disseminate findings in periodic monitoring reports

8

Teodora Fuior

Budget Analysis

The state budget is one of the most important policy statements of a government. It reveals how a government plans for the future development and distribution of state-managed resources, the coherence of policies and practices and the value the state places on security, justice, freedom and wealth, as well as the level of transparency achieved by the executive. The budget also outlines how tax money is allocated and spent by every state agency, giving the public an opportunity to acknowledge the government's political choices and priorities. In a democracy, public budgeting should be a participatory and inclusive process as it affects the life of every citizen.

For these reasons, an understanding of budgetary issues brings much added value for civil society, allowing participation in a policy process which, despite its paramount importance, has only recently become more open to public input.

A pertinent budget analysis gives civil society organizations credibility, visibility and power. It is an efficient tool to keep the government accountable for past and present actions, and may offer the right platform to influence future budgets. Budget analysis should not be regarded as solely an academic or intellectual exercise aimed at filling public libraries: civil society's independent assessments of the budget are necessary for healthy democratic governance as they are practical tools which can improve public debate on policy, enlarge the number and the quality of participants to the debate and influence the budgeting process. This chapter outlines ways in which CSOs can analyse budgets in order to influence security sector policy and practices.

What is the security budget?

The security budget is the amount of money spent over one fiscal year for the internal and external security of the country. The total figure of the security budget can be calculated by summing up the yearly allocations for the state agencies mandated to deliver security. The most visible of these agen-

cies are the defence and the interior ministries, but for a comprehensive understanding of a national security budget, it is necessary to take into account a variety of other activities and institutions.

Box 8.1 What is financed through the security budget?

Component	Institutions and their activities
Defence	<ul style="list-style-type: none"> • The armed forces – including peacekeeping forces deployed abroad • Civil administrations of the military sector – defence ministry and other government agencies engaged in defence activities, such as arms production, imports and exports. • Paramilitary forces – non-regular armed forces which are judged to be trained, equipped and available for military operations, like gendarmerie or border guards (this may appear in the budget of defence or interior ministry)
Law enforcement	<ul style="list-style-type: none"> • The police, other forces responsible for public order and law enforcement • Civilian administration of police and other public order forces – interior or home affairs ministry
Border management / Customs	<ul style="list-style-type: none"> • Border guards, customs administration
Correction	<ul style="list-style-type: none"> • Administration of prisons (this may appear in the budget of the interior or justice ministry)
Intelligence	<ul style="list-style-type: none"> • Intelligence services – be they military or civilian. Usually a variety of agencies perform intelligence activities and they may appear under the budget of defence, interior, justice ministry or as independent services directly subordinated to the executive.
Civil emergencies	<ul style="list-style-type: none"> • Agencies responsible for emergency situations, special communications, strategic infrastructure protection, protection of high officials and the like.
Strategic management of security	<ul style="list-style-type: none"> • Supreme Council for Defence or National Security Council, which may be an administrative independent institution, or an advisory department under the chief of the executive.

Each national security sector is unique and complex. The first challenge of security budget analysis is to identify all agencies, services and departments which play a role in national security and spend public money – the same agencies that are at times authorised to limit human rights and liberties for national security purposes. For example, to grasp the difficulty of such a task, it is sufficient to look into the variety of different national intelligence establishments: in the United States there are fifteen intelligence agencies, in France thirteen, in Germany six, in Romania seven and only two in Italy; worldwide, there are around three times more intelligence services than the number of states.¹

¹ Lists and links to the official websites of intelligence agencies from different countries can be found online at <http://www.intelligencesearch.com/intelligence-agencies.html>; www.fas.org/irp/world/index.html; http://en.wikipedia.org/wiki/List_of_intelligence_agencies

Moreover, accounts of corruption associated with defence and security contracts frequently make it to the front page of newspapers around the world. At the local level, corruption among law enforcement officials blights the lives of ordinary citizens, often as security sector officials are under- or unreliably paid. Budget analysis gives CSOs the possibility to detect corruption, understand it and expose it.

What makes a security budget 'different'?

The security sector is subject to the same broad set of rules and procedures that apply to other sectors. Budgeting for security should not be different from budgeting for other sectors of government activity, nor should it be less transparent. At the same time, the complexity and specificity of security sector budgeting make analysis and oversight more challenging.

An important distinctive feature of security budgeting is the accentuated political nature of this process. All public budgeting implies important political choices between competing demands, but security budgeting is a particularly visible and sensitive political choice. The amount a country spends on security, and on what, are political decisions that reflect the perception of threats in a society (both internal and external threats) be they at a local level (criminality) or the international level (international aggression). Defence spending often has significant consequences for national industries and employment and is sometimes used to benefit internal political constituencies. Security budgeting is also an instrument of foreign policy: the amount of money spent for defence in one country is a fairly accurate indicator of its future intentions in foreign policy and it is therefore carefully monitored by other nations. Because of the political significance of security sector budgeting, active involvement of civil society is all the more important.

The internal and external security of a country is a public good for which the citizens have to pay. Security is even the *primus inter pares* of public goods, because without it all the others are unachievable. In other words, personal freedom, social justice, access to prosperity and education and other public goods can only develop in a secure environment, where the security of every citizen is guaranteed.

But unlike most other public policies, the efficiency of a security policy is oftentimes difficult to measure. For instance, how many soldiers, what sorts of weapon systems or how much readiness should the defence establishment provide in order to be effective? How should one evaluate whether defence capacities perform in wartime as they are projected to in peacetime exercises? Internal security also raises specific challenges: how can the efficiency of money spent by the police and intelligence services be measured? Accurate information and proof of human rights abuses can be difficult to collect when fear, mistrust in the police and the ineffectiveness of state institutions impedes victims' accounts of abuses. This lack of clarity in performance indicators as compared to other government policies (to name only one example, in public education policy, a determined quantity of students in a graduating each year can be used as an indicator) makes the analysis of security budgets a more challenging, but not impossible, task.

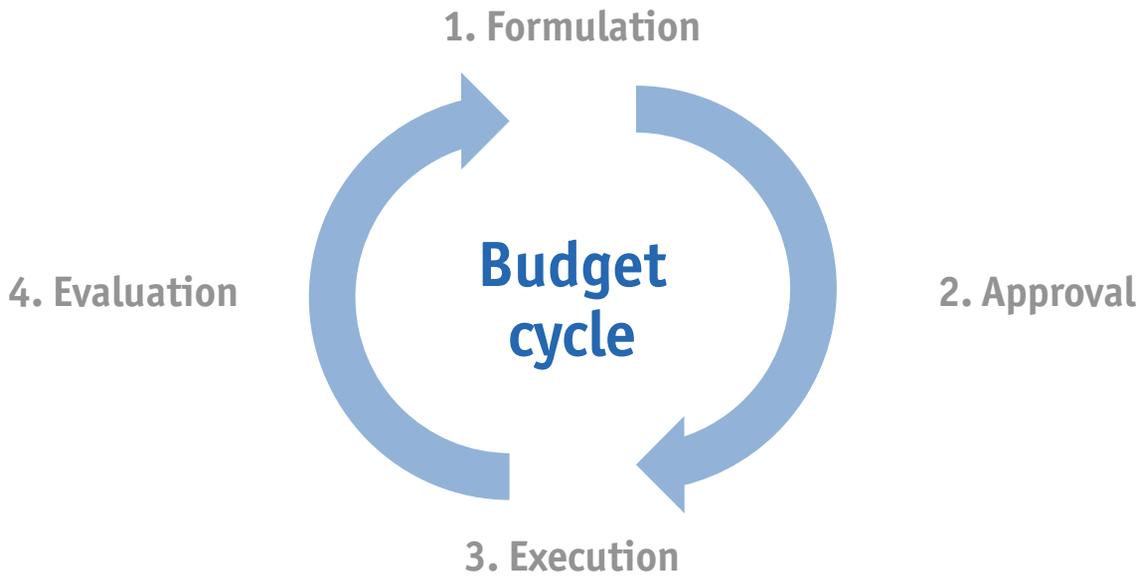
Additionally, the need to protect sensitive national security information frequently prevents transparency and accountability mechanisms to function as they do for other public policies. Secret programmes (budgets that may be included in the total budget amount, but not detailed, nor clearly identified in budgetary documents) are often used for defence research, development, acquisition, intelligence activities or for military operations. The identity, purpose and even costs of secret operations are concealed not only from the public, but also from a majority of members of parliament. Therefore, both civil society and parliament have to pursue together the creation of an acceptable level of accountability for such activities and to prevent the executive from over-classifying information without a solid justification.

To that end, a significant number of countries adopted a Freedom of Information Act (FOIA), which is the generic name used for the laws that define how citizens can put into practice their right to get access to information of public concern. The protection of classified information is an exception from FOIA and also needs to be regulated by law, specifically as to what kind of information can be classified, by whom, who will get access to it and how. The adoption of FOIA legislation gives members of parliament and civil society the basic legal instrument for holding the executive accountable and achieving transparency. Mechanisms for allowing access to classified information for selected members of parliament should also be in place to ensure that some degree of accountability exists even for classified programmes and budgets.

Another feature that must be considered before analysing the details of a yearly security budget is that security and defence policies are built up through long term planning and reforms. In most countries the security sector establishment is in a process of continual reform and adaptation. Armed forces downsizing, professionalization, transformation, the rapid pace of technological changes, the acquisition and maintenance of expensive and complex weapon systems, the outsourcing of various security related activities and the proliferation of private military and security companies are only a handful of issues that illustrate recent challenges societies around the globe must face. Law enforcement services often try to upgrade their budget allocation to acquire more sophisticated investigative tools, databanks and – currently – more ‘military’ capacities under the rubric of anti-terrorism. Overall, the budget is the main instrument to steer and manage such reforms. These long term considerations complicate budget analysis; therefore it is generally recommended to take into account the budget of several years instead of focusing on a yearly budget.

Understanding the budgetary cycle

The budget cycle is the time frame in which all the major events of a yearly budget develop: decision-making, implementation and assessment. Budget analysis should distinguish between the four main stages of the budget cycle: formulation, approval, execution, evaluation (audit). At each stage, the roles and the actors involved are different, and so are the possibilities for civil society to evaluate and influence the process.



Budget formulation

Budget formulation is a process of negotiation within the executive on how the funds available for the next fiscal year should be distributed between ministries and within each ministry. The executive departments (mainly the ministries) submit their budget proposals to a central budget authority (usually the ministry of finance). The ministries formulate their budgetary needs, following the guidance of the government's national objectives, the specific objectives of the ministry and the input received from its different components. Each ministry usually seeks a larger budget expansion; which the ministry of finance modifies according to fiscal limitations and national priorities. The adjustments made in this negotiation process depend not only on the funds available, but also on the relative strength of the ministry of finance compared with the spending ministries. At the end of this process, a budget is drafted, which after being agreed upon by the executive is submitted to parliament for final approval.

How can civil society influence budget formulation?

This stage of the budget cycle takes place mostly within the executive, behind closed doors, and in most countries without formal involvement from parliament. Still, parliamentary and public debates can influence political parties and executive entities in the process of budget formulation. The more the parliament is involved in the debate on security priorities and long term defence planning (using motions, questions, interpellations, committee hearings or plenary debates) the more access civil society can have to information on how governments intend to shape the budget and the more opportunities it has to express its own preferences and alternative proposals.

The yearly budget allocated to the security sector must be embedded in a planning process that extends over a number of years. This process is usually laid out in public documents such as national security strategies, white papers and policies² issued by the executive and agreed upon – or in many countries formally adopted – by parliament. Such documents define national interests, objectives and priorities and assign specific responsibilities and resources to state agencies, thus offering a general view of national security policy in the medium term. They may refer specifically to the planned level of defence spending, personnel policy, arms acquisition and to levels of possible participation in peace support operations, if any. Therefore, before analysing the yearly budget allocated to the security sector, it is necessary to analyse these long-term planning documents. Parliamentary involvement in the approval of these documents and subsequent public debate is an essential preparatory step for the accountability of the yearly security budget. Civil society organizations can interact with the parliament and also with the media to highlight key issues.

Box 8.2 Methods to determine annual expenditures per budget item

- Projected level of spending is correlated to the expenditures of the previous fiscal year.
- Level of spending is calculated as a percentage of the GDP.
- Level of spending may be subject to international agreements, e.g. NATO recommends to the allied members to allocate 2 percent of their GDP to defence.
- Level of spending is correlated to foreign benchmarks, e.g. how much other countries spend for the same sector in absolute terms, per capita or as percentage of the GDP.
- Level of spending is determined exclusively in the context of new circumstances and agreed national priorities, as compared with other priorities (such as education or health care delivery).

Yearly budget formulation has two distinctive levels, which involve competition between different interests and agencies:

- a. Setting national priorities (allocating *to* the security sector);
- b. Setting security priorities (allocating *within* the security sector).

The setting of national priorities refers to the allocation of available funds between ministries. This comparison indicates the government's political choices for the future development of the competing sectors of the society (mainly security, health, education, economic development). The way the government proposes to solve the 'competition between funding guns or butter'³ is in many countries the most important subject of budget analysis. Three criteria can be used at this stage:

² Links to updated national security strategies and other defence planning documents can be found on line at <http://merln.ndu.edu/whitepapers.html>

³ The 'guns and butter' model is a classic economic example of the 'Production Possibility Frontier'. When spending its finite resources, a nation has to choose between investing in security capacities and investing in civilian goods. It can buy either guns or butter, or a combination of both. The model also illustrates the idea of 'opportunity cost' that exists in every choice: you can get more of something only by giving up something else.

1. The amount of money allocated to the security sector should be accordant to national interests, based on the security agency's roles, missions and tasks; long term costs also have to be considered;
2. Planned security expenditures should be affordable to economic possibilities; the long term costs must be correlated with medium term economic forecast;
3. The financial burden of the security sector must be acceptable to the society at large.

The setting of security priorities very much depends on the structure of the national security sector and on the influence of each agency in that structure. It often leads to competition over resource allocation among agencies.

Budget approval

In the budget approval stage, parliament has a prominent role: it reviews the budget proposal, amends it and enacts it into law.⁴ Parliamentary authorization of all public spending and taxation is called the 'rule of law' in public finance, and is one of the core principles of parliamentary democracy.

Box 8.3 Legal oversight of state budgets

In most countries the State Budget is a law. What are the consequences?

1. As a law, the budget has to be enacted by parliament; therefore parliamentary participation in decision-making is guaranteed.
2. A law is a public document, accessible to all citizens. Budget documents are available on the internet or in public libraries.
3. Non-compliance with the law of the budget by civilian or military authorities is punished as a crime.

What are the differences between State Budget Law and ordinary laws?

1. Only the government can formulate and submit the budget proposal.
2. Parliamentary amendments are often limited by the necessity to indicate the source of funds for any desired increase of the budget.
3. All sectoral committees are usually involved; if parliament has more than one chamber, both chambers may work on the budget proposal at the same time.

⁴ The vast majority of countries have one State Budget Law, adopted every year. There are few exceptions: Canada, with four budget laws, Netherlands with 23 or the United States with six.

Parliaments dedicate a significant working time period each year to budget approval. A properly timed procedure is essential to ensure effective and informed parliamentary budget approval. Such procedures should extend over a period of a minimum of one or two months and should include two elements:

- The submission of the budget proposal;
- Sufficient time for analysis, debate and voting.

Generally, the parliamentary procedure for budget approval is as follows:

- MPs have several working days or weeks allocated for the study of the budget documents;
- The budget proposal is split between sectoral committees, who analyse in detail the allocations of funds proposed for the governmental agencies under their jurisdiction. Ministers and government officials present their budget in front of the committees, provide additional information if requested and generally try to convince parliamentarians of the necessity of their budget demands. Committees subsequently submit their recommendations to the budget committee;
- The budget committee considers the whole budget proposal, reviews the amendments proposed by sectoral committees (which it does not have to follow), writes a consolidated report on the whole state budget and presents it to the plenary;
- The plenary votes on the budget chapter by chapter, considering amendments proposed by committees. The agreed text becomes the State Budget Law.

The degree to which parliament is able to perform its role at this stage is essentially dependent on two factors: the quality and comprehensiveness of the information it receives and the actual power to amend the budget.

The budget proposal can consist of a document of a few pages in length containing general information about the overall sums of money allocated to different agencies, but it can also span hundreds of pages of complex and very detailed information. The budget document contains between 500 and 1000 line item appropriations in countries like the Czech Republic, Hungary, Japan, New Zealand and Portugal; up to 2000 appropriations in Austria, Denmark, Italy, Norway, Switzerland and the USA; and more than 2000 in Germany, Spain and Turkey.⁵

Second, the essential indicator of the impact of parliament in the budgeting process is the extent to which it influences the contents of the budget through the amendment process. In broad terms, there are three models describing the legal powers held by parliaments in the budget approval stage:⁶ unrestricted powers to amend the budget, restricted powers to amend the budget and limited powers to amend the budget.

⁵ See OECD, *Budget Practices and Procedures Survey, Part III – Passing the budget*, 2007, available online at <http://webnet4.oecd.org/budgeting/Budgeting.aspx>

⁶ Ibid.

Unrestricted powers to amend the budget mean that parliament has the capacity to amend the budget proposal and also to propose new expenditures. In theory, such powers of amendment would allow parliament to rewrite the whole budget proposed by government. The US Congress is generally pointed to as the most powerful parliament in the development of the defence budget as the executive proposal, formulated by the President, is really taken as a proposal, analysed and amended in detail by Congress. The German Bundestag and the Dutch and the Danish parliaments also initiate hundreds of budgetary amendments every year. Parliaments in Austria, Belgium, Finland, Hungary, Italy, Norway and Portugal also enjoy unrestricted powers to amend the budget. CSOs in these countries thus have considerable leverage to amend the budget.

Parliaments that have restricted powers to amend the budget may make as many amendments as they wish, as long as amendments do not change the total deficit or surplus proposed by the executive. This level of amendments power allows parliament to change government priorities and, by re-allocating funds, to decide upon final budgeting priorities. The restriction to keep the total deficit unchanged is justified by the need to respect fiscal discipline and macro-economic indicators. Therefore, parliament has to indicate the source of funds for any desired increase of the budget by correspondingly decreasing other line items, or by establishing new sources to finance them. Otherwise, the electoral pressure to spend more and to tax less would generate chronic deficits. Parliaments in the Czech Republic, France, Mexico, Poland, Spain and Romania follow this model.

Limited powers to amend the budget are characteristic of only a few parliaments in democratic countries. They may only decrease existing expenditure (without being able to reallocate the funds towards other priorities), or they may not make any changes at all but approve or reject the budget as a whole. Westminster-type parliaments are representative of this model. In some countries, amendments to the budget, if successful, are considered as being the equivalent of a vote of no confidence in the executive, that might push the government to resign (Canada, the UK, Australia, India, New Zealand, South Africa and Zambia are such examples). This lack of statutory power in budget approval may be compensated by a vigilant involvement of parliament and CSOs in other stages of the budgetary cycle.

How can civil society influence budget approval?

Once submitted to parliament the budget document is made accessible to the public and government priorities become open to public debate. To gain influence in the budget approval, CSOs can communicate their opinions and alternative proposals for resource allocation to the parliament in several ways:

- directly to MPs, who can be approached in their constituency offices;
- addressing memos to relevant parliamentary committees;
- participating in committee meetings while the budget is analysed;
- using the media as a vehicle for their voice.

Box 8.4 Parliament's power to amend the budget

Degree of leverage	Countries (Examples)
Unrestricted	Austria, Belgium, Denmark, Finland, Germany, Hungary, Italy, Netherlands, Norway, Portugal, Slovakia, Sweden, Switzerland, USA
Restricted (amendments must not change the total deficit or surplus)	Czech Republic, France, Poland, Romania, Spain, Sweden, Turkey
Limited (only decreasing line items or no changes at all)	Canada, UK, Ireland, Greece

Source: OECD Budgeting Database 2002 & 2007, DCAF Survey 2006⁷

Usually parliament is exclusively dependent on the government for budgetary information, especially on security issues. Few parliaments have specialized budget research units (some notable exceptions include Italy, South Korea, the UK and the USA), and few sectoral committees have staff qualified in budget analysis. The expertise offered by CSOs can fill in this gap by helping parliaments to be better informed on budgetary issues and help civil society promote its views on how public money should be spent. Independent experts, researchers, think tanks and interest groups (such as professional associations or syndicates) can become valuable alternative sources of information for parliaments.

The stronger parliament's capacity to influence the figures of the approved budget is, the higher will be civil society's potential to have a decisive say on the issue. It is therefore in the best interest of civil society to have a national parliament which is interested, articulated and capable of amending the budget proposal when the national interest requires it to do so. Civil society must examine what kind of legal powers parliament has in the budget approval stage, and how the parliament uses these powers. Too often, however, regardless of parliament's legal power to change the budget proposal, the level of amendment is in practice extremely modest, leaving the budget figures almost exclusively under the control of the executive. Therefore, the primary cause for a reduced parliamentary influence on the budget is not a lack of legal powers but a lack of political will resulting from the dynamics of political parties and their internal competencies.

Box 8.5 Parliament's power to amend the budget in practice⁸

Approves the budget	Country
with significant changes	Denmark, Germany, US.
with minor changes	Austria, Belgium, Czech Republic, Finland, France, Hungary, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Turkey
without changes	Canada, Greece, Ireland, UK

⁷ The OECD Budgeting Database, in OECD Journal on Budgeting Volume 1 No.3, 2002, pg 156 -157, available online at <http://www.oecd.org/dataoecd/13/13/33657560.pdf> OECD 2007 Budget Practices and Procedures Survey, Part III – Passing the budget, Table 8, available on line at <http://webnet4.oecd.org/budgeting/Budgeting.aspx> The DCAF survey collected responses from 27 parliaments members of NATO PA, in response to a questionnaire on the role of parliament in defence budgeting.

⁸ OECD 2002, *ibid.* p. 160.

Budget execution

Budget execution – the implementation of the budget law – is a continuous process developed inside government agencies with little involvement from third parties. Once the budget is enacted, the central budget authority (usually the ministry of finance) opens the national accounts for each state agency, and exercises a strong central control over spending by frequently reviewing allocations, approving major expenditures and monitoring spending by each agency. The financial control exercised by an internal unit in every agency is essential in this stage to make sure that funds are spent according to the approved objectives on a day to day basis. Ministries have internal audit units in the large majority of countries, and often the organization and the powers of these units are defined by law.

What role can civil society play in budget execution?

Because the budget execution stage is an executive function, CSOs have limited capacity to monitor its development. Still, there exist several ‘entry points’ for parliamentary involvement, public debate and the involvement of civil society. These include supplementary budgets, parliamentary committee hearings and defence procurement.

Supplementary budgets are proposed amendments to the main annual budget, usually submitted by the government to the parliament. During the fiscal year, agencies struggle to spend the budget they have received in an environment which inevitably differs from the one for which the budget was developed. Often, unforeseeable activities such as peacekeeping operations and emergency situations lead to supplementary funding requests by ministers. Consequently, all budget systems provide some capacity to modify the enacted budget during the budget execution stage, through fund transfers, reprogramming, emergency bills or supplemental additions of new funding. Supplementary budgets should be approved by parliament, following the same procedure as with other law proposals.

Parliamentary oversight through committee hearings, meetings with government representatives and visits to security sites and premises all aim to ascertain how the budget is spent in practice. Defence budget execution is reported by many European parliaments as being the most important and frequent topic of hearings held by defence committees. Committees often issue press communiqués (Romania) or reports (UK) on the situation revealed during such oversight activities.

Defence procurement,⁹ the process by which national security authorities acquire equipment and services, is an important part of the overall defence budget. Defence contracts attract increasing levels of

⁹ For more information see DCAF Backgrounder Parliaments’ Role in Defence Procurement, available at <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=25266&nav1=4>

public attention because they represent large portions of public expenditure, and because they are at time politically driven, have consequences for national industry and are prone to corruption.¹⁰ Two things are essential for defence procurement accountability:

- A clear legislative framework which provides *inter alia* for a competitive procurement process. Single-source, or non-competitive procurement must be defined as an exception from the general rule and the conditions when this exception is allowed should be clearly detailed in the law;
- Parliamentary monitoring of the process through the use of traditional oversight instruments – questions, interpellations, hearings, inquiries – in order to prevent corruption¹¹ and narrow-minded concerns about ‘the national interest’.

Budget evaluation

Budget evaluation is an expert examination of the compliance of an implemented budget with legal, financial and performance criteria. The evaluation takes place both inside and outside governmental agencies and this stage of the budget cycle is most open for public interference. The relevance of this stage depends upon the way evaluation conclusions are assumed by the government and incorporated in the next budget proposal; here, effective criteria can help influence government decision-making, not only at the national level, but also at the international level if malpractice and ineffectiveness are identified.

What role can civil society play in budget evaluation?

Parliament, non-governmental organizations (NGOs), the media and the national Audit Institution may all play a role in this stage by ascertaining whether the public resources are spent efficiently and spread this information to the larger public.

The execution of the budget should end with the publication of annual activity reports and reports of accounts, which are the first source of information on how money was spent by a government agency. These reports are usually submitted to the parliament and made available to the public. Information on the effectiveness and the performance of particular projects of public concern can now be obtained.

¹⁰ Transparency International's *Global Bribe Payers Index* rates the defence sector as one of the top three sectors for bribery and corruption, along with the oil sector and major infrastructure projects. The IMF report on corruption and military spending explains, "Procurement is an important channel through which corruption affects military expenditures." Moreover, according to the same report "bribes account for as much as 15% of the total spending on weapons acquisition." The U.S. Department of Commerce estimates that 50% of all bribes in global transactions are paid for defence contracts; numerous single source defence contracts have been awarded for operations in Iraq. http://www.transparency.org/policy_research/surveys_indices/bpi

¹¹ Rich sources of data and analysis on defence corruption, defence procurement process and its vulnerabilities can be found online at <http://www.defenceagainstcorruption.org/> and <http://www.transparency.org/>

Since budget evaluations, and especially the financial component of the audit, are expert endeavours, the national Audit Institution (sometimes called the Auditor General, National Audit Office, Budget Office or the Chamber of Accounts) plays a prominent role at this stage. It is the state body which exercises by law the highest public auditing function of that state. It undertakes the detailed and professional financial audit of all government departments. The reports of the Audit Institution are presented to the parliament and are usually made public. An example of efficient budget evaluation is the work of the UK's National Audit Office; its detailed scrutiny of departmental spending produces some fifty reports a year. For example, it issues an annual Major Projects Report which provides details of the largest twenty-five defence procurement projects of the Ministry of Defence.¹²

Regardless of their power in other stages of the budget cycle, parliaments may play a vibrant role in auditing defence expenditures through hearings, inquiries and public reports aimed at informing public opinion. These, in turn, can be heavily influenced by the research and lobbying of CSOs.¹³ If their recommendations are effectively taken into account during budget formulation, this might diminish the need for amendments during the budget approval stage.

Ideally, audit reports issued by parliament and national audit institutions should enable the public to evaluate the legality, efficiency and effectiveness of spending by government departments. For example, RESDAL, a Latin American CSO based in Buenos Aires, is one CSO that has engaged in independent analysis of national defence budgets (see Box 8.6).

Box 8.6 RESDAL: a CSO's practical experience in budget analysis

Since 2001, the Red de Seguridad y Defensa en América Latina (RESDAL), a Latin American non-governmental organization composed of 300 academics and practitioners has worked extensively on security budgets. Through the experience, budgetary analysis has proved to be a combination of expertise as well as personal and institutional linking with different actors to get not only data but also perceptions and institutional contexts that are present in the budgetary cycle.

RESDAL has developed a methodology which analyses the decision-making process of the defense budget. It combines a defence policy framework, national legal dispositions, the role of the Executive and the Legislative branch, internal and external controls and the actions of civil society actors. This methodology has already been applied to the national defence budgets of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru and Venezuela.

¹² NAO reports are available on line; see for example http://www.nao.org.uk/publications/nao_reports/05-06/0506595_II.pdf

¹³ For an example of extensive research by CSOs in order to influence the debate about expenditures in the defence sector through extensive analysis, see Dian Kartika Sari (ed.), *Indonesia's Defence Economy Reform*, Infid & Pacivis, Jakarta, 2006.

The *Comparative Atlas of Defence in Latin America* presents the analysis of the defense budget in sixteen countries of Latin America. It compares figures arising from a comparative methodology, representing the first regional data source. This atlas is available online at <http://www.resdal.org/>

In sum, three budget years are in play at any given time: the formulation of the future budget estimates, the implementation of the current budget, and the evaluation of the past year's budget implementation.

Reading budgetary documents

'Defence budget' and 'military expenditures' are the most commonly used phrases in public debates on budgetary issues of the security sector. They often comprise the largest part of security sector expenditure due to the high price of equipment. Whilst the defence budget will be the main focus of the following discussion, the same methodologies can be used to read the budget of other security sector agencies.

The 'defence budget' shows the official data provided by governments under the budget of the ministry of defence (MOD). 'Military expenditures' are the total annual cost of maintaining the defence establishment. Military expenditures usually add to defence budgeting lines from non-defence ministries, received foreign military aid and other off-budget military spending. For example, military construction, arms procurement, military pensions, received military aid and paramilitary forces may all come under other headings than defence (such as development, economy, social security or internal affairs). These off-budget expenditures can be difficult to identify, sometimes because they are lumped together with non-military expenditure and become impossible to distinguish. Sometimes there is a deliberate attempt to conceal such items, to hide them in non-defence budget accounts. Military expenditures might also be significantly increased by extra-budget expenditures.¹⁴

In countries where security sector reform is not yet fully implemented, the military also frequently controls natural resources and runs factories, cooperatives, shops and other commercial activities from which they gain an income. This income, in turn, is often used either to increase the personal income of high-ranking soldiers or to fund arms purchases and other collective expenditures.¹⁵

¹⁴ In Chile, a certain percentage of the revenues of the state-owned copper company is used for arms imports, but never passes through the regular government accounts. In many African or Asian countries the military has large income sources outside the formal state budget. In Nigeria under General Sani Abacha, a large part of the Petroleum fund went to the armed forces. These outside sources, and often the army's extra-budgetary activities, give the army a considerable liberty in spending and makes the budget almost impossible to control. From UNDP Human Development report 2002, p. 89.

¹⁵ In Indonesia only around 30% of the defence establishment expenditures are covered by the state budget. The rest is provided out of such military commercial activities, the control over such funds being nonexistent. The initial – and still incomplete – reforms of 'military business' are reviewed in Beni Sukadis and Eric Hendra (eds), *Toward Professional TNI Business Restructuring*, FES & Lesperssi, Jakarta, 2005. Also see Beni Sukadis (ed.), *Almanac on Indonesian Security Sector Reform 2007*, Jakarta, 2007, available at <http://www.dcaf.ch/publications/kms/details.cfm?id=39772&nav1=4>

Another particularly difficult problem for measuring total defence expenditures is debt incurred by military purchases. Imports of military equipment that are financed via foreign loans create an economic burden and the interest and amortization payments are extremely difficult to depict in state budget documents.

Box 8.7 What does the term 'defence budget' stand for?

To get a comprehensive picture of public expenditure devoted to military purposes it is necessary to examine the following components:

Expenditures **usually included** in the defence budget:

- Personnel (all expenditures on current personnel, military and civil: salaries, food, social services for personnel and their families)
- Operations and maintenance
- Arms procurement
- Military research and development
- Military aid (appears in the budget of the donor country)

Military-related components that are **frequently excluded** from the defence budget:

- Civil defence
 - economic defence (protection of strategic infrastructure, oil reserves, food supplies etc)
 - psychological defence (defence from hostile enemy propaganda)
- Current expenditure for past military activities (can appear in the budget of various non-defence ministries)
 - veterans benefits
 - demobilization and reintegration programmes
 - conversion of arms production facilities
 - destruction of weapons
- Defence expenditures placed under the ministry of interior budget lines (for paramilitary forces like Gendarmerie, Home Guards)
- Salaries for military personnel working on development projects (such as building roads)
- Military construction (this can appear in the budget of the development ministry)
- Foreign military aid (it does not appear in the budget of the receiver country)
- Revenues from economic activities of the armed forces
 - conversion of defence facilities through privatization, sale or rent
 - access to and exploitation of natural resources by the military
 - military commercial activities (sometimes exempt from taxation)
- Debts incurred by military purchases (interest and amortization of military equipment financed via foreign loans)
- Barter trade (commodities bartered for military equipment)
- Contingency funds and emergency funds (can sometimes appear only in budget rectification or supplementation!)
- 'Black Budgets' – the identity, purpose and cost of secret operations are not detailed or not clearly identified in budget documents

Additionally, so-called black budgets – secret operations sanctioned by the executive – are a type of ‘blank check’ requested from the parliament by the government. Few members of parliament receive information about the content of these budgets, and it is impossible for independent experts to analyse or criticize these black budgets.

Box 8.8 Black budgets in the United States

Special access programmes (SAP) and special access budgets (SAB) are the Pentagon’s official terminology used to refer to ‘black programmes’ and ‘black budgets’ respectively.¹⁶ The authorization for SAP is granted by the president. Not more than one percent of MPs receive information about the content of black budgets.

Among black programmes, further distinction is made for ‘waived’ programmes, considered to be so sensitive that they are exempt from standard reporting requirements to the Congress. Only eight members of Congress (the chairs and ranking members of the four intelligence and defence committees from the House of Representatives and the Senate) are orally notified of the existence of a waived programme, without being given any further information about it.¹⁷ This enables them to truthfully declare no knowledge of such a programme if asked, thereby maintaining secrecy. A programme which is black, waived and unacknowledged is ‘deep black’. The most secret of the intelligence and covert operations conducted by the CIA are ‘deep black’.

In the fiscal year 2008 US military requested more than US \$ 32 billion to spend on secret programmes:¹⁸

- Secret military research and development is expected to cost \$17.5 billion, representing 23 percent of the \$75.1 billion the Pentagon plans to spend on all research and development by all of the services and defence agencies.
- The military requested \$14.4 billion for buying classified weapons and other equipment, representing 14.4 percent of the \$101.7 billion procurement budget for 2008.
- Additional classified spending is included in a separate funding bill that would pay for the wars in Iraq and Afghanistan.
- A large portion of the black budget is spent on unmanned aerial vehicles. UAVs are among the most rapidly developing programmes in the unclassified budget, but more money may be spent on them in secret than in unclassified programmes.

The presentation of budgets also tends to be complex, making the task of understanding the process a difficult one. The executive can submit its budget proposal to the parliament in a variety of forms, at differently disaggregated level of details.

16 See New York Times, February 28, 1989, “Washington Talk: Briefing; A Revision in Jargon”, at <http://query.nytimes.com/gst/fullpage.html?res=950DE1D81439F93BA15751C0A96F948260>

17 See page 26 of the Senate Commission Report, at <http://www.access.gpo.gov/congress/commissions/secretcy/index.html>

18 DefenseNews, “‘Black’ U.S. R&D Budget Estimated At \$17.5 Billion” August 29, 2007 <http://www.globalsecurity.org/org/news/2007/070829-black-budget.htm>

Most often the budget is depicted by appropriation titles – i.e. listing expenditures according to their objects. Major titles of a defence budget usually include Military Personnel, Operations and Maintenance, Procurement, Defence Conversion Programmes, and Research and Development. Appropriation titles are further subdivided in appropriation accounts which are themselves further disaggregated into budget activities and line items. The level of appropriation detail may vary from one title to another. The most important focus of a line-item budget system is to specify its ceilings during the budget allocation process and to ensure that agencies do not spend more money than they have been allocated.

The strengths of line item budgeting are relative simplicity, lack of ambiguity and the potential for control of expenditures through easy comparison with prior years and through the detailed specification of inputs. But line item budgeting also gives insufficient information on why money is being spent or the effectiveness and efficiency with which money is being spent. It also tends to encourage short time horizons and micromanagement of budget implementation. At a minimum, governments and their ministries should be able to specify these items to satisfy public interest.

Programme budgeting

Various countries have installed a planning, programming and budgeting process system, which uses defence objectives as a starting point and which connects defence planning with defence budgeting. Programme budgeting has a multiyear focus and is conducive to ‘output budgeting’, involving costing out ‘programmes’ – public policy objectives – and the steps necessary to achieve those objectives. Budgets are developed around outputs such as strategic forces, special operations, peacekeeping operations, communication systems and emergency aid, rather than ministries or security sector organizations themselves.

Programme budgeting helps illustrate the purposes for which money is being allocated, facilitates cost-benefit analyses of defence expenditures and links plans with funds and inputs with outputs. However, there are a number of limitations to programme budgeting:

- It is very difficult to leave the organizational focus of budgeting behind and budget solely on the basis of programmes;
- It is difficult to compare programmes on the basis of effectiveness and make choices on that basis;
- There is a lack of predictability of funding needed for longer-term planning and there is also a lack of consistent political will necessary to allow necessary budget reforms to be implemented.

Box 8.9 A simplified example of Line Item budgeting – Defence Budget Proposal for 2009

Code	Expenditure Item	2007 (realized)	2008 (programmed)	2009 (proposal)	2010 (estimation)
1.	Personnel				
1.1	Salaries				
1.1.1	Wages				
1.1.1.1	military personnel				
1.1.1.2	civilian personnel				
1.1.1.3	conscripts				
1.1.2	Bonuses				
1.1.2.1	War veterans				
1.1.2.2	Peacekeeping veterans				
1.1.2.3	Merit				
1.1.2.4	Vacations				
1.1.2.5	Other bonuses				
1.2	<i>In kind and insured</i>				
1.2.1	Uniforms				
1.2.2	Food				
1.2.3	Tickets, travel for personnel				
1.2.4	Social security				
1.2.5	Health Insurance				
1.2.6	Medical care and education				
2	Operations and maintenance				
2.1	Materials for current use				
2.2	Maintenance and repair				
2.3	Purchased services				
2.4	Rent costs				
3	Procurement and construction				
3.1	Procurement				
3.1.2	Aircraft and engines				
3.1.3	Missiles				

Code	Expenditure Item	2007 (realized)	2008 (programmed)	2009 (proposal)	2010 (estimation)
3.1.4	Ships and boats				
3.1.5	Armoured vehicles				
3.1.6	Artillery and ammunition				
3.1.7	Electronics and communication				
3.2	<i>Construction</i>				
3.2.1	Air bases, airfields				
3.2.2	Naval bases				
3.2.3	Missile sites				
3.2.4	Medical facilities				
3.2.5	Personnel facilities				
3.2.6	Other procurement and construction expenditure				
	etc				
4	Defence Conversion programmes				
5	Research and Development				
6	Other expenditures and transfers				

Organizational budgeting

Budgets can also be broken down into administrative units: land forces, air forces, naval forces, defence intelligence, military health support and administrative units. This kind of defence budget emphasizes who is spending the money.

Analysing unauthorized budgets

Where a security sector actor is involved in unauthorized business activities, it is necessary to estimate the income received by the actors involved, be it through corruption or active business activities. Sometimes it is possible to use official business documentation to trace the owners and declared income of the business interests. When not, it is necessary to correlate evidence of undeclared income with the assets of individuals and their organization. These activities are always liable to precipitate

Box 8.10 Simplified example of programme budgeting

Objective	Programme	Resources	Costs per annum Needed
1. Defence of national territory	1. Defensive armed forces	10,000 infantry personnel 3000 artillery personnel	Wages 13 m Food 1 m
		5000 transport personnel 5000 air force personnel	Wages 10 m Food 0.8 m
		400 vehicles 70 helicopters	Maintenance 5 m Fuel 1m New procurement 20 m
	2. Border surveillance	Satellite surveillance 50 specialist personnel Radars 200 specialist personnel	Hire costs 5 m Wages 0.5 m Training 0.2 m
	3. Emergency aid		Emergency fund 1 m
	4. Strategic leadership	100 personnel	
2. Contribution to regional security	1. EU Battle groups	1000 special forces	Wages 1.3 m Equipment 2 m
	2. ESDP Missions	500 infantry 2500 policeman	Wages 2.6 m Equipment 4 m Contribution to EU budget 1 m
	3. NATO missions	1000 troops 2 frigates 50 fight aircraft 2 transport aircraft	Wages 1.3 m Equipment 2 m Maintenance 2 m Contribution to NATO budget 0.5 m
	4. Military intelligence	300 specialist personnel	Wages & operations 1 m

repercussions against investigators, but by drawing attention to malpractices at the international level and in the media, it is possible to bring pressure on the government to implement reforms and to prevent these abuses.¹⁹

¹⁹ See, for example, Lesperssi: "The accountability of the military budgets", available online at <http://www.lesperssi.or.id/report/workmilbudget.htm> or in the Almanac on Indonesian Security Sector Reform 2007, <http://www.dcaf.ch/publications/kms/details.cfm?id=39772&nav1=4>

International standards and sources of information about budgeting transparency and accountability

Internationally accepted standards for budgeting transparency and tools to facilitate accountability are available to CSOs from international sources. Box 8.11 details the standards and tools that can be used to influence transparency in governmental and security sector budgeting policy and practices.

Box 8.11 Best Practices in Budgetary Transparency

The OECD has developed a collection of *Best Practices for Budget Transparency*²⁰ based on different member countries' experiences in the area. These best practices are organized around the following themes:

1. Budget reports
2. Specific disclosures
3. Integrity, control and accountability

The International Monetary Fund has issued a *Manual on Fiscal Transparency* and a *Code of Good Practices on Fiscal Transparency*²¹ referring to:

1. Clarity of roles and responsibilities
2. Open budget processes
3. Public availability of information
4. Assurances of integrity

In addition to internationally accepted standards, CSOs can also use best practices and recommendations of regional and international organizations to lobby for budgetary transparency. Box 8.12 gives five such examples.

Box 8.12 International standards related to defence budget transparency: politically binding documents.

1. The United Nations Instrument for standardized international reporting of military expenditure – On 12 December 1980, the UN General Assembly adopted Resolution 35/142 B, entitled “Reduction of military budgets”, which introduced the United Nations system for the standardized reporting of military ex-

²⁰ See OECD Journal on Budgeting Volume 1-No. 3, pp. 7-14, online at <http://www.oecd.org/dataoecd/13/13/33657560.pdf>

²¹ Available online at <http://imf.org/external/np/pp/2007/eng/051507m.pdf>

penditures. The resolution recommended that all member states make use of this reporting instrument and report annually to the Secretary-General, who is in turn requested to report on the matter to the General Assembly on an annual basis. Further resolutions endorse guidelines and recommendations for “Objective information on military matters, including transparency of military expenditures”²² and call upon member states to report their military expenditures for the latest fiscal year by 30 April. The UN General Assembly also encourages other international bodies and regional organizations to promote transparency in military expenditures (see RES 62/13 adopted December 2007).

2. The OSCE Code of Conduct on Politico-Military Aspects of Security²³ recommends that resources allocated to defence should not drain resources available for other public sectors and the overall development of economy. The Code explicitly specifies that participating States will provide for legislative approval of defence expenditures, and for transparency and public access to information related to the armed forces:

“Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.” (Article 22)

3. NATO Partnership documents: The Partnership Action Plan on Defence Institution Building expresses the commitment of allies and partners to develop effective and transparent financial, planning and resource-allocation procedures in the defence area, and also to develop effective, transparent and economically viable management of defence spending, taking into account macro-economic affordability and sustainability.²⁴
4. The ECOWAS Code of Conduct for Armed and Security Forces in West Africa (2006) calls for transparency and accountability in defence planning, budgeting and procurement. The document recommends the provision of information and the education of the public about unclassified programmes and operations.²⁵
5. Council of Europe Recommendation (2002)-2 on access to official documents²⁶ recommends that member states guarantee access, on request, to official documents held by public authorities, describes how requests should be dealt with and defines possible limitations to access.

22 The UN Resolutions on transparency of military expenditures are available online at <http://disarmament.un.org/cab/milex.html>

23 See the OSCE Code of Conduct adopted in 2004, at http://osce.org/documents/sg/1994/12/702_en.pdf

24 See points 5.6 and 5.7 of the Partnership Action Plan on Defence Institution Building (PAP DIB), adopted in 2004 at the NATO Istanbul Summit, at <http://www.nato.int/docu/basic/txt/b040607e.htm>

25 See Articles 17 and 21 of the code, available online at http://www.dcaf.ch/code_conduct-armed-forces-west-africa/WestAfrica_CoC.pdf <http://www.un.org/News/Press/docs/1999/19991227.afr199.doc.html>

26 Available online at [http://www.coe.int/T/E/Human_rights/rec\(2002\)2_eng.pdf](http://www.coe.int/T/E/Human_rights/rec(2002)2_eng.pdf)

Publicly available information on national defence budgets

CSOs can also make use of publicly available information for effective oversight of the security sector budgetary process.

First, CSOs can make use of Freedom of Information legislation (FOIA) when possible. Adopted in more than seventy countries,²⁷ Freedom of Information Acts (FOIA) provide a right of access to recorded information held by public authorities for all interested citizens, thus strengthening civil society as a whole in relation to the executive. Protection of classified information and classified legislation is an exception from the general principle of freedom of information. Legislation formalises the types of information that may constitute a 'state secret'; establishes authorities entitled to assign a secrecy level to information; codifies the guidelines for vetting; and establishes sanctions for unauthorized disclosure. All these provisions prevent over-classification and limit the executive's space of manoeuvre with secrecy.

Second, reports of international organizations often contain substantial information on state budgets. For instance, the general reports of the United Nations Secretariat contain objective information on military matters, including transparency of military expenditures, contained in national annual defence budgets.²⁸ Similarly, the IMF Government Finance Statistics Yearbook provides a defence line for most of its member countries. The IMF Government Finance Statistics Yearbook was introduced by the IMF to provide current and internationally comparable data on the finances and fiscal policies of Fund member governments. Annual data is supplied on revenue income by source (such as taxes, lending and bonds), and expenditure by sector (such as defence, education and health care) for all levels of government (local, regional and national).²⁹

Finally, CSOs can benefit from using documentation published by other non-governmental sources. There is a myriad of non-governmental organizations that publish on security and budgetary issues, but two are worth highlighting: the Stockholm International Peace Research Institute (SIPRI) Database and the *Military Balance*, published by International Institute for Strategic Studies.

The SIPRI Project on Military Expenditure and Arms Production monitors, documents and analyses trends and developments in military expenditure and arms production worldwide. For this purpose the project maintains two databases with global coverage: one on military expenditure and one on arms-producing companies. The SIPRI online database on military expenditure provides an easily understandable measure of the scale of resources absorbed by the military. Overviews of recent trends in military expenditures,

²⁷ National legislation on FOIA is available on line at www.privacyinternational.com

²⁸ These documents are available at <http://disarmament.un.org/cab/milex.html>

²⁹ These documents are available at <http://www.imf.org/external/country/index.htm>

arms production and transfers are presented annually in the SIPRI Yearbook. The SIPRI yearbook is translated into a number of other languages besides English, notably Russian, Ukrainian, Chinese and Arabic.

The Military Balance is the International Institute for Strategic Studies' annual assessment of the military capabilities and defence economics of 170 countries world-wide.³⁰ Internationally recognized as the authoritative annual inventory of the world's armed forces, The Military Balance provides up-to-date figures and information on defence budgets, procurement totals, equipment holdings and military deployments.

Conclusion

An open democratic society requires a government which is efficient, accountable and transparent but also a civil society that is able to participate and influence decisions: security budget analysis empowers civil society to play such a role.

Budgetary issues are effective instruments of security sector oversight and reform in accordance with the society's needs. The four main stages of the budgeting cycle provide numerous opportunities for CSOs to influence the process.

Civil society can support and develop parliamentary capacity to deal with budgeting issues while parliaments can undertake engagements otherwise inaccessible for civil society by:

- promoting their interests and priorities in the budget formulation;
- endorsing their amendments in the approval stage;
- demanding specific audit reports from the national audit institution;
- overseeing secret security budgets.

During the past decade democratization and decentralization have brought more opportunities for CSOs to participate in budget policy. These opportunities will only increase in the future, so developing a capacity to analyse budgets must be an imperative.

³⁰ Not available online, but can be ordered at <http://www.iiss.org/publications/the-military-balance>

What you can do as a CSO

Identify relevant security sector budgets

- ✓ Identify the segments of the security sector relevant to your organization's mandate and activities
- ✓ Identify the budget corresponding to each security agency in the state budget documents

Lobby for legislative reforms

- ✓ Ensure that the legislative framework regulating security agencies and budgeting process is clear and accessible
- ✓ Identify gaps and outdated legislation and submit your proposals for change to the parliament
- ✓ Make sure a Freedom of Information Act is in force in your country
- ✓ Convince the government that transparency and accountability are in its interest: they can increase legitimacy and sustainability, public support for its policies and acceptance for necessary increases in tax collection

Collect independent data and provide independent assessments

- ✓ Collect independent data on the size and structure, policies and practices of the security sector
- ✓ Collate data on malpractices
- ✓ Investigate whether policy, practice and structure matches the assigned budget
- ✓ Assess whether output meets identified public security needs
- ✓ Investigate whether off-budget funding is being used, or alternative sources such as illegal businesses or corruption
- ✓ Identify whether policy matches practice
- ✓ Link your assessment to monitoring activities
- ✓ Conduct performance audit of specific projects in detail, and communicate the results to parliament and media
- ✓ Compare the information provided by government on security budgets with information provided by international governmental and non-governmental sources
- ✓ Check and compare the prices of goods and services procured by your government on the international market
- ✓ Disseminate information on the budget in a form accessible and understandable to people
- ✓ Simplify the budget but deepen the debate

Influence budget policy at the different stages of the budget cycle

- ✓ Communicate your views on the budget to your MPs
- ✓ Provide alternative budget proposals for resource allocation to MPs
- ✓ Bring to decision makers new information from citizens and interest groups
- ✓ Communicate your views on the budget and alternative budget proposals to the media
- ✓ Participate in committee meetings while the budget is analysed
- ✓ Submit to parliament and ministries recommendations for reallocating the budget
- ✓ Encourage the government to consider the conclusions of audit reports in the formulation of future budget proposals
- ✓ Identify best practices at local or international level and assist parliament and executive agencies to reinforce channels of accountability

Plead for effective independent auditing

- ✓ Make sure that the constitution and legislation provide for the establishment of a national audit institution, which has a necessary degree of independence, expertise and resources
- ✓ Make sure that the national audit institution covers the legal, financial and performance audit of security agencies
- ✓ Provide accessible information to citizens and the media on the findings of the national audit institution
- ✓ Publicize the release of the national audit institution reports

Make strategic alliances with parliament and the media

- ✓ Interact with parliament
- ✓ Plead for a strong, well resourced and efficient parliament
- ✓ Put pressure on parliament to play a responsible role in the four main phases of security budgeting
- ✓ Develop long term relationships with the parliamentary committees responsible for security sector oversight
- ✓ Help committees or opposition groups to develop alternative proposals to the government budget proposals
- ✓ Become a reliable source of independent information and alternative analysis on budgetary issues for parliamentary committees
- ✓ Ask parliamentarians to oversee secret budgets; select members of parliament must have access to classified information and ensure a minimal level of control over secret security programmes.
- ✓ Attract media attention to security budgeting issues
- ✓ Develop/gather budget training expertise and provide/organize training for other CSOs, members of parliament, parliamentary staff and media representatives, to increase their budget analysis capacity

9

Geoffrey Prewitt

Building Organizational Credibility: CSO Governance and Evaluation

The rise of civil society on the national and global political scene constitutes one of the major developments of the last three decades.¹ While wide variations exist across countries and regions, what lies at the heart of this movement is a shift in the relationship between states and their citizens. The causes for this dynamism are numerous; they include the fall of dictatorships and the collapse of socialist systems, the introduction of new technologies and networking tools such as the Internet, and the successes of so-called non-violent ‘people power’ in countries such as the Philippines, the Czech Republic and Poland as well as global campaigns such as that to ban land mines. Advocacy movements are attributed to influencing everything from multilateral bodies such as the World Trade Organization to local governance reforms. They are also well-known for efforts in promoting peacebuilding and reconciliation. Plus, civil society has strengthened its operative capacity as an instrument for better service delivery and for ‘modernization’ by unburdening the state of tasks that can be better handled by non-governmental organizations.

Premised on these considerable successes, civil society organizations (CSOs) began to be considered as trusted and valued partners in international development. Indeed, CSOs became an industry, and a powerful one at that. CSOs command relatively large proportions of income and employ considerable numbers of the active labour market.² Despite this sphere of influence, very few CSOs underwent a critical review of their performance.

In the last several years, words such as accountability, legitimacy, credibility, representation and internal governance have entered the civil society lexicon. Although these are popularly-assigned attributes, to what degree has the rhetoric extended to practice? The normative appreciation of CSOs as a benign con-

1 Most scholars tend to cite the last 30 years as a period of rapid expansion for organized civil society based on levels of financing, references in scholarly works, growth of registered legal entities etc. For example, according to one conservative yardstick of international NGOs, the Yearbook of International Organizations shows the growth of international NGOs from 6,000 in 1990 to more than 26,000 in 1999.

2 The John Hopkins Comparative Nonprofit Sector Project undertook an extensive study of the nonprofit activity in 35 countries between 1995-1998. Their findings illustrate that – within these 35 countries – CSOs employ, on average, 4.4 percent of the economically active population or nearly 1 out of every 20 employable people. Moreover, in these 35 countries, it is a USD \$1.3 trillion industry regarded aggregate expenditures and the world’s seventh largest economy.

duit to promoting democratic governance and an embodiment of citizen interests has come under increased scrutiny. As Anthony Adair has argued “NGOs that seek to make a virtue out of highlighting the failures of governments, business, and other institutions should be subjected to the same degree of scrutiny that everyone else faces. They too need to be accountable for their actions.”³

The terrorist attacks of 11 September 2001 placed additional scrutiny on CSOs. Media attention pointed to CSOs as possible “fronts” for terrorist activities. Questions such as “To whom are CSOs accountable to?”, “Who funds them?” and “Who manages these CSOs?” were raised.

Therefore, in relation to security sector reform and oversight, credibility remains a large obstacle between government and CSO relations. Self-regulation⁴ processes could help to alleviate this gap. As a minimum, all CSOs should ideally deploy basic governance structures, accountability and transparency requirements (e.g. through audits and reporting), standardized monitoring and evaluation techniques and by adhering to their legal statutes. Other tools include codes of conduct signed voluntarily by the CSO community that list conditions of ethics, standards and norms that are regularly monitored by peer review. Current estimates suggest that self-regulatory initiatives are in operation in over 40 countries worldwide.

Lastly, and importantly, CSOs need not be defensive as it relates to their credibility. Whilst this paper may recount several negatives found within credibility lapses, in principle, most CSOs are law-abiding, transparent, and work to promote mutual and public benefit. The important point is that no sector – be it private, public, voluntary, security or other – is beyond reproach and institutional forms must continue to evolve and improve. Some organizations (e.g. *AccountAbility*) even argue that accountability should become the central goal of development.

This chapter proposes to focus on how CSOs can bridge the credibility gap to ensure that their watchdog function of the security sector is not compromised. First, it briefly explores the significance of accountability in relation to security sector oversight. Second, the chapter reviews key organizational requirements for CSOs that contribute to their credibility. It then examines the importance of robust monitoring and evaluation of CSO activities. Finally, the paper concludes with several recommendations to ensure that CSOs involved in security sector oversight (and other activities) can maintain accountable practices.

3 Adair, Anthony, *A Code of Conduct for NGOs: A Necessary Reform* (Working Paper), IEA, London, 1999, available online at <http://www.iea.org.uk/env/NGO.htm>

4 Note the stress on ‘self-regulation’. For example, anti-terrorism legislation (e.g. in Zimbabwe) is often given as an alibi by governments to curtail legitimate CSO activities. Governments should not use the ‘credibility’ debate to over-regulate the sector.

Why CSO credibility matters for security sector oversight

Security actors are considerably diverse, ranging from core security forces (e.g. police, armed forces, border guards) to management and oversight bodies (e.g. ministries of defence and internal affairs, the legislature, the executive) to justice and law enforcement institutions (e.g. judiciary, prisons, ombudsmen). There are, as well, non-statutory security forces to consider such as guerrilla armies and private security firms. Many components of the sector are relatively secretive or guarded about their actions – clearly, there are official and valid reasons for security and intelligence actors to attempt to limit disclosure, but as has been discussed in greater detail in chapter one of this handbook, grounds for concealment must be justifiable.

CSOs are comprised of a multitude of different actors – from the very legitimate to the sometimes questionable. Yet there exists a substantial distinction between the security sector and CSOs in the need to pursue transparent activities and processes. The questions arise: are there specific sensitivities in the CSO community that require explicit confidentiality clauses which may put state sovereignty or state safety at risk? Can these sensitivities place individuals at risk of harm? With a few exceptions,⁵ the answer would be “no”. Therefore, if CSOs are to play specific roles noted throughout the handbook – such as public oversight, advocacy or awareness-raising – to ensure an appropriate watchdog function over the security sector, they must be *more accountable* than the actors they profess to oversee.

Moreover, one should not presume that CSOs are automatically positive, value-adding organizations. Civil societies are organic human arrangements shaped by numerous variables and continue to evolve everywhere. As a manifestation of the way that citizens associate in order to improve their lives, express and pursue their interests, exchange information, mediate differences and create stable social relationships, social institutions are as diverse as the people who establish them. Further attention should be paid to informal associations or those having undemocratic, immoral or illegal purposes, as they can strongly condition how politics, economies and societies work and remain stable. Not all CSOs are truly independent: acronyms such as GONGOs (government-owned NGOs) or QUANGOs (quasi-NGOs) have now entered the development discourse. Unlike, for example, formal units of the security sector that are premised on discipline, structure and rules, civil society groups have few rigid parameters.

⁵ One could rightly point out that in many autocratic countries, members of human rights CSOs and other independent organizations such as the media take considerable personal risk upon revealing repressive tactics used by the state. Indeed, there are many documented cases of CSO employees being harassed, imprisoned and even murdered in dictatorial countries. For more information on operating in restrictive environments, see chapter 14 of this handbook.

Box 9.1 Examples of GONGOs

Myanmar Women's Affairs Federation – Run by the wives of the military junta's top generals, often used to criticize Aung San Suu Kyi, the Noble Prize winner and leader of the opposition.

Chongryon, the General Association of Korean Residents in Japan – De facto representative of the North Korean regime, accused by Japanese authorities of smuggling weapons technology, trafficking pharmaceutical products and funneling millions of dollars, as well as orchestrating a propaganda operation on Pyongyang's behalf

Source: Naim, Moises, 'What is a Gongo?' in *Foreign Policy*, May/June 2007

Therefore, CSOs involved in security sector reform must uphold norms and values that are consistent with key universal principles of good governance, transparency, anti-corruption, and basic human rights. From an international development perspective, an 'ideal' CSO for human development would maintain the following characteristics:

- self-initiated (voluntary);
- formally organized with accountable behaviour and system of governance;
- demonstrates public responsibility;
- deploys resources in sustainable ways;
- pursues self-financing mechanisms which ensures autonomy in decision-making;
- is democratic and equitable in its functioning;
- proves effective and efficient in realising the objectives it sets for itself;
- positions and asserts itself towards – or collaborate and compromise with – others on the basis of well reasoned considerations;
- functions with an accurate awareness of the way society, economy and politics works around it.

But this is rarely achieved in entirety. In the following sections, means to pursue such qualities are explored.

Organizational principles for credibility

Taking inspiration from the terminology used in human rights theory, a widely used definition of accountability denotes a relationship between a 'rights holder' or a legitimate claim (for instance a public good) and the agents or agencies responsible for fulfilling or respecting that right by taking specific action, or de-

sisting from particular actions (duty bearers).”⁶ Subsequently, one of the universal themes of accountability is guiding relational principles and reliable (or binding) ‘rules of engagement’. Accountability is ultimately premised on institutional relations between and among different stakeholders and organizations.

A distinguishing trait of the civil society sector is the ‘accountability gap’: the belief that CSOs are generally not accountable to anyone. The objection unfolds as such: unlike governments who must fulfil their expectations or else risk not being re-elected (should fair elections take place) and the business sector who has a financial obligation to its shareholders, CSOs have limited means of measuring success, and hence less clear incentives to perform. This comprises one main root of government suspicion towards CSOs which permeates into various areas of their operation and can sometimes taint their reputation. It moreover weakens the claim for civil oversight, including of the security sector.

The main obstacles to CSO accountability include inadequate internal management skills and a lack of motivation, the latter being directly related to their unawareness or poor understanding of the benefits of self-regulation and improved governance. Due to the vast difference in CSO size, sophistication and diversity, the process may at first seem challenging, but many organizations have adopted good practices. At a minimum,⁷ CSOs should deploy basic governance structures such as an elected board, confirm accountability and transparency requirements through financial audits and issuing of annual reports, establish prohibitions of abuse (i.e. conflict of interests) and adhere to their legal statutes and other guidelines of duties.

There are many incentives for such governance structures and practices. Aside from promoting a practice of ethical behaviour, the possibility for increased funding – through improved credibility and increasing public demand – are temporary ‘carrots’ that can stimulate CSOs. Additionally, and more significant for security sector oversight, by pursuing an ‘accountable framework’, CSOs gain legitimacy in their watchdog functions. Accountability mechanisms are, in principle, political declarations to the state: “we have cleaned up our act, now you clean up yours.”

Box 9.2 Global Accountability Project of One World Trust: accountability principles across sectors

The Global Accountability Project (GAP) set up in 2001 by the One World Trust, aims to generate wider commitment to the principles and values of accountability; increase the accountability of global organizations to those they affect; and strengthen the capacity of civil society to better engage in decision-making processes. The

⁶ Theisoehn, Thomas, ‘Using Accountability Relationships to Support Capacity,’ at *Capacity.Org*, Issue 31, August 2007, p.5.

⁷ As noted earlier, CSOs come in many different sizes and shapes. Small, rural, community-based organizations may require fewer internal structures than well endowed NGOs based in the capital. The recommendations found within this paper provide a comprehensive overview on accountability measures that can be adopted; it is up to CSOs to decide on a case-by-case basis which of these measures are appropriate for them.

project developed a framework and an index for global accountability. Its 2006 and 2007 Global Accountability Report analysed the accountability of 30 of the world's most powerful organizations and outlined four core mechanisms of accountability (transparency, participation, evaluation and learning, and complaint and response mechanisms) that allow an organization to manage accountability claims from different stakeholders. While more understanding is needed on the shape that the mechanisms take when applied to small CSOs, the core principles are applicable to small and large, powerful and less powerful organizations.

Source: One World Trust, Global Accountability Project <http://www.oneworldtrust.org/?display=project&pid=10>

Many international CSOs such as CIVICUS, a global civil society network based in Johannesburg and OneWorld Trust, based in the UK (see Box 9.2), have striven to encourage improved accountability of CSOs. These new campaigns have made considerable headway in promoting new practices. In the end, however, all CSOs – big or small – will be required to make decisions regarding their level of accountability within a given national or local environment. The latter point is particularly important: government or state legislation and related regulation can actually reduce the level of accountability within CSOs. In the context of a government that views independent CSOs with suspicion, CSOs will tend to be *less* transparent than they actually would be otherwise. For example, some CSOs may be reluctant to publicize contacts with international pro-democracy organizations for fear of a negative response by undemocratic regimes.

Therefore, although accountability has many interpretations and equally as many outlets,⁸ for simplicity, this chapter focuses on the two main features that lead to improved credibility:

- internal management or organizational governance;
- external factors such as government regulation and public image.

Internal management

In order for internal management to be credible, CSOs should deploy forms of so-called 'organizational democracy' premised on professional attitudes, values, and principles. For the purposes of this paper, three concepts and practices will be referenced in relation to internal management: i) governance and planning, ii) reporting, and iii) code of conducts.

⁸ There are four different ways to conceive of accountability: i) CSOs can be upwardly accountable to donors, governments and foundations – those that provide them with their financial and legal base, ii) CSOs are downwardly accountable to their beneficiaries, iii) CSOs can be inwardly accountable to themselves for their organizational mission, values and staff and iv) CSOs can be horizontally accountable to their peers. Source: Lloyd, Robert, *The Role of NGO Self-Regulation in Increasing Stakeholder Accountability*, One World Trust, London, 2005, available online at <http://www.un-nrgs.org/cso/cso9/Self-Regulation.pdf>

Governance – broadly defined – tends to refer to how decisions are made and regulated; good governance refers to a basic form of accountability. An organization exercises good governance when it has an internal system of checks and balances that ensures that public benefit and interest is served.⁹ Therefore, a CSO that seeks to exercise good governance should deploy a formal structure with appropriate management, strategies and missions.

Beyond a country's legal code (which, in many ways, largely dictates different forms of organizational structure), all CSOs should have basic documents that delineate information pertaining to statute, rules of operation, governing boards, membership, how decisions are made and reporting. To the extent possible, they should be unambiguous. This is a starting point, and should be filed with the necessary authorities (see Box 9.4).

Following decisions on basic operating procedures, the establishment of a governing board is necessary. The board is the highest decision-making authority and should exist distinct from the staff to reduce any conflict of interest. A board has many duties. These include, but are not limited to: strategic decision-making (in particular those dealing with legal or financial matters); fundraising; public relations; and programme management. Board members should not be paid for their services. In other words, boards provide oversight of CSOs' practices. There are, of course, problematic boards. On occasion, staff may exercise a vote of no-confidence in the board.

Box 9.3 Selected tips to involve your board

- Energize your board members. Start and end meetings on time and show specific and tangible progress on goals. Conduct educational sessions to explain issues and teach specific skills.
- Conduct yearly retreats to establish organizational and fundraising goals and review activities.
- Become visible within your community. Ask board members to set up speaking engagements at their civic group. Encourage them to write letters, articles or op-ed pieces.
- Position your organization with local and national authorities. Invite them to serve on your board or a committee. Remind board members to write to their elected representatives about issues of importance to your organization.
- Survey board members and volunteers to find out where they bank, shop, conduct business etc. Use this information as a strategic tool to target new funders with board members as 'door openers'.
- When recruiting new board members, set high expectations. Make sure they hit the ground running and get involved in projects right away.

⁹ Wyatt, Marilyn, *A Handbook of NGO Governance*, European Center for Not-for-Profit Law (ECNL), Budapest, 2004, available online at http://www.ecnl.org/dindocuments/18_Governance%20Handbook.pdf

- Remember the personal touch: recognize their accomplishments publicly and provide any criticism in private.

Source: Srinivas, Hari. *Constituting an NGO Board: Creating a Strong Baseline for an NGO's Activities*, <http://www.gdrc.org/ngo/ngo-boards.html>

Good governance and credibility also relates to proper planning. Experience clearly illustrates that sound planning can increase the efficiency of an organization through maximizing output, managing resources more effectively and establishing a clear and plotted direction. Significantly, a plan allows for joint evaluation and review and thus can strengthen team work. It can also be shared publicly, thereby increasing accountability. There are many different analytical means to arrive at a strategic plan but three main questions should be addressed: Where is the organization currently? Where does it want to get to? How can it arrive at that destination?

Box 9.4 What should the basic documents say about CSO governance?

A CSO's basic documents – act of incorporation, statutes, charter and rules of operation – can establish a basis for good governance by including the following information about your governing body or bodies (in addition to any other information required by law):

- Name of governing body or bodies;
- Highest and principal governing bodies, with their relationship to other organizational entities;
- Basic responsibilities and powers;
- Duties of individual board members, such as loyalty and confidentiality;
- Minimum number of board members;
- Membership rules (including eligibility, suspension and expulsion);
- Terms of office (length of terms, limits on re-election);
- Minimum number of board meetings per year;
- Method of convening meetings (who initiates how to set dates, who decides on the agenda, etc.);
- Decision-making procedures (number needed for quorum, how to vote and record decisions);
- Conflict-of-interest provisions.

Source: Wyatt, Marilyn, *A Handbook of NGO Governance*, European Center for Not-for-Profit Law (ECNL), Budapest, 2004, available online at http://www.ecnl.org/dindocuments/18_Governance%20Handbook.pdf

However, strategic plans can – and should – be altered over time; they should have built-in flexibility to shifting environments. This is particularly relevant for organizations engaged in security sector oversight as often – predominantly in conflict or post-conflict situations – situations can change rapidly. CSOs, much like other organizations, are not static but evolve, shrink and adapt.

Strategic plans often refer to time-frames and provide requirements for reporting on stated activities. While there are many means of promoting accountability and transparency, information disclosure through standardized reporting is critical to enhance public trust. With the exception of financial audits from donors or governments, there are few mandated reporting requirements for CSOs. Therefore, it is very often left to the CSOs themselves to decide what and how to report.

One other area of significance to increasing the accountability of CSOs is the development of code of conducts. A 'Code of Conduct' enables CSOs to self-regulate their behaviour, activities and internal governance affairs. These documents also often serve as a focal point of cohesion among CSO networks and coalitions. Based on consultative input from select members, CSOs should prepare a draft charter with at least two major sections: Standards of Conduct and Code Observance. Listed under the standards section are principles and values of voluntarism such as community involvement, fairness and equity, ethics, transparency and accountability, governance, independence, communication and gender equality. The observance section would contain information about peer regulation and grievance panels.

Box 9.5 NGO Code of Conduct in Ethiopia

On 14 March 1997, members of various NGO umbrella organizations appointed a body called 'Ad Hoc NGO Consultation Working Group' to come up with a draft code of conduct for NGOs in Ethiopia using the previous initiatives and opinions gathered through a series of consultations of the NGO community. The Group examined a number of works in the field and adaptations of other NGO communities in other countries during its regular meetings. It then framed the first draft of Code of Conduct for NGOs in Ethiopia, which was scrutinized and further developed at two national consultative meetings in February and September 1998. The September meeting, attended by well over 200 NGO representatives, endorsed the final draft as an instrument of self-regulation.

The Code of Conduct has introduced for the first time standards for previously unregulated activities. It is intended to encourage more effective and efficient ways of working and will improve the partnership between the NGO sector, the government and the private sector. It will ultimately contribute to an enabling environment for all sectors and to the sustainable development of Ethiopia and its people.

Source: Christian Relief and Development Association (CRDA) www.crdaethiopia.org/

Lastly, although CSOs should pursue strategies of self-financing to ensure autonomy in decision-making, there are inherent ambiguities found within selected resource mobilization strategies for CSOs worth mentioning. Following a normative definition, CSOs are private (i.e. not officially part of the state), not-for-profit and socially-beneficial organizations. Therefore, in relation to financial sustainability, a central impasse of CSOs is how best to use public funds without compromising autonomy or engaging in economic activities that may corrupt their moral standing. Ideally, something which is rarely achieved in practice, the majority of resources would emanate from individual contributions or membership fees.

If CSOs are to overcome the inherent dilemmas described above, several underlying principles are significant for resource mobilization strategies. First, CSOs must respect and nurture their mission or mandate – often referred to as their public benefit (statutory) purpose. In the simplest terms, this mission should pursue and perform legitimate functions that add value to social, political and economic development. Second, CSOs must operate on a non-profit distributing status (i.e. not distribute profits to shareholders or a set of directors, as NGOs should not be primarily engaged in commercial activities). Third, as will be noted throughout this chapter, organizational capacity and transparency are cornerstones to effective CSO resource diversification. Democratic governing boards, regular financial audits, demonstrated impact in the delivery of services and long-term strategies will lead to deepening public trust and an enhanced financial base. Lastly, a relatively sound legislative environment must exist to define and regulate economic activities, tax exemptions on categories of income, government contracting, public benefit status and other forms of CSO revenue.

Box 9.6 Additional examples of CSO self-accountability mechanisms

InterAction: Self-Certification Plus

InterAction, an umbrella organization of over 160 US-based international CSOs, has developed a Self-Certificate Plus initiative. This is a trust-building effort geared to promoting the same levels of trust between CSOs and their beneficiaries as developed between CSOs and their donor agencies. If CSO members fall short in their compliance with any standard, InterAction requests that they prepare an action plan that specifies how they intend to comply with those standards within a period of one year. A review process is then planned to evaluate the results. The leading motivation behind this effort is to make uniform and rigorous the ways in which all InterAction members self-regulate their compliance with the CSO Standards. Ultimately, InterAction hopes to move its members constructively and deliberately toward greater levels of accountability and transparency.

Source: InterAction (www.interaction.org)

FEMNET: Code of Ethics and Conduct

The African Women's Development and Communication Network (FEMNET), based in Nairobi, Kenya, drafted a Code of Ethics and Conduct for African Civil Society Organizations in 2003. This code outlines the principles and ideals for CSOs in Africa to espouse, the standards of conduct CSOs are expected to adhere to and compliance mechanisms designed to ensure adherence to the provisions of the code.

Source: FEMNET (www.femnet.org.ke)

For more examples of self-accountability mechanisms, see the Legitimacy, Transparency, and Accountability page of the CIVICUS website (www.civicus.org) which has a list of international agreements, charters and codes of conduct developed by national CSOs, as well as declarations on legitimacy, transparency and accountability adopted or recognized by national NGOs and CSOs worldwide.

External factors

External factors or the so-called larger 'civic environment' are equally important in promoting CSO credibility. Although often beyond the direct control of CSOs, mainstreaming local and national CSOs in oversight and watchdog efforts assumes that representative CSOs exist and are recognized as legitimate stakeholders. Whether or not this is the case depends on two issues: i) the quality of the civic environment, which can be understood as the complex mix of formal regulations, informal rules, cultural norms and policy and economic incentives which condition the degree to which civil society can operate autonomously and maintain its accountability and ii) public image; otherwise stated, CSOs must have an identity and a reasonable and recognized space to interact with other development actors, including the security sector.

First and foremost, CSOs require a sound legislative and regulatory framework in order to practice lawful actions. The state provides the enabling environment: a legal framework for the operation of CSOs and safeguarding public interests and resources. In doing so, the state creates requirements for accountability and has the means to regulate and impose accountability mechanisms, for example related to anti-corruption. The state should not, however, be concerned with internal organizational issues of CSOs. Furthermore, as we tend to see in more autocratic regimes, the state should not use the law to restrict movements of civil society.

A favourable legal framework on civil society would address several issues. First, it should enable CSOs to form, operate and pursue legitimate, law-abiding goals.¹⁰ Second, it should encourage basic levels of accountability and transparency within CSOs themselves. Lastly, because CSOs should not seek profit or distribute earnings, some safeguards such as tax incentives to ensure financial sustainability may be necessary. In turn, CSOs have a responsibility of accountability through financial reporting and issuing of activity reports, although this is not always governed by legal rules. Specific issues addressed by laws governing CSOs include definition and organizational forms, permissible purposes, establishment and registration, internal governance, activities, termination and dissolution.

¹⁰ In other words, CSOs are not given special recourse to act outside the national constitutional and legal framework. Such limitations on the freedom of association would include prohibitions against incitement of racial, ethnic or religious enmity (e.g. in Bulgaria, Estonia and Macedonia) and prohibitions against armed organizations with political objectives (e.g. in Hungary).

Box 9.7 Innovative financing laws in Central and Eastern Europe (CEE)

CSOs in CEE have been increasingly successful at advocating for the passage of laws that promote their financial sustainability. In 1997, Hungary became the first country in the region to pass legislation allowing individual taxpayers to allocate one percent of their previous year's personal income tax to an eligible CSO of their choice that conducts public benefit activities. Hungary's "1 percent Law" sparked a chain reaction: Poland, Slovakia, Lithuania and Romania adopted percentage laws in different forms and with varying criteria. Lithuania and Slovakia have adopted a two percent designation system to CSO beneficiaries (meaning two percent of personal income tax can be donated).

Overall, reform of CSO legislation has been positive. However, legislation remains problematic in several countries. Registration tactics have become particularly sophisticated as a political tool, both in existing legislation and in how this legislation is interpreted and enforced. If a CSO is unable to register, it no longer exists as a legal entity and is thus unable to open bank accounts, hire staff, rent property and the like. In Azerbaijan, for example, few new CSOs have successfully registered in the past two years as official procedures for registration have been *de facto* suspended. Moreover, sound legislation – whilst important – also requires high-quality implementation and oversight. Countries can have an excellent legal foundation but poor regulation.

Second, the public image of CSOs is crucial for oversight mechanisms. For the sector to be sustainable and viable, the government, security forces and local communities should have a positive image of CSOs. This would include a broad understanding and appreciation of the different ways in which CSOs can contribute to positive developments in a country. Public image is assessed by such issues such as positive media coverage, ability to recruit members and volunteers, and the general public's awareness and perception of the sector as a whole.

The significance of monitoring, evaluation and reporting

Monitoring and evaluation (M&E) are central for credibility and accountability purposes. For CSOs, M&E provides an objective and reliable indication of the progress or regression of their work and can contribute to designing more effective interventions. The main objectives of current results-oriented M&E for CSOs, in brief, are the following:¹¹

¹¹ Adapted from UNDP, *Handbook on Monitoring and Evaluating for Results*, UNDP, New York, 2002, available online at <http://www.undp.org/eo/documents/HandBook/ME-HandBook.pdf>

- Enhance organizational development and learning;
- Ensure informed, predictable and timely decision-making;
- Support substantive accountability and organizational positioning;
- Demonstrate the value of CSO work to a wider audience;
- Build organizational and country capacity in each of these areas, and in monitoring and evaluating functions in general.

Monitoring and evaluation are often viewed as simple tasks and thus rarely conducted in a rigorous fashion by many organizations. However, M&E is extremely nuanced and challenging and requires considerable organizational skills.

Again, think of CSOs as serving as a mirror to the security sector. The security sector by all accounts should have internal monitoring and evaluation of their actions. For example, when innocent civilians are killed by security forces, these activities should be subject to an external evaluation by an independent review body. Similarly, military expenditures must be closely monitored to ensure that they stay within a threshold of a national budget. Finally, CSOs should subject their activities, their budgets and their personnel to the same assessments. Otherwise, why would they expect the security sector to do so?

Although this chapter does not provide space to refer to establishing the content of monitoring and evaluations plans (including agreeing on outcomes, selecting key performance indicators and setting base-lines) a basic understanding of concepts is necessary. The OECD defines monitoring and evaluation as follows:

Monitoring is a “continuous function that uses the systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing development intervention with indications of the extent of progress and achievement of objectives and progress in the use of allocated funds.”

Evaluation is the “systematic and objective assessment of an ongoing or completed project, program, or policy, including its design, implementation, and results. The aim is to determine the relevance and fulfilment of objectives, development efficiency, effectiveness, impact, and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors.”¹²

The generic significance of these definitions is three-fold. First, M&E is continuous and constant, not a one-off, ad-hoc event. Second, robust M&E systems result in decisions. Third, as noted in Box 9.8, M&E are closely related to each other and not mutually exclusive exercises.

¹² OECD, *Glossary of Terms in Evaluation and Results Based Management*, OECD, Paris, 2002, pp.21, 27, available online at <http://www.oecd.org/dataoecd/29/21/2754804.pdf>

Box 9.8 Complementary roles of results-based monitoring and evaluation

Monitoring	Evaluation
Clarifies organizational and programme objectives	Analyses why intended results (i.e. outputs) were or were not achieved
Links activities and their resources to objectives	Assesses specific contributions of activities to results
Translates objectives into performance indicators and sets targets for the initiative or organization	Examines implementation (including managerial and financial) processes
Routinely collects data on these indicators, compares actual results with targets	Explores unintended results
Reports progress to managers and alerts them to problems	Provides lessons, highlights significant accomplishments or programme potential and offers recommendations for improvement

Adapted from Zall Kusek, Jody and Ray C. Rist, *Ten Steps to a Results-Based Monitoring and Evaluation System*, World Bank, Washington, 2004, p. 14.

There are many steps in monitoring and evaluation. While too many to enumerate,¹³ they range from agreeing on outcome and indicators, obtaining information and data to reporting and using these findings. The latter proves worth highlighting: issuing – and appropriately acting upon – findings will respond to official and public demands for accountability and credibility. Moreover, it can encourage or pressure the security sector to report on similar findings. The media can serve as an important outlet as it often reports on whether organizations and the government, including components of the security sector, have delivered on commitments and services.

Monitoring and evaluation can face many methodological and sustainability challenges. Aside from being costly – both in terms of financing and time – they serve as a beacon of truth. Many organizations and sectors resist, or even fear, M&E processes as they can expose weaknesses, corruption and mismanagement. However, acknowledging and addressing problems is a key component of accountability and credibility. If expectations are placed upon the security sector to reform, CSOs must live up to the same potential.

Lastly, M&E are sub-components of a larger information and communication channel. Reporting and audits are also key steps in this process, both helping to inspire confidence from donors and other stakeholders. Annual reports (or a similar package of documents) should be available on request or online subject to public demand. Items normally contained in annual reports include: a narrative of main ac-

¹³ Many good M&E references are available on the Internet. These include: UNDP, *Handbook on Monitoring and Evaluating for Results*, UNDP, New York, 2002, available online at <http://www.undp.org/eo/documents/HandBook/ME-HandBook.pdf>, World Bank, *Monitoring and Evaluation (M&E): Some Tools, Methods and Approaches*, World Bank, Washington, 2004, available online at <http://www.worldbank.org/ieg/ecd/tools/> and CIVICUS *Monitoring and Evaluation*, available online at <http://www.civicus.org/new/media/Monitoring%20and%20Evaluation.pdf>

tivities, a list of board members and other key staff, an inventory of assets, audited financial statements, a code of conduct and a description of any contracts or arrangements of the CSO with related parties (for instance, with its founders).¹⁴ As noted earlier, however, some items pertaining to personnel matters or legal negotiations may require some level of confidentiality.

Conclusion and recommendations

Although the argument for building organizational credibility has been elaborated throughout this chapter, a brief summary of the main findings that contribute to CSO accountability and credibility is worth highlighting. In summary, CSOs should aim to:

- CSOs themselves must do the most to strengthen their accountability through peer review mechanisms, self-regulation, voluntary codes of conduct and international benchmarks;
- Strengthen beneficiary communities and other stakeholders to ‘ask the right questions’ about projects and their progress as a means to encourage downward accountability and to foster wider civic engagement with development actors;
- Maintain democratic structures and operate under constitutions. Maintain ongoing dialogue in the CSO community on how to strengthen accountability;
- Implement transparent and inclusive decision-making (for instance, through social audits and public hearings), and engage in activities to monitor and evaluate progress in projects;
- Focus on capacity development of staff and volunteers to improve analysis, planning, monitoring and impact assessment;
- Pursue monitoring and evaluation processes on a systematic basis;
- Recruit members with skills and experience in areas that will enhance accountability;
- Publish or make available to relevant stakeholders regular audits and annual reports.

Accountability and credibility tend to require many information flows and other forms of exchange. Subsequently, the state and the security sector also have responsibilities. These include to:

- Provide an open and enabling environment for CSOs to operate and create accountability frameworks that do not impose control over their activities (autocratic governments tend to use accountability to restrain financing to CSOs and impose restrictive legislation);
- Apply political will to create accountability frameworks relevant to all public and private sectors, including the security forces;

¹⁴ Stillman, Grant B, *NGO Law and Governance: A Resource Book*, Asian Development Bank Institute, Tokyo, 2007, p.47.

- Expand genuine opportunity for dialogue and consultation between the state, the security sector and CSOs (which will impel them to strengthen their capacity and accountability to constituencies);
- Engage in dialogue and advocacy about the relationship between accountability and development.

In conclusion, issues of accountability, credibility, and monitoring and evaluation require further attention for CSOs, including those interested in security sector oversight. In short, the professionalism of CSOs is key should they wish to be viewed both as viable partners to state actors and as credible to the larger public. Transparency and accountability are critical prior to pursuing or representing larger causes, particularly in sensitive areas such as security sector reform. As stated, it also serves as valuable model for other actors in the private and public sector.

What you can do as a CSO

Strengthen accountability

- ✓ Clarify organizational and programme objectives
- ✓ Strengthen accountability through peer review mechanisms
- ✓ Strengthen self-regulation
- ✓ Adopt and apply voluntary codes of conduct and international benchmarks

Implement monitoring and evaluation mechanisms

- ✓ Pursue monitoring and evaluation processes on a systematic basis
- ✓ Focus on capacity development of staff and volunteers to improve analysis, planning, monitoring and impact assessment
- ✓ Recruit members with relevant skills and experience when necessary

Encourage dialogue

- ✓ Publish or make available to relevant stakeholders regular audits and annual reports
- ✓ Strengthen beneficiary communities and other stakeholders to 'ask the right questions'
- ✓ Foster wider civic engagement with development actors
- ✓ Maintain ongoing dialogue in the CSO community on how to strengthen accountability
- ✓ Implement transparent and inclusive decision-making (for instance, through social audits and public hearings), and engage in activities to monitor and evaluate progress in projects

10

Kristin Valasek

Gender and Democratic Security Governance

Civil society organizations (CSOs) can play an important role in ensuring that gender issues are integrated into security policies and programmes. The benefits of integrating gender issues into the realm of security include increased inclusiveness, effectiveness and sustainability. It also guarantees that the security sector is providing security equally to men, women, girls and boys, as well as addressing the need for increased participation of women in security issues; combined with efforts against internal discrimination and human rights violations integrating gender considerations enables a more democratic security sector to be constructed. This chapter offers an introduction to gender and security issues as well as concrete recommendations about the ways in which CSOs can take action on security sector oversight issues.

Gender, women and security: Why is it important?

Gender refers to the socially constructed roles and relationships between men and women. Rather than being defined by biology, gender is a learned behaviour that can change over time and varies widely within and across cultures and over time. As gender influences the social roles of women and men, its impact leads to differences in security experiences, needs, priorities and actions (see Box 10.1). Adopting a gender perspective makes these differences visible and enables action to be taken by the security sector to better guarantee that the diverse security needs of men, women, girls and boys are met. As such, gender is not something that only concerns women.

Box 10.1 Gender-based insecurities: refugees in Sub-Saharan Africa

Male and female refugees in Sub-Saharan Africa including Darfur and Chad face different security threats. These differences can be illustrated through the example of firewood collection.

In order to cook food, firewood must be collected. Due to traditional gender roles, this is seen as the responsibility of women. Men and boys risk death and forced recruitment if they leave the confines of the refugee camp, while women risk rape and sexual violence.

Taking these factors into account, women continue to be responsible for collecting firewood and often fall victim to rape and other forms of violence. In order to guarantee the physical security of women as well as the food security of the entire camp, decision-makers should consult with women and prioritize sending security guards to accompany women when they collect firewood.

Source: Human Rights Watch, *No Protection: Rape and Sexual Violence Following Displacement* <http://hrw.org/backgrounder/africa/darfur0505/3.htm>

Thus, integrating a gender perspective into security sector oversight does not simply mean including more women. Though full and equal representation of women is an essential step towards gender equality, it does not ensure that gender perspectives are taken into account. Instead, the integration of gender issues, known as gender mainstreaming is:

“the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that women and men benefit equally and inequality is not perpetuated.”¹

Stereotypes of masculinity and femininity can stand in the way of gender mainstreaming and women’s participation in the security sector, and can also serve to perpetuate insecurity. Women are often stereotyped as weak, dependent, innocent victims while men are seen as strong, independent providers of security or perpetrators of violence. In reality, women can also be providers of security and perpetrators of violence, and are often experts on community security needs. Men are also negatively impacted by these stereotypes as the expectation of security provision is fully placed on their shoulders. Exploitation of stereotypes of men as strong protectors that employ violence in defence of women and children is done by everyone from military recruiters and gang members to the weapons industry. In the case of the arms industry, these stereotypes are one of the root causes behind male gun ownership (see Box 10.2). Increased prevalence of small arms in turn has been linked to rising rates of violence and insecurity.

¹ United Nations Economic and Social Council, 1997 Report of the Secretary-General. *Coordination of the Policies and Activities of the Specialized Agencies and Other Bodies of the United Nations System: mainstreaming the gender perspective into all policies and programmes in the United Nations system.*

Box 10.2 Men, masculinities and guns

The blatant connection made between weapons and ‘manly’ men can be seen everywhere from Hollywood movies, war memorials and revolutionary posters to toy stores.

As noted in an article published in *Disarmament Forum*, recent studies on the pervasiveness of small arms point out how “small arms are, on the one hand, viewed as male status symbols and, on the other hand, as tools for gaining economic and social status. The display of his weapon in public becomes a way in which the man displays his masculinity and defines his role in society.”

Equating the possession of a gun with masculinity is a gender ideology that has become a driving force behind male gun ownership. When this violent, militarized form of masculinity becomes increasingly popular and accepted, it can also be connected with escalating violence and insecurity for women and non-elite men.

Source: Myrntinen, Henri, 2003, ‘Disarming Masculinities’ in *Disarmament Forum*. Vol. 4, pp. 37-46.

The next sections explore in greater depth how increasing gender mainstreaming, promoting the participation of women and reducing gender stereotypes within security sector reform (SSR) and oversight will result in increased security.

Effectively addressing the security needs of men and women

Because of the different roles that women and men play in society, largely based on gender, they have different security needs. In a just and democratic security sector, these security needs will be equally prioritized. As it stands today, threats to women’s security are oftentimes not effectively addressed, which results in a negative impact on women, families, communities and society as a whole.

One of the largest gender-based security threats is the violence that is perpetrated against women globally. From domestic violence, stalking and harassment to human trafficking, rape and murder, women around the world live in insecurity due to the daily threat of violence. Globally, one out of every three women will be the victim of such violence, which often occurs within intimate relationships.² High rates

² UNIFEM, *Not a Minute More: Ending Violence against Women*, UNIFEM, New York, 2003, p. 6.

of violence against women also negatively impact on families, as children often fall victim to beatings or secondary trauma. Trauma also has large financial costs to be born by society as a whole: in the United States for example, where it is estimated that every year 1.3 million women are physically assaulted by their intimate partner, the health costs amount to US\$5.8 billion annually.³ As the security sector, especially the police and justice system, is responsible for preventing and responding to violent crime, they have the potential to effectively combat violence against women.

Box 10.3 Building the capacity of the South Asian judiciary on violence against women

Women's organizations around the world are taking action to ensure that security sector institutions are effectively preventing, addressing and penalizing violence against women.

Sakshi, a women's NGO based in India, conducted research on women's rights in the judicial system and used the findings to train judges on gender equality. The judges are taken to shelters to witness first-hand the physical and emotional pain of survivors and speak to them face-to-face. In addition, the trainers use interactive dialogue, small group problem-solving and meetings with NGOs to give judges a better understanding of women's needs.

In partnership with NGOs and judges, Sakshi has expanded its training programme to Bangladesh, Nepal, Pakistan and Sri Lanka. They are also starting to work with law schools and judicial training institutes.

Source: UNIFEM, *Not a Minute More: Ending Violence Against Women*, UNIFEM, New York, 2003, p.45.

Men also face gender-based threats to their security. They account for 77 percent of homicide victims;⁴ are victims of forced recruitment, conscription, gang-related violence and are targets of sex-selective massacres. Men also commit suicide at a much higher rate than women (3:1). In Europe and South-East Asia, suicide rates are more than double homicide rates. The highest suicide rates are found in Eastern Europe (41.5 per 10,000 in Belarus and 51.6:10,000 in Lithuania).⁵

In order to understand and effectively address gender-based security threats, issues of age, class, religion, ethnicity, ability and sexual orientation also need to be taken into account. For instance, in the USA in 1999, African-American male youths aged 15-24 had a rate of homicide over twelve times the rate of their Caucasian non-Hispanic counterparts.⁶

3 Vlachová, Marie and Lea Biazon (eds), *Women in an Insecure World: Violence against Women, Facts, Figures and Analysis*, SRO Kundig, Geneva, 2005, pp. 57, 81.

4 World Health Organization, *World Report on Violence and Health*, WHO, Geneva, 2002, available online at http://www.who.int/violence_injury_prevention/violence/world_report/en/

5 Ibid, pp. 187-188.

6 Ibid, p. 11.

Gender-responsive security institutions and personnel

The behaviour, organizational culture and actions of security sector institutions and personnel themselves can threaten the security of men and women, both as employed staff within security sector organizations and as civilians. From discrimination and harassment to sexual violence, police, military, border guards, customs officials, penitentiary and court staff, peacekeepers and government personnel can be perpetrators of violence at work and at home. Since there is a strong link between internal organizational culture and the behaviour of personnel towards each other and civilians, internal measures should be taken to prevent and address internal gender discrimination, maltreatment and violence.

Internal harassment of military personnel, the vast majority of whom are men, on the grounds of sexual orientation is widespread in the United States. A US Department of Defence survey of 71,570 active-duty service members conducted in 2000 found that 80 percent of respondents had heard offensive speech, derogatory names or jokes about gay men and lesbians and 37 percent reported witnessing or experiencing anti-gay harassment.⁷ Externally, civilian men can face racial profiling, hate crimes and police brutality at the hands of security sector personnel.

Gender-based insecurities faced by female security sector personnel include discrimination, sexual harassment and assault. In a 2006 student survey at the Citadel, a US public military institute, 20 percent of the female cadets reported being sexually assaulted and 68 percent sexually harassed.⁸

Box 10.4 Threats to the security of female prisoners

Male as well as female prisoners are particularly vulnerable to torture and inhuman and degrading treatment as well as physical and sexual abuse and exploitation.

Insecurities faced by female prisoners include:

- Gender-specific torture including abuse during pregnancy and childbirth, electric shocks to the breasts and genitals, rape and other sexualized forms of assault;
- Sanctioned sexual harassment including improper touching during searches, being watched when dressing, showering or using the toilet;
- Lack of maternity care, gynaecological health problems and difficulties in caring for their babies (women who have dependent children are often forced to bring them to jails);
- Issues and emotional costs of pregnancy, motherhood, abortion and miscarriage;
- Traumas following rape and other forms of violence are often ignored.

⁷ Human Rights Watch, 2003, *Uniform Discrimination: The "Don't Ask, Don't Tell" Policy of the U.S. Military*. London: Human Rights Watch, available online at <http://www.hrw.org/reports/2003/usa0103/>

⁸ National Organization for Women, 2006, *From the Citadel to Military Recruiting – Sexual Harassment in Military More Pervasive Than Ever*, <http://www.now.org/press/09-06/09-01.html>

In his main report to the 7th Session of the Human Rights Council in January 2008, the UN Special Rapporteur on Torture paid particular attention to the vulnerability of women. The Special Rapporteur stressed that in cases of gender-specific violence against women the purpose element required under the Convention against Torture is always fulfilled because such violence is inherently discriminatory and one of the possible purposes enumerated in the Convention is discrimination. He further proposed to introduce an additional element, 'powerlessness' to underline that, whereas detention contexts are classic situations of powerlessness, it can also arise outside of detention or direct state control. Situations constituting of *de facto* deprivation of liberty may occur in different 'private' settings.

Sources:

Quaker United Nations Office, *Submission to the Study of the Secretary-General of the United Nations on Violence against Women: Violence against Women and Girls in Prison*, QUNO, Geneva, 2005.

Roy, Mallarika, 'Bare and Vulnerable Behind the Bars: Women in Need of Psychiatric Care in Indian Jails' in *Feminism & Psychology*, Vol. 14(2) (2004).

Nowak, Manfred, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment", Doc. A/HRC/7/3 (2008). Available at <http://www2.ohchr.org/english/issues/torture/rapporteur/>

Female civilians are also vulnerable to discrimination, sexual harassment and assault as well as domestic violence, forced prostitution and forced marriage by security sector personnel. In the United States, higher rates of domestic violence have been documented among the military and the police.⁹ Rape of civilian women by military and peacekeeping personnel has also been reported during and after armed conflict in Bosnia, Cambodia, Mozambique and Kosovo, among others.¹⁰ Though on occasion this violence is the responsibility of one individual staff member, many security sector institutions have a discriminatory and sexist organizational culture which negatively impacts the productivity and effectiveness of the institution.

Gender-responsive security policies increase security for all

By taking gender issues into account, security policies will have a more equitable and sustainable impact. Gender-responsive security policies demonstrate commitment to gender equality at the top levels of decision-making, which is crucial to the success of gender mainstreaming initiatives. Policy reform is also essential to increasing the recruitment, retention and advancement of women. Gender-sensitive security policies should ensure men and women equal access to the policy; equal inclusion and representation in the process of developing, implementing and evaluating the policy; and equal benefits, advantages and gains intended to result from the policy.¹¹

9 National Center for Women and Policing. *Police Family Violence Fact Sheet*, <http://www.womenandpolicing.org/violenceFS.asp>

10 Fetherston, Anne Betts, 1995, UN Peacekeepers and Cultures of Violence. *Cultural Survival Quarterly*. Vol. 19 (1).

11 Status of Women Canada, *Gender-Based Analysis: Performance Measurement of its Application*, Status of Women Canada, Ottawa, 2003, available online at http://www.swc-cfc.gc.ca/pubs/gbaperformance/gbaperformance_e.pdf

One of the tools used to ensure the integration of gender issues into policy is a gender impact assessment. In the United Kingdom, the Women's National Commission, Thames Valley Police, Todd Consulting and the University of Surrey collaboratively undertook a gender impact assessment of the Thames Valley Police. The assessment focused on how the police interact with so called 'hard to reach women' and included a series of focus groups with women from different cultures, religions, ethnicities and age groups; consultation with police officers; and research. A report was published that includes policy recommendations, possible solutions and examples of positive developments.¹²

Box 10.5 Defence reform in South Africa: institutional mechanisms for gender equality

As part of the long process of post-apartheid transformation, CSOs, especially women's organizations, mobilized to ensure women's equal participation and the inclusion of gender issues in the new government structures. *The White Paper on Defence for the Republic of South Africa* and the highly participatory Defence Review process firmly integrated gender issues into South African security policy. The White Paper called for non-sexism and affirmative action, including the right of women to serve in all ranks and positions. The Defence Review highlighted the need to address sexual harassment and create an environment that accepts and respects women.

Specific initiatives were taken to mainstream gender issues and increase women's participation:

- Women were appointed to senior positions in the Ministry of Defence and the Defence Secretariat to demonstrate a commitment to gender equality and to serve as role models;
- Gender training was given to personnel at all levels of the Defence Ministry;
- Male and female military personnel were jointly trained to emphasize equal treatment and non-sexism;
- Personnel policies that directly affected women were changed, such as those governing maternity leave and equal benefits for dependants of men and women in the forces;
- A gender focal point was created within the Equal Opportunities Directorate;
- A gender forum was established to implement gender policies at the lower levels of the Department of Defence;
- A telephone hotline was created in order to report cases of sexual harassment and violence against women within the defence forces;
- The annual organization of 'Women at the Peace Table', a gathering of women in the armed forces and civil society to discuss people and security issues, hosted by the Deputy Defence Minister.

Source: Anderlini, Sanam Naraghi and Camille Pampell Conaway, *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women*, Women Waging Peace Policy Commission, Washington DC, 2004.

12 Women and Equality Unit, UK Department of Trade and Industry, *Gender Impact Assessment*, 2002, pp.12-13.

Women's participation increases equality and security

In order to create a democratic and inclusive security sector, it is essential that security sector institutions be representative of the population they serve. As men are highly overrepresented in security sector institutions, targeted initiatives are needed to increase women's participation. Women not only have the right to full and equal participation in security sector institutions and reform processes, as stated in various international mandates (see Box 10.6), but their participation has a positive influence on the security sector.

Box 10.6 International gender mandates

International instruments and laws on gender issues are key tools for lobbying and advocacy:

United Nations Security Council Resolution 1325 "Women, Peace and Security" (2000) encourages the equal participation and full involvement of women in all efforts for the maintenance of peace and security and the integration of gender issues into peacekeeping, peace negotiations and post-conflict reconstruction.

The **Windhoek Declaration and Namibia Plan of Action (2000)**

call for the integration of gender and full participation of women in all aspects of peace processes and peacekeeping.

The **Beijing Declaration and Platform for Action (1995)**

aim to achieve a gender balance in international judicial bodies; training in gender issues for judges, prosecutors and other officials; reducing excessive military spending and controlling the availability of armaments; and gender-sensitive training for peacekeeping forces.

The **Declaration on the Elimination of Violence against Women (1993)** calls for the development of penal sanctions in domestic legislation to address violence against women; taking measures to ensure that law enforcement officers and public officers receive training on the needs of women; and adopting appropriate measures to eliminate prejudices and gender stereotypes.

The **Convention on the Elimination of All Forms of Discrimination against Women including the Optional Protocol (1979)** demands that women participate in the formulation and implementation of government policy; that women hold public office at all levels of government; legal protection of the rights of women; that public authorities and institutions refrain from any act or practice of discrimination against women; and all national penal provisions which constitute discrimination against women are repealed.

For more information on gender mandates related to security sector reform, please see *International and Regional Laws and Instruments related to Security Sector Reform and Gender* in DCAF, UN-INSTRRAW, OSCE/ODIHR. *Gender and Security Sector Reform Toolkit*, 2008.

Source: UN-INSTRRAW. *Gender and Security Sector Reform: International Agreements*.
<http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=159&Itemid=218>

Increasing female personnel within security sector institutions creates a more inclusive and democratic security sector that is better able to provide security. In 2003, the National Center for Women & Policing in the United States conducted an extensive review of existing research on women, men and policing.¹³ They concluded that:

- Female officers are proven to be as competent as their male counterparts;
- Female officers are less likely to use excessive force;
- Female officers implement community-oriented policing.

More female officers will improve law enforcement’s response to violence against women. Greater presence of female officers reduces problems of sex discrimination and harassment within a law enforcement agency.

For instance, in a 2002 study of seven major US police departments, female officers were named in only two percent of the sustained allegations of excessive force (women represented 12.7 percent of sworn officers). Male officers were thus over eight times more likely to have an allegation of excessive force sustained than female officers. In addition, female officers received more favourable evaluations and were often preferred by community members.¹⁴

Box 10.7 Men in police forces¹⁵

Country	Men (%)
Turkey	96.6
United States	90
Malaysia	89.9
Sweden	66

Box 10.8 Women in the military 2006¹⁶

Country	Women (%)
Latvia	18.2
United States	10.5
Turkey	3.1
Poland	0.5

13 National Center for Women and Policing, *Hiring & Retaining More Women: the advantages to law enforcement agencies*, 2003, <http://www.womenand-policing.org/pdf/NewAdvantagesReport.pdf>

14 Ibid, pp. 4-7.

15 United Nations Department of Peacekeeping Operations, *Gender Resource Package for Peacekeeping Operations*, United Nations, New York, 2004, p.146.

16 NATO, *Percentage of Military Service Women 2006* http://www.nato.int/issues/women_nato/perc_fem_soldiers-2006.jpg

As it stands today, men are over-represented in the police, military, border guards, judiciary, government and other security sector and oversight institutions.

This also holds true for other security sector institutions. In United Nations peacekeeping operations, women comprise less than two percent of military personnel and less than five percent of the police.¹⁷ Women have much higher (albeit still low) percentages in parliament with the global average, as of October 2006, at 16.9 percent.¹⁸ Women are rarely appointed Ministers of Defence or Justice. In 2005, there were only 12 (6.6 percent) female Ministers of Defence and Veteran Affairs, and 29 (15.8 percent) female Ministers of Justice.¹⁹

Even when women participate, for instance in the police forces, they are often assigned to deal with 'women's issues' such as domestic violence or searching female prisoners. Alternatively, they are given lower-status or stereotypically female tasks such as secretarial duties. In Sierra Leone, for instance, despite the hiring of women and gender training for the lower ranks, 'female police officers are sometimes expected to do little more than cook lunch for the male police officers.'²⁰ This highlights the need not only to recruit more women but to ensure their retention and promotion to positions of decision-making power.

Female civilians and women's organizations

Women as individual civilians, women's organizations and organizations working on gender issues are all essential actors in creating security at a grassroots, national, regional and international level. In the area of micro-disarmament, women have been able to make great strides in collecting weapons and raising awareness. In Gramsch, Albania, women were mobilized and played a pivotal role in the UNDP programme *Weapons in Exchange for Development*. Around 6000 weapons and 137 tons of ammunition were handed over in exchange for \$1 million USD worth of community-based development and public works projects.²¹

Women's CSOs around the world serve as a bridge between women and men and their specific security needs and policymakers at the national and international level. These CSOs also often have grassroots networks that allow them to identify crucial security needs at the community level. For instance, through

17 Guéhenno, Jean-Marie, *Statement to the Security Council Open Debate on the Implementation of Resolution 1325 (2000) on Women, Peace and Security*, UN Secretariat, New York, 2006, available online at <http://www.peacekeepingbestpractices.unlb.org/pbpu/library/JMGSCR1325oct06.pdf>

18 Inter-Parliamentary Union, *Women in National Parliaments*, 2006, <http://www.ipu.org/wmn-e/world.htm>

19 Inter-Parliamentary Union, *Women in Politics: 2005*. IPU and UN DPI, Geneva, 2005, http://www.ipu.org/pdf/publications/wmnmap05_en.pdf

20 Naraghi, Sanam and Camille Pampell Conaway, 'Security Sector Reform' in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, International Alert, London, 2004, p.35.

21 Ibid, p.37.

consulting with women and women's organizations, previously untapped information can be gathered leading to more accurate and 'earlier' conflict early warning. Women's organizations are also at the forefront of documenting escalation of discrimination and violence against women as well as media 'scapegoating'. This escalation may be a direct precursor to violent conflict, as in Kosovo where incidences of rape, as a form of mutual intimidation, were on the rise as early as 1989.²²

Women's CSOs are also active in ensuring increased security for men, for instance through the End Conscription Campaign in South Africa in the 1980s, which was led by women, supported by women's organizations and appealed specifically to mothers to take action and demand that the government 'give their sons a chance.'²³ Women's organizations such as New Profile and Women in Black in Israel and the Union of the Committees of Soldiers' Mothers of Russia also advocate for the protection of the human rights of conscripts including ending discrimination, harassment and mandatory conscription.

Just as women's organizations can be important actors when it comes to security issues, they can be key partners for collaboration on oversight of the security sector. This includes involving women's organization in both formal and informal public oversight mechanisms.

What can civil society organizations do?

Processes of security sector reform and security sector oversight initiatives are an excellent opportunity to initiate, advocate for and monitor gender issues in the security sector.²⁴

Research and document gender issues

Very little research exists today on gender and security sector oversight issues. CSOs can take the initiative to compile lessons learned from past security sector reform processes or conduct practical, in-depth research on specific gender and security issues. In addition, CSOs can play a crucial role in security sector oversight through documenting human rights violations by security sector personnel, including violence against women and girls. Information and statistics of this type are essential when lobbying for policy reform.

²² Schmeidl, Susan and Eugene Piza-Lopez, *Gender and Conflict Early Warning: A Framework for Action*, International Alert, London, 2002, p.13.

²³ Anderlini, Sanam Naraghi and Camille Pampell Conaway, *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women*, Women Waging Peace Policy Commission, Washington DC, 2004, p.8.

²⁴ For more information on gender and security sector reform issues, including the role of civil society organizations in security sector oversight, please see DCAF, UN-INSTRAW and OSCE/ODHIR, 2008, *Gender and Security Sector Reform Toolkit*. Geneva: DCAF, available online at <http://www.dcaf.ch/gssrtoolkit>

Additional types of research and documentation that can be undertaken include:

- Compiling statistics on the number of women working in security sector institutions, including the type and level of employment;
- Conduct gender audit and assessments of security sector institutions (see Boxes 10.10 and 10.11);
- Conduct gender budget analysis: determine whether adequate funding is going to gender issues.

Box 10.9 Tips for integrating gender into your research

- Always disaggregate data by sex, age, ethnicity and other relevant factors.
- Take into account the differences between the security needs of men, women, girls and boys.
- Involve all the key actors and design target groups and survey samples as diversely as possible. Pay special attention to including women and girls.
- Create an empowering research process. Do research with people rather than on them.
- Consider 'non-traditional' qualitative research methods: life stories, personal histories.
- Design research to have a social impact, to change policies and programmes to improve the security of women and girls.

For more information see the UN-INSTRAW Gender Research Guide,
<http://www.un-instraw.org/en/index.php?option=content&task=view&id=1051&Itemid=247>

Gender your own organization

CSOs with and without experience working on gender issues might start by looking within their organization to ensure that it is gender-responsive. A first step can be an organizational gender audit. This entails reviewing internal policies, current programmes and staff to see whether the organization has:

- Equal representation of men and women at all levels of the organization;
- Human resources policies and practices that encourage the recruitment, retention and advancement of women;
- Policies and mechanisms to prevent and address sexual harassment, discrimination and violence.;
- The technical capacity to work on gender issues;
- Given basic gender training to its entire staff;
- Mainstreamed gender issues into its policies, programmes and initiatives;
- Dedicated, or is willing to dedicate, adequate funding to gender initiatives.

Box 10.10 Gender audit and assessments tools

The following tools provide strategies and step-by-step instructions that can be used for self-assessment as well as gender audits of security sector institutions:

- *Gender Self-Assessment Manual* – a guide to participatory gender audits that aims to improve the organization’s performance with respect to gender equality and women’s empowerment (available in English, French, Spanish and Portuguese);
<http://www.snvworld.org/cds/rgGsa/>
- *An Introduction to Gender Audit Methodology: Its design and implementation in DFID Malawi* – written by Caroline Moser, this paper outlines a gender audit methodology including examples of questionnaires and other specific actions; http://www.odi.org.uk/PPPG/publications/papers_reports/ODI_Moser_gender_audit_methodology.pdf
- *The Gender Audit: Questionnaire Handbook and Gender Audit Facilitator’s Guide CD* – provides an analytical framework and ready to use templates and questionnaires for an organizational self-assessment and action planning process.
<http://www.interaction.org/pub/index.html#Gender>

Advocate for gender-responsive security policies

CSOs can play a pivotal role through monitoring security policies and lobbying for the inclusion of gender issues.

CSOs can lobby for, participate in or conduct gender impact assessments in order to determine the different effects security policies have on women, men, boys and girls (see Box 10.11). Assessments can be carried out on existing or proposed policies as well as security sector institutions themselves. However, assessments are more successful when carried out at an early stage so that policies can be changed or redirected.

Another approach is to advocate for gender reforms in policy review or consultation processes. In Fiji, the Government’s National Security and Defence Review Committee (NSDR) met with women’s NGOs as part of its 2003 review process. The discussion focused on:

- How the review process was being conducted;
- The people being consulted;
- Issues identified as security threats;
- How international standards and norms (including international gender agreements) were being incorporated into the defence programme.

Box 10.11 Gender impact assessment of security policy²⁵

Steps	Questions to ask
Step 1: Define issues and goals	<ul style="list-style-type: none"> • What is the policy trying to achieve, and who will it benefit? • Does the policy meet the different security needs of men, women, boys and girls? Are gender-based violence issues, such as domestic violence and human trafficking, being addressed? Is prevention included? • Is the emphasis on national or human security? • Is the policy in line with international, regional and national mandates on gender issues? • Is the policy meant to overcome gender inequalities or eliminate barriers? If so, should there be a gender equality objective? • Is gender-specific and gender-sensitive language included? • What do men and women, gender and women's CSOs and the Ministry of Women say about the issues and outcomes?
Step 2: Collect data	<ul style="list-style-type: none"> • How are stakeholders and different groups of women and men going to be consulted? • Do representative organizations truly reflect the voice of the men and women expected to benefit from the policy? If not, what is the strategy for reaching them? • What is the gender make-up of the people affected by the policy? • How can data and statistical information be collected by sex, ethnicity, disability, age, religion and sexual orientation? • What other information apart from sex-disaggregated data is needed to understand the issue? • What are the risks of early consultation – how are expectations and conflicting interests going to be managed?
Step 3: Develop options	<ul style="list-style-type: none"> • How does the recommendation or each option impact positively or negatively on women and men? • Do the recommendations or any of the options reinforce or challenge traditional or stereotyped perceptions of women and men? • Which option gives men and women real choice and an opportunity to achieve their full potential in society? • Is there a need to consider mitigation where there will be a negative impact on one group over another, and what action can be taken to reduce the impact or to create a more gender-balanced policy?
Step 4: Communicate	<ul style="list-style-type: none"> • What message needs to be communicated? • How will the message reach different groups of women and men? • Are separate approaches necessary? • How does the policy reflect the government's commitment to equality and is a specific message about equality to be included? • Have gender-sensitive language, symbols and examples been used in the materials communicating the policy? • How will you communicate with women and men who speak other languages or who are illiterate?
Step 5: Implement	<ul style="list-style-type: none"> • Will the policy or service be experienced or accessed differently by a woman or man, and will the difference be affected by ethnicity, disability, age, religion or sexual orientation? What arrangements are in place to reach those who may be excluded? • Can the service be delivered jointly – i.e. can other government departments or local, national and international organizations help deliver the service to the women and men targeted? • Do those implementing/delivering the policy or service represent the diversity of the community being served? Are women equally involved in implementation? • Have specific and sufficient resources (financial and human) been allocated to enable the achievement of gender equality objectives? • Are the implementers gender-responsive and aware of specific gender issues?

25 Adapted from: Women and Equality Unit, UK Department of Trade and Industry. National Committee for the Advancement of Women in Viet Nam, *Gender Mainstreaming Guidelines in National Policy Formulation and Implementation: towards gender equality in Viet Nam through gender-responsive national policy and planning*. Hanoi, 2004, pp. 47-48. <http://vietnam.unfpa.org/documents/GenderMainstreamingGuidelinesInNationalPolicyFormulationAndImplementation.pdf>

Steps	Questions to ask
Step 6: Monitor	<ul style="list-style-type: none"> • Do female and male beneficiaries participate equally in the monitoring process? • Do monitoring requirements include a measure for gender equality, and a measure for customer satisfaction, and do they reveal the extent to which the policy is successfully addressing the different needs of women and men? • How can external organizations representing different groups in the community help in monitoring the policy outcomes? • Are measures in place to initiate an investigation or to change the policy if it is not delivering either the equality objective defined at the outset of the project or equality of opportunity for women or men?
Step 7: Evaluate	<ul style="list-style-type: none"> • Is the policy promoting and delivering equality of opportunity for women and men? Have the objectives been met for women and men? • Did one group receive greater benefit than others – if so how will the imbalance be addressed? Were inputs allocated equitably? • What was the overall impact on the status and quality of life for women and men? • Did the process involve women and men? Did it seek out and value their views equally? • Is there a need for additional data collection and do targets and indicators need adjusting in the light of experience? • What lessons are there for improving future policies and services, who needs to be informed and how is the information to be presented?

As a result, women’s organizations submitted recommendations to the NSDR including the permanent appointment of the Minister for Women on the National Security Council and representation of women on provincial and district-level security committees.²⁶

Box 10.12 Advocacy for gender laws: Bosnia and Herzegovina

As a direct result of advocacy work on the part of women’s organizations, the Bosnia and Herzegovina Gender Equality Law was passed in 2003.

The law defines equal rights for women and men in the private and public spheres, prohibits gender-based discrimination and criminalizes gender-based violence. The law is regarded as a model gender equality law throughout the world.

The drafting of the law was a largely domestic initiative, though it was financially supported by the Finnish Government. The Deputy Minister for Human Rights and Refugees and the two Gender Centres were closely involved in the drafting process.

Source: Kvinna till Kvinna, *To Make Room for Changes – Peace Strategies from Women Organisations in Bosnia and Herzegovina*, Kvinna till Kvinna, Stockholm, 2006, p39.

²⁶ Naraghi, Sanam and Camille Pampell Conaway, ‘Security Sector Reform’ in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, International Alert, London, 2004, p.37.

CSOs can also:

- Advocate for the creation and implementation of gender policies and laws that address gender-based violence and discrimination (see Box 10.12);
- Build a coalition of CSOs working on gender and security issues (see Box 10.13) and jointly lobby policymakers together;
- Raise public awareness of the specific impact of security policy on women and girls through collaboration with the media;
- Organize public meetings bringing together policy makers and representatives from women's organizations in order to discuss security policies and women's security priorities;
- Collaborate with the ministries that focus on women and gender issues. Train them on security issues and create a joint campaign;
- Bring together female parliamentarians across party lines, train them on security sector oversight and how to integrate gender issues into security policy;
- Hold workshops or briefings on gender and security policy for members of key security and defence committees, including both men and women;
- Draft materials for policy makers that explain the importance of mainstreaming gender in security policy;
- Monitor the implementation of international, regional and national laws and mandates on the rights of women and gender equality.

Box 10.13 CSO coalitions on gender, peace and security issues

In order to effectively advocate for and monitor the implementation of policies on gender and security, CSOs around the world have joined together to form networks, working groups and umbrella organizations.

For example, the NGO Working Group on Women, Peace and Security is a coalition of eleven international and regional NGOs that successfully advocated for the passing of UN Security Council Resolution 1325 and now focuses on its implementation.

National coalitions on women, peace and security issues exist in Canada, Norway, Sweden and the UK. In Canada, the Committee on Women, Peace and Security includes parliamentarians, representatives from the Canadian government and civil society.

Source: Valasek, Kristin, *Securing Equality, Engendering Peace: a guide to policy and planning on women, peace and security (UN SCR 1325)*, UN INSTRAW, Santo Domingo, 2006, p.32.

Implement gender training

Developing institutional and personal capacity to act with gender sensitivity is one of the foundations of gender equality. Around the world, women's organizations and other CSOs have been providing gender training for members of the security sector and relevant oversight structures (executive, parliament, independent oversight bodies such as ombudspersons and watchdog institutions, including the media).

In Nepal, since 2003, a women's organization has provided training to around two hundred senior military officials on international human rights law and conventions relating to women's and children's rights. They created an interactive programme involving senior military personnel and villagers in order to highlight the impact of the military's harassment and violence and to promote the protection of civilians.²⁷

The International Centre for Migration Policy Development, a European inter-governmental organization, has developed a training manual and curriculum on the trafficking of human beings for police, border guards and customs officials in the European Union. One of the goals of the project is to increase cooperation between the police, border personnel and NGOs both nationally and regionally. The initiative employs the same methods as a successful project that was implemented in South-Eastern Europe.²⁸

Box 10.14 Gender training Toolkits

The *Gender and Security Sector Reform Toolkit* includes a specific tool on *Civil Society Oversight of the Security Sector and Gender* which gives more detailed information for CSOs. It also includes a specific tool on *Gender Training for Security Sector Personnel* that contains practical information on how to plan, prepare, implement and evaluate gender training. The toolkit is available online at <http://www.dcaf.ch/gssrtoolkit>

Other toolkits:

The *Toolkit for Working with Men and Boys to Prevent Gender-Based Violence* includes readings, case studies, handouts and exercises. Available online at <http://toolkit.endabuse.org>

The *Toolkit to Combat Trafficking in Persons* includes tools on international laws, assessment, protection, public education, monitoring and evaluation. Available online at http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf

The *Gender Resource Package for Peacekeeping Operations* includes background information and practical tools and highlights key gender issues. Available online at <http://pbpu.unlb.org/pbpu/genderpack.aspx>

²⁷ Naraghi, Sanam and Camille Pampell Conaway, 'Security Sector Reform' in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, International Alert, London, 2004, p. 36.

²⁸ International Centre for Migration Policy Development, 'Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries and Development of a European Curriculum', *Conference Summary Report*, 2006, available online at http://www.icmpd.org/fileadmin/IIMS-documents/ICMPD/AGIS_POL/Seminar_Report_1st_seminar.pdf

In addition to giving gender training to security sector personnel, CSOs can provide the security sector with strategies, tools and mechanisms to develop gender capacity. Examples include:

- Developing a standard gender training curriculum;
- Lobbying for policies that mandate comprehensive gender training;
- Lobbying for and participating in the creation of gender guidelines, manuals and handbooks to serve as practical resources for security sector personnel;
- Lobbying for the creation of a gender position or unit to co-ordinate, implement and monitor capacity building on gender issues.

Box 10.15 Gender training tips

- Partner with women's organizations that have experience in gender training.
- Consider using a male trainer if the training participants are largely men. Preferably the trainer should be high-ranking or respected by the participants.
- Take into account the specific cultural and class background of the training participants.
- Make it personal. Show films. Read first hand accounts of violence. Bring in speakers.
- Be practical. Focus on how to integrate gender-sensitivity into daily work. Role-play. Hands-on small group exercises.
- Train men **and** women. Train everyone. Especially upper-level management.
- Monitor and evaluate the training. Change the curriculum based on the results.

Provide security sector oversight training

Women and women's organizations are often experts on security needs and have invaluable knowledge and experience on how to increase security at a community level. However, they are sometimes not well-versed in the language of security policy, or the decision-making structures of the security sector. In order to equip women to participate effectively in security sector reform and oversight, targeted training can be given to women on security sector oversight issues.

Potential training participants include:

- Female parliamentarians;
- Female staff from ministries of justice, defence and security;
- Staff from Ministries of Women's Affairs and other governmental gender machineries;
- Personnel from women's organizations;
- Female civil society leaders.

Though each training should be tailored to the specific participants, training can include an introduction to security sector oversight terminology and basic theory; security sector policies; international gender and security agreements; security sector institutions, their mandates and decision-making processes; gender issues, security sector oversight and reform issues; effective lobbying skills; gender impact assessments; and budget analysis skills (see chapter eight of this handbook for more information).

Box 10.16 Training women's organizations on peace and security issues

In 2004, International Alert and the Initiative for Inclusive Security, two CSOs working at the international level, jointly created a toolkit entitled *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. According to International Alert, it is a resource for peace activists, advocates and practitioners in conflict-affected and post-conflict countries, and for policy makers and staff of major multilateral institutions, donor countries and international NGOs.

The Toolkit includes an introduction to conflict prevention, resolution and reconstruction; security issues (including security sector reform); justice, governance and civil society; and protecting vulnerable groups. Each section includes an introduction to the topic, reasons why women should be involved, and examples and suggestions for how women peace-builders can take strategic action. Trainings based on the Toolkit have been held in Afghanistan, Colombia, Nepal and Southern Sudan.

Source: International Alert and Women Waging Peace, *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, International Alert, London, 2004, available online at http://www.international-alert.org/our_work/themes/gender_training.php

Raise awareness on gender and security issues

As discussions on security are often void of references to women or gender, CSOs can take the initiative to increase awareness of gender issues.

On October 31, the anniversary of the adoption of UN SCR 1325, awareness-raising events on gender, peace and security issues take place around the world. In 2006, for example, they included a peace vigil in Fiji, an open session of the UN Security Council in New York, a conference on women, peace and security policy in San Diego, California, a panel discussion on women in UN peacekeeping missions in New York, and a 1325 broadcast campaign in Burundi, Liberia, Philippines and Uganda.²⁹

²⁹ PeaceWomen, *October 2006: Women, Peace and Security Events*, <http://peacewomen.org/un/6thAnniversary/Oct06calendar.html>

Other examples of actions include:

- Creating public awareness through media initiatives;
- Training journalists on gender and security issues;
- Hosting workshops on gender and SSR and oversight by bringing together policy makers, academics and civil society representatives;
- Holding roundtable events, seminars or town hall meetings bringing together civilians and security sector personnel to discuss gender and security issues and build trust;
- Initiating campaigns on gender and security issues;
- Sponsoring and distributing research on gender and security sector oversight issues.

Box 10.17 16 Days of Activism Against Gender Violence

This international campaign originated in 1991 and takes place annually between the 25th of November (International Day for the Elimination of Violence Against Women) and the 10th of December (International Human Rights Day). One of the goals of the campaign is to raise awareness about gender-based violence at the local, national, regional and international level.

Actions taken in 2006 included:

- An international conference on domestic violence in Yerevan, Armenia;
- A musical theatre production on violence against women in Germany;
- A silent witness exhibit to remember and raise awareness of women killed as a result of domestic violence in Hungary;
- Roundtable discussions at universities and street performances in Serbia;
- A television programme on the draft law on domestic violence and a film on domestic violence in Tajikistan;
- In the UK, 130,000 white ribbons 2,000 posters and 50 large banners were distributed as part of the White Ribbon Campaign, a global movement of men to reduce men's violence against women.

Source: Center for Women's Global Leadership, *2006 International Calendar of Campaign Activities, 2006*, <http://www.cwgl.rutgers.edu/16days/kit06/europe.html>

Increase the participation of women

CSOs can take an active role in demanding policies and practices that increase the participation of women within security sector institutions and security sector reform processes.

One example of a dramatic increase of female representation is the 1995 *New Workplace for Women* project which was implemented in the Tucson Police Department in the United States. After two years the percentage of female recruits to the academy jumped from 10 to 25 percent, and female recruits were retained at comparable rates to their male counterparts.³⁰

Initiatives implemented as part of the project included:

- Workplace environment assessment and an anonymous climate survey addressing sexual harassment;
- Active recruitment of women including a Women and Policing Career Fair (with media coverage), fliers, posters and brochures featuring female police and the creation of a targeted recruitment list;
- Replacing the board interview with a critical incident interactive video and involving women officers in the selection process;
- Zero-tolerance policy on sexual harassment;
- Mandatory police-specific 8-hour training on sexual harassment;
- Changes in standard operating procedures including uniforms and equipment in smaller sizes and adjustment of the training regime.

More generally, CSOs can lobby for:

- Reform of human resources policy to increase the recruitment, retention and advancement of women such as targeted recruitment; ensuring affordable childcare; creating flexible working hours; and guaranteeing the right to maternity leave;
- Affirmative action measures including quotas, women's leadership programmes and increased appointment of women to high-level positions;
- Women's right to serve in all ranks and positions, including combat roles;
- The right for gay men and lesbian women to serve in all ranks and positions.

CSOs can also take action through:

- Including female security experts in round-table discussions, conferences, publications and other activities;
- Encouraging female students to enter into the field of security;
- Providing information to female students on university security programmes;

³⁰ Polisar, Chief Joseph and Donna Milgram, 'Recruiting, Integrating and Retaining Women Police Officers: Strategies That Work' in *The Police Chief Magazine*, October 1998.

- Lobbying to include gender modules in existing university programmes on security;
- Setting up scholarships for women;
- Setting up internship programmes for female students within security institutions;
- Hosting informational meetings on employment within the field of security;
- Security-focused CSOs can actively recruit female interns and employees in their own organizations.

Address discrimination and gender-based violence

In order to ensure that the security sector is a non-discriminatory employer and that it is taking strides to prevent, address and penalize violence against women as well as men, CSOs can lobby for mechanisms to specifically address discrimination and gender-based violence.

Box 10.18 Women's police stations

In many countries around the world, including Bangladesh, Brazil, India and Thailand, steps have been taken to create special police stations or desks for women. They have been created in response to the failings of police to professionally handle cases of violence against women.

Women's police stations and police desks usually have a separate reception so that victims can give statements in private to female police officers who have been given specialized training on violence against women. New rules and procedures are often implemented hand-in-hand with the stations and desks in order to expedite the investigation and ensure the victim's safety and well being.

Source: UNIFEM, *Not a Minute More: Ending Violence Against Women*, UNIFEM, New York, 2003, available online at http://www.unifem.org/attachments/products/312_book_complete_eng.pdf

Additionally, CSOs can lobby for:

- A zero-tolerance policy on discrimination, harassment and gender-based violence;
- Mandatory sexual harassment prevention training;
- Funding, procedures, staff and resources (such as a telephone hotline) to address internal reports of discrimination, harassment and gender-based violence;
- Discrimination, sexual harassment and violence focal points;
- Funding, procedures, staff and resources for the police and criminal justice system to effectively prevent, respond to and penalize gender-based violence in society;
- Mandatory training on procedures and responses to gender-based violence including domestic violence and human trafficking.

Box 10.19 Institutional measures to improve the security of women and girls in prison

States should ensure that women and girls in detention are protected from violence. Measures include:

- (a) drafting and implementation of policies and processes to prevent, investigate and punish any physical, sexual or psychological violence whether committed by other prisoners or by prison staff;
- (b) dissemination of procedures for reporting violence committed by other prisoners or prison staff;
- (c) protection from intimidation and retaliation for those who report violence committed by other prisoners or prison staff;
- (d) training for prison staff that incorporates sensitisation to the vulnerability of women prisoners to abuse by other prisoners or prison staff and the policies and procedures for preventing and responding to abuse;
- (e) separation of male and female prisoners, in accordance with Rule 8(a) of the UN Standard Minimum Rules on the Treatment of Prisoners;
- (f) separation of juvenile detainees from the adult prison population, in accordance with Rule 8(d) of the UN Standard Minimum Rules on the Treatment of Prisoners;
- (g) supervision of women and girl prisoners only by women prison guards, in accordance with Rule 53 of the UN Standard Minimum Rules on the Treatment of Prisoners.

In the case of previously abused women and girl prisoners States should ensure:

- (a) accessibility of appropriately qualified personnel for any prisoner with problems arising from previous physical, sexual, or psychological abuse;
- (b) training for prison staff that incorporates sensitisation to issues that may arise from a prisoner's history of physical, sexual, or psychological abuse and the facilities the prison offers;
- (c) full consultation with regard to who may visit them.

States should ensure that women and girls who are victims of violence and women and girls at risk of violence are not denied their liberty, they must be provided with the option of genuine protection in a location that does not put them at further risk of violence.

Source: Quaker United Nations Office, 2005, *Submission to the Study of the Secretary-General of the United Nations on Violence against Women: Violence against women and girls in prison*, Quaker United Nations Office, Geneva.

After exploring the *Dos* of gender work, it is equally important to pay attention to typical weaknesses. The most important *Don'ts* of gender work are:

- 'Gender' does not equal 'women.' And vice versa. Don't assume that a woman, simply because she is a woman, will be knowledgeable or interested in gender issues. Women need gender training too.

- Don't assume that a two-hour gender sensitivity training will create gender equality. Trainings need to be in-depth, with refresher courses and adequate monitoring and evaluation and must go hand-in-hand with policy and structural changes.
- Avoid gender stereotypes and biological assumptions. Women are not *naturally* more peaceful than men. Nor are men *naturally* violent.
- Avoid the phrase 'women and children' at all costs. Women are not simply victims to be lumped into the same category as the elderly or children.
- Don't just work with women. Creating gender equality means working with men, for example to prevent violence against women or raise awareness of social gender roles.
- Don't stop working with women in order to focus on gender mainstreaming. Projects specifically focused on women are also key to creating gender equality.

Conclusion

Making the commitment to go beyond lip-service and actually take gender issues into account in security sector oversight requires political will and resources. However, as outlined at the beginning of this chapter, the benefits are many. Civil society organizations themselves, security sector institutions and the general population stand to gain from an increased understanding of gender issues, including a reduction in gender-based violence.

There are many different initiatives that can be undertaken by civil society organizations to ensure that their work is gender-responsive, ranging from inviting a female security expert to a roundtable discussion on security sector oversight to conducting a gender impact assessment of a proposed national security policy. Through acting upon an understanding that gender issues are not an add-on but a key part of comprehensive oversight, concrete steps can be taken to create a truly democratic and accountable security sector.

What you can do as a CSO

Research and document gender issues

- ✓ Conduct a gender audit or assessment of a security sector institution or an SSR process
- ✓ Implement a gender budget analysis of the security sector or an individual institution
- ✓ Compile lessons learned and good practices on gender and security issues, including responding to gender-based violence
- ✓ Integrate gender issues into security sector research, for instance by disaggregating data by age, sex and ethnicity and establishing diverse survey samples

Gender your own organization

- ✓ Seek to build capacity on gender issues, including gender training and employing staff with gender expertise
- ✓ Conduct a gender audit of your organization

Advocate for gender-responsive security policies

- ✓ Conduct a gender impact assessment of proposed or existing security policies
- ✓ Highlight relevant gender issues during security policy reviews or consultation processes. Advocate for the inclusion of women's organizations in these processes
- ✓ Build a coalition of CSOs working on gender and security issues and jointly lobby policy makers
- ✓ Hold workshops or briefings for security policy makers on gender issues
- ✓ Build public opinion on the need to integrate gender issues in security policies through collaboration with the media

Provide gender training

- ✓ Implement gender training for security sector oversight bodies and personnel from security sector institutions
- ✓ Provide SSR training for female parliamentarians, women's organizations, female governmental staff and female civil society leaders

Raise awareness on gender and security issues

- ✓ Train journalists on gender and security issues
- ✓ Host workshops, roundtables, seminars or town hall meetings to bring together civilians and security sector personnel to discuss gender and security issues
- ✓ Initiate campaigns on gender and security issues, such as gun violence by young men

Increase the participation of women

- ✓ Lobby for the reform of security sector institution human resource policies and practices to increase the recruitment, retention and advancement of women
- ✓ Collaborate with women's organizations
- ✓ Actively recruit female staff and interns to work on security issues
- ✓ Include female security experts in events that you organize
- ✓ Encourage female students to enter the field of security

Address discrimination and gender-based violence

- ✓ Lobby for zero-tolerance policies on discrimination, harassment and gender-based violence within the security sector
- ✓ Advocate for specific measures to prevent and respond to gender-based violence, such as women's police stations
- ✓ Assist in providing training on gender-based violence for security sector personnel

11

Johanna Mendelson Forman

Human Rights and Security Sector Oversight

Public security is a human rights issue. It goes to the core of a state's responsibility to provide for the security and protection of all people living in its borders in a manner consistent with their universal rights and with democratic norms. Respect for human rights and the rule of law must become part of any effort to manage and reform the security sector. This is easier said than done. Human rights organizations play an important role in working with the government and with other civil society organizations to instil respect for the human and legal rights of citizens.

This chapter will address human rights and security sector oversight by discussing how security and human rights are interlinked and by laying out ways in which human rights organizations, both international and domestic, make a difference in this field. While they are concerned with monitoring the observance of international human rights within the state, domestic human rights groups can also contribute to reform efforts. This chapter will thus also discuss specific types of actions that human rights groups and activists can undertake to advance human rights norms in the security sector.

Human rights and security

Following the Cold War, a new understanding of security has taken root, an understanding that emphasizes human security rather than state security. Although it would be incorrect to say that this human-focused understanding of security is today unchallenged, it is nonetheless remarkable that the traditional state-centred security doctrine has undergone significant change in many countries – and not least in the international community. This paradigm shift is largely rooted in the advocacy efforts of civil society, which pressed for attention to human security needs and argued that the protection of individuals ought to be the ultimate goal of any security policy. At the international level, the 1994 Human Development Report stands out as one of the first high-profile pronouncements on the need to shift attention away from the security of nation-states towards a focus on human security.¹

¹ UNDP, *New Dimensions of Human Security*, Human Development Report 1994, Oxford University Press, Oxford/ New York, 1994, Chapter 2.

Human security and national security are not mutually exclusive. Quite the opposite: they are mutually reinforcing. But policies that promote secure states do not automatically lead to secure peoples. In a human rights-based approach to public policies, human rights determine the relationship between individuals and groups on the one hand and the state on the other. The human rights-based approach identifies individuals and groups as rights-holders and the state as the corresponding duty-bearer. The state carries the obligation to fulfil the entitlements and legitimate claims of the rights-holders. Although debate about differences between human security and human rights persist, and the two concepts are generally considered complementary rather than identical, the human rights framework undoubtedly remains the most developed framework to define the vulnerability and the security requirements of human beings. According to the Commission on Human Security, human rights are at the core of the human security agenda.² In his landmark report *In Larger Freedom*, United Nations Secretary-General Kofi Annan also highlighted the interdependence of the concepts: “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”³

Box 11.1 What are human rights?

- Universal legal guarantees
- Civil, political, economic, social and cultural
- Internationally agreed norms to protect human values (freedom, equality, dignity)
- Inherent to individuals and, in certain cases, groups (e.g. minority rights)
- Laid down in international declarations and treaties
- Legally binding on states

Under the dictates of good governance, the monopoly of the legitimate use of force is an attribute of the state, but can only be exercised if the human rights of the citizens are taken into consideration. The limits to the state’s use of force are clearly established in the regulatory framework of international human rights law.

The legal framework for human rights

National constitutions set the framework within which government action may take place. Most states are also party to one or more international legal agreements through which the rights of individuals are also protected. International human rights law regulates the way states treat individuals under their control.

² “Respecting human rights is at the core of protecting human security.” Commission on Human Security (2003): *Human Security Now. Protecting and Empowering People*, New York, p. 10.

³ See UN Doc. A/59/2005: *In Larger Freedom: Towards Development, Security and Human Rights for All. Report of the Secretary-General*, New York 21 March 2005: Para 17.

The UN Universal Declaration of Human Rights is at the core of the legal architecture that guarantees basic human rights. In addition to the universal declaration, for the purposes of this handbook the most relevant human rights laws are the seven core human rights treaties and the relevant treaty bodies.

The Universal Declaration of Human Rights

Going beyond the words of the UN Charter, the Universal Declaration defines and enumerates basic human rights. The UDHR is not binding under international law, even though some provisions, such as the prohibitions of torture and slavery, today enjoy the status of customary international law. The declaration includes civil and political rights, such as equal protection under the law, the right to life and the prohibition of torture as well as economic, social and cultural rights including the right to work, to health care and to participation in the cultural life of the community. The Declaration also recognizes that states may limit these rights in order to respect the rights and “general welfare of a democratic society.”⁴

The UDHR has a normative effect as a statement of standards to which member states of the UN are expected to adhere. While the Universal Declaration does not have binding legal effect, the UN human rights treaties create legally binding obligations for states which have ratified them.

International human rights treaties

There are seven core Human Rights Treaties already in place, listed in Box 11.2 with their dates of entry into force and numbers of state parties. These treaties combined with the Universal Declaration form the basis of international human rights law. All are legally binding standards for those countries that signed and ratified them.⁵ Two additional treaties – on persons with disabilities and enforced disappearance – have not yet entered into force. Law and practices at the state level that violate these principles are in breach of international standards. These legal obligations award CSOs international legitimacy when protesting cases of violation of human rights.

There are also a number of regional human rights conventions, some of which have enforcement mechanisms that go even further. For instance, the Council of Europe has an individual complaints procedure before an independent and international court, which decides by a final and binding judgment whether a state acted in violation of one or more civil and political rights guaranteed in the European Convention of Human Rights (ECHR). Similarly, the American Convention on Human Rights (1978), drawn up by the

⁴ Buergenthal, T. and H. G. Maier, *Public International Law*, Minnesota University, St. Paul, 1990, p.121.

⁵ More information can be found at <http://www.ohchr.org/>

Organization of American States, has an Inter-American Commission on Human Rights that receives complaints and an Inter-American Court of Human Rights; the African Union has adopted the African Charter on Human and Peoples Rights.⁶

Box 11.2 Major international human rights instruments

Declarations	Entry into force	
Universal Declaration of Human Rights	1948	
United Nations' Declaration on the Right and Responsibility of Individuals	1999	
International treaties	Entry into force	Number of ratifications
Convention on the Prevention and Punishment of the Crime of Genocide	1951	130
International Convention on the Elimination of All Forms of Racial Discrimination	1969	173
International Covenant on Civil and Political Rights	1976	160
International Covenant on Economic, Social, and Cultural Rights	1976	156
Convention on the Elimination of all Forms of Discrimination Against Women	1981	185
Convention against Torture and Other Forms of Cruel, Inhuman, and Degrading Treatment	1987	144
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2003	37
Convention on the Rights of the Child	1990	193
Regional treaties	Entry into force	Number of ratifications
European Convention on Human Rights	1950	47
American Convention on Human Rights	1978	24
African Charter on Human and Peoples Rights	1986	53

The 1999 *United Nations Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* also recognizes the central role of CSOs in the promotion and protection of human rights. The rights encompassed in this document lay an important foundation for CSO participation in the promotion and

6 For more information on how to file individual Human Rights complaints, see http://www.unesco.de/c_humanrights/

protection of human rights, both nationally and internationally. They reinforce the Universal Declaration of Human Rights and other human rights instruments. While not legally binding, this declaration is especially important since it recognizes the role that individual citizens play as human rights advocates. In particular, Article 18 (2) states that:

“Individuals, groups, institutions, and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms, and contributing to the promotion and advancement of democratic societies, institutions, and processes.”⁷

Human rights groups and the state

Human rights groups are traditionally viewed as adversaries of the security sector. In many places this antagonism is justified, as the main perpetrators of violence or abuses are the national security forces. Thus, one of the central challenges in security sector reform for the human rights community is to find ways to build trust and confidence between human rights groups and security sector institutions. In this way, concerns about citizen security and protection of individual rights in accordance with international law become part of the broader dialogue about management and reform of the sector itself.

Security sector reform is a political process. It is managed by the state, which determines the beneficiaries of these reforms. It is the government that sets the pace of reform and also provides the context for the types of changes that will be implemented in the sector. CSOs, especially those devoted to the protection of human rights, have an important responsibility to help shape the outcome of reforms. The extent to which human rights groups influence the reform process will be constrained by:

- The strength or weakness of the government;
- How the reform is mandated, e.g. by a peace accord or a parliamentary resolution;
- Whether there is political space for non-governmental groups to monitor the reform process.

Human rights groups working as part of civil society have three key objectives:

- To ensure government accountability through security sector monitoring;
- To provide a means for citizens to present claims;
- To establish prevention mechanisms that will not allow continued abuse by security forces on citizens.

⁷ [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.RES.53.144.En](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.RES.53.144.En)

In states that are in transition from war to peace, domestic CSOs often combine efforts with the international community to help develop national mechanisms that can enforce human rights law. They also work with leaders in communities to develop the means to inform, collaborate and educate citizens about their rights. They also provide access to the judicial system and to the international groups that support the protection of citizens from repression or abuse.

Box 11.3 Morocco's Advisory Human Rights Council

International and domestic human rights organizations played a significant role in pressuring the Moroccan government to acknowledge its past human rights violations. These groups not only pressured Moroccan authorities to investigate past human rights violations, but also monitored the quality and truthfulness in the government's subsequent reports on violations. The results of such pressure are seen in King Hassan II's creation of an Advisory Council on Human Rights (ACHR) in 1990, responsible for inquiring into past human rights violations in Morocco. CSOs' monitoring of ACHR reports was made evident when the council asserted that 112 people had been victims of disappearances. Human rights organizations quickly criticized the handling of the issue, charging that the actual figure was closer to 600, and that no information was offered on how the disappearances were carried out.

Continued pressure by human rights organizations and victims compelled the government to take further measures in addressing the issue of human rights violations. A month after he ascended the throne, King Mohammad VI not only offered official acknowledgment of the government's responsibility in past disappearances, but also created within the ACHR an 'Independent Arbitration Commission for the Compensation of Moral and Material Harm Suffered by Victims of Disappearance and Arbitrary Detention, and by their Beneficiaries,' also known as IC. Responsible for receiving applications for compensation from victims, and for determining the amount of compensation to be paid, the IC received 5127 applications, issuing 4700 final decisions, with 3700 involving compensation payments. Human rights groups nevertheless criticized the IC for only issuing financial compensation, rather than exposing the truth on the government's role in past human rights abuses. The IC was also criticized for a lack of transparency in deciding on the level of compensation and for being composed of individuals serving at the discretion of the king. Due to these shortcomings, Moroccan CSOs have since focused their efforts on the creation of an independent truth commission.

International human rights organizations

The recent rise of international human rights organizations has brought attention to human rights abuses committed by the security sector. Careful documentation of abuses and criminal acts committed by the state and engagement of these CSOs at the United Nations has increased international awareness of these acts. Public oversight has also played a powerful role in transforming the security sector in post-conflict situations.

International human rights groups also act to reinforce and legitimize complaints made by local organizations. Many groups believe that international human rights NGOs helped to expose their struggles internationally, thereby giving local organizations the power to push forward their demands at a national level. In interviews done by the Carter Centre, local groups noted that “the only thing that the government is really afraid of is international exposure.”⁸

In the post-Cold War era, human rights abuses are widespread. This is partially a result of the disintegration of the Soviet Union and the emergence of weak states in which institutions of justice and government oversight are still developing. International human rights groups have been given access to the media and to world leaders. Through them they voice opinions on what kinds of reforms should take place. The following box shows some of the international human rights groups that are engaged with security sector reform issues.

Box 11.4 Examples of international human rights groups

- Amnesty International
- Association of Humanitarian Lawyers
- Centre for World Indigenous Studies
- Coalition for the International Criminal Court
- Coalition for International Justice
- Cultural Survival
- Freedom House
- Human Rights First
- Human Rights Watch
- International Federation of Human Rights Leagues
- International Helsinki Federation for Human Rights
- Minnesota Advocates for Human Rights
- The National Network for Immigrant and Refugee Rights
- Physicians for Human Rights
- Physicians for Social Responsibility
- Torture Abolition and Survivors Support Coalition
- Unitarian Universalist Service Committee
- World Organisation Against Torture

⁸ Pitanguy, Jacqueline, 'Human Rights NGOs in Latin America', in *Human Rights, the United Nations and Non-Governmental Organisations*, The Carter Center, Atlanta, 1998, p.35.

Guidance for international human rights CSOs that work with the security sector

The following provides general guidelines for international human rights CSOs working with the security sector:

- Work in collaboration with local organizations. Civilian groups play a major role in monitoring the actions taken by security sector actors in any given country by working with community organizations, victims and the media to ensure that they help educate other citizens about the roles and responsibilities of the government;
- Publish and distribute reports on governmental security sector policies and activities. International human rights organizations are sometimes in a position to draw more attention to government actions or inactions because they do so from outside a specific country;
- Respect the sensitivities of indigenous human rights CSOs that need the support of international groups to provide cover for them as they pursue investigations and oversight;
- Be sensitive to the context in which human rights groups operate. If there is a history of secrecy or sensitivity to discussion of human rights norms, then these conditions must be respected. But at the same time, they must also be drawn to the attention of international enforcement missions;
- Do no harm. International human rights groups sometimes put local human rights advocates in danger if they are working in an environment where security sector oversight is very contentious. It is important that the principle of 'do no harm' guide any intervention by international groups. This means that when international groups expose individuals in the police or military in a specific country, they must protect the source of their information. Frequently local human rights advocates, eager to help move the democratic governance process forward, are put at risk when they are seen as an informer or identified as an opposition member. This is especially true in transition situations where there is a weak judicial system, or where the security sector is defensive of their role in past wrong doings.

Guidance for local human rights CSOs that work with the security sector

Local human rights experts and organizations have a role in the enforcement of international human rights standards in their respective countries. They help enforce these rights through a variety of mechanisms, which include:

- Training members of the security sector about international legal obligations;
- Working with local legal support groups to ensure that they are able to document and bring lawsuits under local jurisdiction that address violations of human rights;
- Working with women and minority groups to help them identify and protect the rights of citizens;
- Monitoring the conduct of the security service and establishing clearinghouses for data about human rights victims;
- Providing access to information for prosecutors and the international legal community;
- Monitoring the use of government resources that are dedicated to the enforcement of human rights and the protection of minorities, woman and vulnerable groups;
- Reviewing existing and draft laws from a human rights perspective.

In practice, this work can take different institutional forms. Local human rights CSOs must carefully design their engagement strategies to reflect the specific political and institutional context in which they work. Not all countries have established national human rights institutions which often serve as an anchor for local human rights organizations. The two key components for an effective strategy will inevitably be the need to gain access and, at the same time, the requirement to maintain independence.

In crisis and post-crisis situations, local human rights organizations should also seek input into the following types of processes or institutions:

- Amnesty systems:
 - Participating in the terms and conditions through a dialogue process;
 - Discussing other countries' experiences with the legislative and executive branches;
- Targeted prosecution:
 - Working with the judicial system to identify war criminals;
 - Working with victims of abuses to help the criminal process;
- Community education about former combatants:
 - Working with local communities to help find ways to bring former combatants; back into the community mainstream;
 - Working with citizens to find common ground for reconciliation;
- Legislative oversight of the security sector through the creation of CSO organizations with a focused mission;⁹
- Truth and reconciliation commissions:
 - Collecting evidence and identifying witnesses;
 - Providing testimony for the procedure.

⁹ See UNDP/DCAF, *Democratizing Security in Transition States*, UNDP, Bratislava, 2006.

Where it exists, local human rights organizations can mobilize around a truth and reconciliation commission, with benefits for the reform of the security sector. Such commissions give human rights organizations a tool for bringing forward individuals who speak truth to power. They also serve as a first step in reforming the military, the police and the judicial system in post-conflict societies. Specifically, human rights groups invaluablely help these bodies by:

- Helping victims prepare their stories;
- Holding public hearings in preparation for commission work;
- Working with victims to seek reparations for past wrongs;
- Identifying other beneficiaries who were killed or who left the country;
- Providing a forum for survivors and creating networks for families;
- Helping to implement the recommendations of the commission by serving as a liaison between government and the community.

The Responsibility to Protect

The Responsibility to Protect is a doctrine developed by the International Commission on State Sovereignty in 2001 to address the prevention of mass violence against civilians within a state. It articulates the duty of the international community to prevent violence, to react if prevention does not work and to rebuild after the violence ends. When a state abrogates its sovereign duty to be responsible for the welfare of its citizens, the international community has a duty to intervene to protect innocent civilians from harm. Any use of force is limited to situations where the threat of genocide, ethnic cleansing or mass killing is evident.¹⁰

The concept of humanitarian intervention to prevent genocide emerged after the tragic failure of the international community in Rwanda. Since that time the responsibility to protect gained greater acceptance and was included in the recommendations of the Secretary-General's 2005 report *In Larger Freedom*.

The Responsibility to Protect contains a three-part course of action. First, states must take action to prevent massive violence and genocide. Second, the international community must intervene if prevention fails and violence occurs. Finally, after the fighting has stopped, reconstruction requires focus on justice and rule-of-law.

¹⁰ Holt, Victoria and Tobias C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, Victoria, Washington, D.C, 2006, p.2.

At the prevention stage, local human rights CSOs play an important role. They can protect civilian populations from harm by developing monitoring capacity, identifying entry points for dialogue with the security sector and organizing workshops that help educate the security sector about this responsibility.

When intervention is required international human rights groups must play an active role in getting the international community to act to protect the lives of innocent civilians. At the same time, they should carefully monitor whether the international military intervention, once mounted, has the necessary capacity to carry out its mandate and whether its conduct meets the standards of human rights and humanitarian law. For the sake of effective human rights protection, it is important to establish good working relations between peacekeepers and human rights groups. Due to different institutional cultures and, at times, misconceptions, this may prove challenging. One important measure is to set up clear communication channels and to organize regular meetings where pertinent human rights issues can be discussed.

Finally, there is the issue of rebuilding after a state has experienced ethnic cleansing or genocide. Restorative justice is an important component of the longer-term transition to democratic criminal justice systems, and also helps advance the psycho-social healing that is required after conflict and shifts in systems of governance. Human rights CSOs play an important role in laying the foundation for restorative justice through work at the community level. For a more detailed discussion of these issues, turn to chapter 15 on security sector oversight before, during and after violent conflict.

Box 11.5 Civil society action on the responsibility to protect

Global R2P Civil Society Network

Prior to the formal adoption of the responsibility to protect, or R2P as it is often written in advocacy circles, CSOs were already a strong lobby group for the doctrine. Now, CSOs focus on implementation. In September 2007, the World Federalist Movement – Institute for Global Policy (WFM-IGP) initiated a R2P global civil society network. The initiative is supported by big international human rights NGOs, such as Human Rights Watch, the International Crisis Group, Oxfam International and Refugees International, and aims to establish a global network with representation from both Northern and Southern NGOs. The network has organized a series of consultative roundtables with CSOs worldwide, to 1) increase understanding of R2P and how it applies to conflicts in the region, 2) explore how to strengthen regional and international mechanisms to support R2P, and 3) forge partnerships with NGOs who are interested in joining a core group in building an NGO network.

<http://responsibilitytoprotect.org/>

The Save Darfur Coalition

The Save Darfur Coalition was founded in 2004 demanding peace and security for the people of Darfur. It is now an alliance of over 180 faith-based, advocacy and humanitarian organizations which advocate for international intervention to end the genocide in Darfur. Examples of the Coalition's advocacy activities include the collection of more than 1,000,000 postcards which urged US President Bush to support a stronger multinational force to intervene in Darfur. Another initiative targeted the government of China, given the powerful influence China has on the government in Sudan. In February 2008, the Save Darfur Coalition, in partnership with other advocacy organizations, released a statement outlining the four essential actions China should take, beyond private pressure on Sudan, to help end the genocide in Darfur. The Save Darfur Coalition further made use of public attention to China's human rights policy in the run-up to the Olympic Games by funding an ad to run in leading European, Asian, African and US publications. The key phrase of the ad says: "The games China is hosting in Beijing can't hide those it's playing in Darfur."

<http://www.savedarfur.org/>

Approaching victims

Maybe the most important contribution that human rights CSOs can make to the complex task of security sector oversight is to conduct and make publicly available a thorough analysis of the human rights violations committed by the security sector in a given country or location. Human rights actors typically have extensive networks with victims and are in a unique position to establish a direct rapport with primary witnesses of human rights violations. To collect data on violations it will in most cases be necessary to conduct interviews. To ensure the credibility of the information and to limit the danger of reprisals, interviews must be conducted professionally, systematically and in a manner that demonstrates respect and sincerity. The following points serve as a brief checklist for a human rights interview:¹¹

Identification of witnesses

- Be proactive rather than passive in determining who to interview.
- Be ready to leave your office.
- Never pay for testimony.

¹¹ This summary is based on an extensive manual published by the Office of the High Commissioner for Human Rights: *Training Manual on Human Rights Monitoring*, United Nations, New York and Geneva, 2001. The full text is available at http://www.unhchr.ch/pdf/train7_a.pdf

Protection of witnesses

- If possible, seek prior agreement with the government that there will be no reprisals against witnesses.
- Select a place where surveillance is minimal.
- Never refer explicitly to statements made by one witness when interviewing another witness.
- Enquire about what security measures the witness believes should be taken.
- Make clear that you cannot guarantee the safety of the witness.
- Keep all records in a secure location at all times; organize files by number and not by name of witness.
- Avoid tape and video recordings; if you take pictures, ensure that victims are not identifiable.

Interviewing the witness

- Explain your mandate.
- Assure the witness that information will be kept in confidence and explain how.
- Ask for permission to conduct the interview and use the information as per the confidentiality agreement.
- Let the interviewee begin by narrating his or her story.
- Avoid the appearance of judging the individual.
- Exhibit interest in the person as an individual, someone worthy of respect and concern.
- Be patient – if the witness is not allowed to tell the story in his or her own way, she/he may be reluctant to talk about sensitive issues.
- Formulate questions in an understanding tone.
- Avoid leading questions but be specific.
- Be careful not to communicate through body language or facial expressions that you don't believe what is being said.
- Take note of the identity of the witness and identities of perpetrators; if literate, ask the witness to spell each name.
- Clarify chronology of events and details of locations – carry a map.
- Double-check if reported events were directly witnessed or hearsay.
- Towards the end of the interview, ask the witness if he or she has any questions or has thought of additional information.
- Discuss next steps, including a medical exam where necessary.
- Establish a mechanism to keep in touch; possibly arrange a follow-up meeting.
- Verify that the interviewee has fully understood the modalities of the interview and still consents to it (the witness has the right to change his or her mind on if and how the information may be used).

Documentation of interview and further inquiry

- Immediately prepare complete notes of the interview.
- Assess credibility, ideally through a concordant testimony of an unrelated witness.
- Beware that victims are often traumatized and are thus often not very clear about time sequences.
- Verify the information collected with appropriate persons (e.g. Family, friends, neighbours, other witnesses, independent experts, public reports).
- Analyse which human rights are applicable to the case and be specific about the rights that were violated and why.
- Request information from appropriate authorities.

All too often, human rights CSOs focus exclusively on civilian victims of human rights abuses. It is, however, equally important to promote the human rights of armed forces personnel. As citizens and human beings, members of the armed forces are entitled to human rights protection. Effective human rights protection in the armed forces also helps prevent misconduct by the armed forces in their dealings with the civilian population. If human rights CSOs detect systematic human rights violations within the armed forces and subsequently find appropriate entry-points to help overcome the rights-abusing and often violent institutional culture, they have not only taken a big step towards a more rights-respecting security sector but have also neutralized a potential spoiler of reform efforts.

Approaching the security sector

Beginning dialogue with the security sector requires sensitivity to the concerns of human rights CSOs: often human rights leaders or their families are themselves victims of abuse perpetrated by the security sector. The military and police are also wary of dealing with human rights CSOs for fear of being accused of crimes or actions that could lead to criminal prosecution. Such fears are legitimate, but they must be overcome. The following are ways in which to begin the dialogue:

Use former members of the security sector to serve as interlocutors with government institutions that are part of the security sector. Human rights CSOs frequently have former soldiers or police officers as members. These individuals have a rapport with the security sector and are very helpful for opening doors to the leadership to begin conversations.

Use contacts with international human rights organizations, but do not rely on them for setting the long-term agenda with the security sector. In situations where there are no former military or police to help with a point of entry for discussions with the security sector, international human rights CSOs play a useful role in opening some doors. But do not expect these groups to remain in the country for the long haul.

Work in coalition with other local CSOs. It is important that groups work together when dealing with the security sector. A unified approach helps refine the issues to be discussed and also avoids duplication of effort.

Identify only a few broad themes for the initial discussion. If you start with the state of human rights in the security sector it will be hard to move the conversation forward. A more appropriate way to frame topics is to have members of the academic or policy community discuss how to improve civil-military relations. For example, conversations about roles and missions of the armed forces or police are far less threatening than ones that focus on past abuses. This may seem obvious, but it is important to lay a foundation of trust with the security sector by coming to them on issues where they feel most comfortable.

Establish a working group with the security sector and human rights CSO leaders to continue the conversation. One dialogue will not change the course or policies concerning the security sector. It will take time and possibly years to build the confidence of both sectors. Setting up a mechanism (either a working group or convening committee) that meets on a regular basis – in addition to non-periodic events – is a way to demonstrate that this is a process with serious players who are concerned about the reform of the security sector.

Civilian oversight of the security sector. Civilian control of the military goes beyond the formal channels of the government. To achieve civilian control requires building the trust of citizens that military and police personnel will respect individual rights and treat citizens with respect. This relationship takes time to build. Some ways for CSOs to build confidence at a local level to endorse efforts toward civilian oversight include:

- Working with both the police and military to include human rights principles and information into the training of new military and police personnel;
- Establishing mechanisms within security sector institutions that incorporate members of civil society as members of advisory boards. This helps to foster wider understanding of how each group thinks about rights and provides a useful means of building greater confidence between the public and private sectors;
- Use people from the community to serve as interlocutors with security sector institutions. This helps build confidence between members of the community and security ministries;
- Work towards changing the mindset of the security sector. One of the key features of reform in the security sector is a shift in the protection paradigm, from that of protecting the government to protecting citizens and maintaining public order. While this shift in mindset will take time and long-term training, human rights groups contribute to this process, as outsiders, by offering insights into how this new type of role can be integrated into the required security needs of a reformed institution.

Human rights audit of the police

One practical way in which human rights organizations can engage on human rights issues in the security sector is to conduct a human rights audit of the police. Useful and detailed guidance for such an exercise has been produced by a 'Joint Informal Working Group on Police and Human Rights' that operated under the auspices of the Council of Europe programme 'Police and Human Rights 1997-2000'. The work of this working group resulted in a guide entitled *Policing in a Democratic Society – Is Your Police a Human Rights Champion?* The guide covers seven core components (basic values, staff, training, management practice, operational policing, structure, accountability) and provides comprehensive lists of guiding questions and indicators for the assessment.

Although the guide was originally produced for police officers as a means to critically review their own human rights performance and that of their institution, there is no reason why CSOs should not make use of the same guide to produce an independent assessment. In some settings, it may also be feasible that the assessment be conducted by a mixed group of experts from the police and the CSO community. This may either be implemented as a truly joint effort or as two separate but coordinated assessments with firm commitment from both sides to compare and constructively discuss the findings. In either case, the findings should result in practical policy recommendations on how to strengthen the human rights compliance of the police.

Box 11.6 includes an excerpt from the guide, specifically from the methodology's first component: basic values. It should be noted, however, that for a comprehensive assessment this component should not be considered in isolation. Rather, all components must be seen as complementary. The full guide is available at http://www.coe.int/T/E/Human_rights/policedemsoc_eng.pdf

Box 11.6 Is your police a human rights champion? Assessing the police's basic values

The police service should work to a service ethic which respects and promotes fundamental human rights and the rule of law	
Test	Indicators
Human rights	
a. How are Human Rights made relevant to police work? To what extent are you and your officers aware of basic human rights?	<ul style="list-style-type: none"> • Human rights are mentioned in: <ul style="list-style-type: none"> · national police legislation · official policy statements · mission statements · codes of conduct of behaviour · operational documents • Profile given in teaching/ training • Line managers provide oral and effective commitment • Human Rights awareness is a performance criterion for promotion
b. What guarantees does your police service have against abuses of authority such as arbitrary or excessive use of power or force?	<ul style="list-style-type: none"> • Instruction, training, and supervision in place • Internal and external investigations • Judicial review in place • Recording of police use of force • Automatic and independent review in cases of (deadly) force • Preventive measures in place to combat ill-treatment and torture
c. To what extent are human rights effectively respected and supported?	<ul style="list-style-type: none"> • Number and types of complaints of abuse of power and other human rights violations • Number and types of sanctions imposed, both disciplinary and judicial • Adverse press reports • Criticisms by NGOs • Percentage of defendants released due to inefficient police work or mistakes committed by the police
d. What measures are taken to ensure that all citizens are treated equally, irrespective of race, gender, religion, language, colour or political opinion?	<ul style="list-style-type: none"> • Recruitment of officers to represent all sections of society • Instruction and training in the principles of non-discriminatory practices
The rule of law	
e. What legal basis do policing objectives and actions have?	<ul style="list-style-type: none"> • Numbers of cases filed against police • Numbers of findings, or judicial orders that indicate excessive use of force has been used • Percentage of unauthorized searches and unlawful arrest cases brought against police
f. How is the question of legality or interpretation of the law tested by an independent authority?	<ul style="list-style-type: none"> • Court rulings and case-law • Academic debates and writings • Access to legal opinion and specialist advice

Source: Joint Informal Working Group on Police and Human Rights, *Policing in a Democratic Society – Is Your Police a Human Rights Champion?*, Council of Europe, 2001. Full guide available at http://www.coe.int/T/E/Human_rights/policedemsoc_eng.pdf

Conclusion

This chapter provided an overview on international human rights law and then focused on the role human rights groups can have in the reform and oversight of the security sector. The rise of international human rights organizations over the last few decades has created a new international movement that brought to global attention the abuses committed by the security sector. These groups helped engage the international community, international organizations and civil society organizations in identifying abuses, and in creating mechanisms to address remedies for such violations. That they have gone beyond traditional monitoring by seeking legal remedies for those individuals who were abused by state-endorsed violence marks a new approach to addressing impunity.

The connection between international human rights groups and local organizations is best demonstrated by the role of international groups in reinforcing and legitimizing national claims. Most local human rights groups believe that international human rights CSOs helped expose their struggles internationally, thereby giving local organizations the power to push forward their demands at the national level. The courageous actions of local human rights groups remain essential in the governance and reform of the security sector. It is evident that action on the ground can often be supplemented by support from outside, but these efforts can only be successful if local solutions are found that incorporate the respective cultural and socio-political dimensions at hand.

What you can do as a CSO

Provide means for citizens to present claims on human rights abuses

- ✓ Work with local legal support groups to ensure that they are able to document and bring lawsuits under local jurisdiction that address violations of human rights
- ✓ Work with women and minority groups to help them identify and protect women and minority rights

Engage the security sector on human rights issues

- ✓ Use former members of the security sector to serve as interlocutors with government institutions that are part of the security sector
- ✓ Use contacts with international human rights organizations to build contacts
- ✓ Work in coalition with other local CSOs
- ✓ Establish a working relationship with the security sector as well as human rights CSO leaders to raise awareness of human rights issues in the security sector

Ensure government accountability for human rights

- ✓ Review existing and draft legislation from a human rights perspective
- ✓ Conduct and make publicly available an analysis of the human rights violations committed by the security sector in your country or region
- ✓ Publish and distribute reports on governments' security sector policies and activities
- ✓ Monitor the conduct of the security service and establishing clearinghouses for data about human rights victims

12

Mark Guthrie and Siphosami Malunga

Legal Assistance and Legal Reform

This chapter examines the role civil society organizations (CSOs) can play in oversight of the security sector through advocacy efforts and legal assistance to victims of human rights violations committed by members of the security sector. CSO activity in this field can result in improving legal frameworks that provide for the transparency and accountability of the security sector, in reviewing policies and practices to ensure compliance with the law and in documenting best practices for redress for victims of human rights violations according to international standards.

Effective involvement in these issues requires a combination of the skills outlined in the preceding chapters, in terms of monitoring, research, advocacy and awareness-raising. Efforts to secure oversight of the security sector should be viewed as an intrinsic part of wider efforts to establish and advance the rule of law. The 'rule of law,' however, may mean different things to different people. Lawyers may equate it with legality, a functioning legal framework and an independent judiciary. Development assistance agencies may view it as a means of promoting democracy or a market economy. Ordinary citizens may understand it as the accountability of national institutions, access to justice and equal protection under the law. In aggregate, it includes all these considerations. A legal definition of the rule of law usually encompasses three essential normative components of the rule of law:¹

- No one is above the law;
- All persons are entitled to equal protection of the law;
- Justice is accessible to all.

This further presumes that all individuals and institutions, including the government, are governed by and receive equal treatment under the same law, and that human rights are respected and complied with by state institutions. Efforts to strengthen the rule of law usually involve activities to ensure the following:

¹ See, for instance, http://www.icj.org/article.php3?id_article=3088&id_rubrique=11&lang=en

- The independence of the judicial system;
- Equal access to justice;
- All sectors of society (including the security sector) being subject to and treated equally under the same laws;
- Respect for fundamental human rights by all state institutions, including the security sector.

Each of the activities that are discussed in this chapter can be viewed as contributing to these four objectives. Each CSO will have its own focus of work. Some may be involved in monitoring and documenting human rights violations generally whilst others may be focused on specific issues such as domestic and sexual violence. Some CSOs might campaign on behalf of the rights of certain groups (for instance, prisoners' rights) whilst others might provide specific legal advice and representation to individuals: each of these efforts can make a substantial contribution to the oversight of the security sector.

There are three broad areas in which CSOs can play an important role in bringing about legal reform and rendering legal assistance:

- Advocacy: campaigning for a legal framework for security sector oversight, identifying specific areas for reform and advocating for the implementation of better policies and practices;
- Assistance in individual cases;
- Rendering technical assistance.

Legal reform: better policies and better practices

CSOs can play a crucial role in bringing about changes to the laws governing the security sector and to its policies and practices. They can do so by identifying areas for reform, advocating reform to laws, policies and practices, and by rendering technical assistance to independent and state institutions and organs. CSOs must be able to identify issues related to legal frameworks and the policies and practices of the security sector. They must bring these issues to public attention, and make proposals for their resolution. This section sets out some of the issues that might be the subject of CSO advocacy and examples of technical assistance that CSOs might render in this area.

Some of the issues CSOs can advocate for and provide technical input to include:

- The creation of a legal framework for security sector oversight;
- Legislative reform to provide for a transparent, accountable and effective security sector;
- Improved security sector policies and practices;
- Monitoring of human rights violations committed by security sector personnel;
- Integration of a gender perspective into security sector oversight, policies and practices;
- Strengthening of the independence of the judiciary.

All of these issues provide an opportunity for the involvement of CSOs such as civic associations, human rights groups, women's groups, prisoner's rights groups, law reform groups, servicemen and service-women's groups or groups working to combat human trafficking, to give a few examples only.

Creating a legal framework for democratic security sector governance

In every state there is a need to establish a legislative framework to allow for democratic civilian oversight of the security sector. Post-conflict states and states in transition may need to first establish the principle of democratic oversight and guidance in their constitutions.

CSOs can lobby to ensure that governments accept this principle and promote a consciousness on the part of citizens for the need for civilian oversight of the security sector. This is one way in which CSOs can make a significant contribution to the creation of a human rights culture in their country.

Box 12.1 Model law on parliamentary oversight of the security sector

In 2002 the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the CIS Parliamentary Assembly jointly developed a Model Law on Parliamentary Oversight of the Security Sector to help former Soviet countries create national legislation which embeds the concept of democratic oversight of the security sector in their countries. The model law builds on the OSCE Code of Conduct on Politico-Military Aspects of Security (1994), which stresses that democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police is an indispensable element of stability and security.

The model law can be found at http://www.dcaf.ch/_docs/bm_fluri_nikitin_cis_model.pdf (English) and http://www.dcaf.ch/_docs/bm_fluri_nikitin_cis_model_ru.pdf (Russian)

In June 2003, based on the above-mentioned model law, the parliament of Ukraine adopted a law on democratic civilian control of state military and law enforcement organizations.² An example of the adoption of a law on civilian oversight of the security sector can also be found in Kyrgyzstan, where, in January 2007, a Law on Security Sector Oversight was also adopted.³ On the same note, Kyrgyzstan has also sought to make its laws on policing and relevant policies compatible with international norms.⁴

² For a comprehensive analysis of Ukraine's security sector legislation, see Colston, Fluri and Piroshkov, 'The Security Sector Legislation of Ukraine', 2006, in particular pp. 163-175; available at <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=25915&nav1=4>

³ <http://www.eurasianet.org/departments/insight/articles/eav011107.shtml>

⁴ See www.osce.org/item/13866.html

Transparency and accountability

CSOs can campaign to ensure that there are laws and structures which provide for transparent and accountable conduct on the part of the security sector. In support of democratic oversight of the security sector the following issues are of particular concern and need to be advocated for:⁵

- Military, police and prisons services answerable to parliament and the establishment of parliamentary bodies to review regularly their conduct;
- The establishment of police authorities which include community representation and which are responsible for oversight of police practices and policies;
- Ensuring that the military, police and prison services are answerable to the civilian courts for any human rights violations and breaches of the law;
- The establishment of national human rights institutions with a mandate to investigate allegations of human rights violations by the security sector;
- States' ratification of the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, provisions of which include international inspection by the UN Sub-committee for the Prevention of Torture (SPT), and establishment of a domestic National Preventative Mechanism (NPM) for the inspection of places of detention;
- A state system of compensation payments for victims of human rights violations;
- The establishment of judicial appointment boards which include community representation and an open and fair process of appointment of judges;
- Establishment of forums in which both CSOs and representatives from the security sector can participate in order to discuss issues of mutual concern.

Supporting reform of security sector practices and policies

CSOs often have first-hand community experience of the practices and operational procedures of security sector institutions, especially those of the military, police and prison services. CSOs working on a specific topic (such as children's rights, domestic and other gender-based violence, lesbian, gay, bi-sexual and transgendered issues, human trafficking, mental disability, ethnic minority rights, prisoners' rights, monitoring, women's rights) and reporting on human rights violations generally will be able to draw upon their expertise when advocating for security sector reforms and revising the practices of security sector personnel. In these instances, CSOs can act as a channel of communication between their constituents and the government. Some objectives of CSO campaigning to effect reform to practices and policies might include:

⁵ For more on advocacy, see chapter five of this handbook.

- Operational policies and practices which respect human rights, especially the right to life, the right to liberty and physical integrity, the right to a fair trial, the right to property and the right to a private life;
- Respect by security forces of the principle of minimum use of force;
- Fair disciplinary and grievance procedures within the security sector;
- Fair and rigorous internal procedures within the security sector for the investigation of allegations of mismanagement;
- Increased representation of women in the security sector;
- Practices which are especially sensitive to the needs of marginalized and more vulnerable groups of persons, the mentally disabled and victims of crime, rape and domestic violence.

There are a number of opportunities for CSOs to monitor the impact of operational policies on practices and codes of conduct relevant to the security sector. Opportunities may arise as a result of analysis of facts disclosed by individual cases which CSOs have documented or in which they have rendered legal assistance or moral or psychological support. For example, the documentation of individual cases may disclose evidence of the degree to which armed forces resort to the use of force against the civilian population.

Trial monitoring, especially that which includes access to the pre-trial stages, may be a rich source of information relating to police practices. For example, pre-trial monitoring may disclose valuable evidence in relation to the physical treatment by the police of detained persons and the exercise of the right to legal advice. Through their dealings with victims and police, CSOs working to combat human trafficking are likely to be able to assess the standards by which the police treat victims of trafficking. CSOs that monitor places of detention, for example as part of a National Preventative Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), will be well placed to assess compliance with standard operating procedures and standards of good practice.⁶ CSOs may also monitor specific events which involve the exercise of powers by security sector personnel such as monitoring public assemblies in order to assess the use of force by police or military to maintain public order. Box 12.2 illustrates international human rights instruments and guidelines that will provide guidance for legal assistance and legal aid in security sector oversight.

⁶ See also Association for the Prevention of Torture, specifically 'Guides on visiting places of detention' http://www.ap.t.ch/component/option,com_docman/task,cat_view/gid,58/Itemid,59/lang,en/; and Chapter IX of the UN Training Manual for Human Rights Monitoring (English, French, Russian and Spanish) <http://www.unhcr.ch/html/menu6/2/training.htm>

Box 12.2 Universal human rights instruments, international policy documents and guidelines relevant for the oversight of the security sector

Protection of Prisoners and persons subject to alternatives to imprisonment

- UN Standard Minimum Rules for the Treatment of Prisoners
- Basic Principles for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

Protection of children and juvenile offenders

- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
- Guidelines for Action on Children in the Criminal Justice System
- United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

Protection against torture and other inhuman or degrading treatment or punishment

- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)
- Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Prevention and investigation of arbitrary and summary execution

- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Standards and codes of conduct for law enforcement officials

- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Protection of judiciary and lawyers

- Basic Principles on the Independence of the Judiciary
- Basic Principles on the Role of Lawyers
- Guidelines on the Role of Prosecutors

Protection from other acts of force

- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Declaration on the Protection of All Persons from Enforced Disappearance
- International Convention for the Protection of All Persons from Enforced Disappearance (not yet in force)

Rights to justice

- Basic Principles and Guidelines on the Right to a Remedy and Reparation

Guidelines and recommendations from regional organizations

- Code of Conduct on Politico-Military Aspects of Security – (OSCE/ Special Committee of the CSCE Forum for Security Co-operation)⁷
- Council of Europe Parliamentary Assembly Recommendation 1713 (2005)⁸

Sources:

<http://www2.ohchr.org/english/law/index.htm#instruments>

http://www.osce.org/documents/fsc/1994/12/4270_en.pdf

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/EREC1713.htm>

Information gathered in this way may be used to substantiate campaigns for reform of the legal framework for civilian oversight and for reform of policies and practices. Such campaigns may take the following forms:

- Publishing or contributing to reports;
- Media campaigns;
- Working with members of parliament;
- Submissions to parliamentary hearings or parliamentary committees;
- Participating in consultative processes;
- Making comments on draft legislation.

Integrating a gender perspective

By advocating an awareness of gender issues, CSOs can contribute to the creation of a system of oversight which is more broadly representative of society and to a security sector which has greater respect for human rights and is more responsive to the needs of all members of society. Their knowledge and experience of issues can give CSOs authority to draw attention to particular security threats suffered by vulnerable members of the community and identify policies and practices which are responsive to the needs of these groups. In post-conflict societies, where gender-based violence is a particular concern, CSOs

⁷ http://www.osce.org/documents/fsc/1994/12/4270_en.pdf

⁸ <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta05/erec1713.htm>

can advocate for the introduction of new laws. One such example can be found in Liberia where the Association of Female Lawyers of Liberia were instrumental in drafting a new criminal law on rape which came into force in February 2006.⁹

Box 10.6 in chapter 10 of this handbook gives a list of international laws and instruments on security and gender useful to CSOs in advocating for the integration of a gender perspective in the creation of a legal framework for oversight and in the implementation of policies and practices.

Strengthening the independence of the judiciary

As mentioned above, CSOs can campaign for the establishment of independent judicial appointment boards which include community representation in order to ensure the appointment of independent members of the judiciary capable of protecting and promoting human rights for all. In post-conflict and transitional societies where the domestic prosecution of war crimes takes place, CSOs can campaign to ensure the proper and impartial investigation of allegations and expeditious trial of those accused of war crimes.

Box 12.3 Judicial reform in Georgia: the role of ALPE

Prior to independence, Georgians had become accustomed to a judicial system that was neither fair nor independent. When the country embarked on a series of reforms to strengthen the independence of the judiciary at the beginning of the 1990s, the Association for Legal Public Education (ALPE), a Georgian CSO, helped bridge the gap between the courts and the public and helped bring accountability to the judiciary's daily operations.

ALPE has worked on a number of projects in different fields to strengthen the judiciary in Georgia. These include the production of weekly TV programmes on judicial issues, publication of a legal supplement in one of the country's leading newspapers and extracurricular activities for schoolchildren.

Most importantly, ALPE has helped establish public information offices in the courts to provide guidance to citizens on how to solve disputes. It has also disseminated the judicial code of ethics and developed mechanisms for introducing transparency and accountability to legal institutions.

Source: <http://siteresources.worldbank.org/EXTDEVCOMMENG/Resources/KGB.pdf>

⁹ http://www.iss.co.za/index.php?link_id=26&slink_id=3806&link_type=12&slink_type=12&tmpl_id=3

CSO participation in bringing about reform

CSO advocacy for reform can take many different forms. Depending upon the issue it can include any or a combination of any of the following:

- Submissions to parliamentary hearings or committees;
- Lobbying members of parliament, regional or local authorities;
- Submissions to commissions of enquiry;
- Making comments on draft legislation;
- Participating in national peace and constitution-drafting processes;
- Working with national human rights institutions;
- Participating in National Preventative Mechanisms under the Optional Protocol to the Convention against Torture;
- Participation in roundtables;
- Participation in NGO forums;
- Conducting or participating in media campaigns;
- Producing reports, policy and publicity materials;
- Organizing petitions;
- Campaigning on individual cases in order to highlight areas for reform;
- Holding public demonstrations.

Examples of civil society's contributions to public discourses, awareness-raising and advocacy have been highlighted in preceding chapters of this handbook. Another example can be found in South Africa where public consultations on security and public perception of threats that were carried out in preparation for the formulation of the national security framework led to a paradigm shift from a defence-focused definition of security to a 'human security'-focused definition.¹⁰

In particular, with regard to legal reforms and policy reviews aimed at safeguarding human rights in the security sector, national human rights institutions and CSOs can work in partnership to promote human rights protection. Box 12.4 illustrates an example of such a collaboration in South Africa.

¹⁰ Kenkel, Kai Michael, 'Civil Society Participation in Defence Policy Formulation: Academic Experts and South Africa's Post-Apartheid Defence White Paper' in *Journal of Security Sector Management* Vol.4, No.1, 2006, http://www.ssrnline.org/jofssm/issues/jofssm_0401_kenkel_civil_society.pdf?CFID=813174&CFTOKEN=56570795

Box 12.4 Partnerships with civil society against xenophobia and armed violence: the South African Human Rights Commission

Human rights abuses against undocumented aliens, asylum seekers and refugees in South Africa are a major problem, fueled by rising levels of xenophobia and violence against foreigners in the country. Since its inception, the South African Human Rights Commission has focused a considerable part of its resources on the human rights of migrants and refugees as well as monitoring and documenting human rights violations and human rights abuses. Allegedly, human rights violations and extortions by the police and a consistent pattern of human rights abuses committed in a private detention centre were the highest risks that migrants and refugees were exposed to.

To increase its research capacity and gather relevant data, the commission entered into a partnership with several law schools in South Africa in February 1998. Working closely with the Centre for Applied Legal Studies, the Law Clinic of the University of Witwatersrand and Lawyers for Human Rights, an independent NGO, the commission was able to gather data through interviews of victims that was used to draw attention to the issue and advocate for solutions in a public report. The training provided to the participants in the project is also expected to produce long-term benefits by generating interest in human rights issues among a variety of law schools and facilities, producing a cadre of trained and basically experienced human rights workers.

Source: Human Rights Watch, 'Government Human Rights Commissions in Africa', <http://www.hrw.org/reports/2001/africa/overview/contributions.html>

Technical assistance in bringing about reform

CSOs often have much expertise which they can share with the security sector to bring about both reform to the legal framework for security sector oversight and to security sector policies and practices. This technical assistance can take the form of:

- Giving evidence before parliamentary committees and hearings;
- Assisting in the drafting of legislation;
- Human rights trainings for security sector personnel, both generally and on specific issues (for instance, gender-based violence or the trafficking of human beings);
- Trainings and seminars for the military, police, prisons and judiciary on the impact on certain communities of security sector policies;
- Conducting trial monitoring projects to identify human rights violations and areas for legal reform;
- Giving briefings to policy makers and legislators;
- Participating in roundtables to discuss aspects of security sector law and practices;
- Briefing international inspection bodies (e.g. the UN Subcommittee on the Prevention of Torture and the European Committee for Prevention of Torture), in advance of and during country visits;

- Acting as an intermediary between the security forces and vulnerable groups;
- Participation in groups charged with monitoring the implementation of laws and practice concerning the security sector (for instance, groups established to oversee reforms in the legal system);
- Submitting information on the past conduct of judges to the relevant authority in post-conflict and transitional societies where members of the judiciary are required to undergo a reselection process;
- Participating in judicial appointment commissions.

The role of CSOs in assisting in individual cases

This section deals with the role that CSOs can play in individual cases in ensuring that the state fulfils its obligations and the technical assistance they can render to victims of human rights violations.

Pro-bono services – legal assistance and legal advice

Civil society groups have proven to be invaluable in the provision of legal advice and legal aid to vulnerable groups. Such groups include migrants, ethnic minorities, landless or homeless people, internally displaced persons or refugees, people with disabilities and others who for different reasons may not be able to access the assistance they might need. By offering legal helpdesks or legal clinics that are geographically accessible and for free, access to legal assistance is given to those in need, thus empowering individuals or groups who face charges from or prosecution by security sector-related institutions or agencies. Depending on the context, the scope and provisions of legal clinics can vary.

In Sri Lanka, the Tsunami that ravaged the coasts of the country on Christmas Day 2004, claimed over 30,000 lives and left several hundreds of thousands homeless. To assist the survivors with the restitution of identity cards, birth and marriage certificates, documentation on land property and other documents, legal helpdesks were established in a collaborative effort by the National Human Rights Commission in partnership with a number of national and international civil society and not-for-profit organizations. With the deterioration of the security situation in the country that blended into the post-Tsunami recovery period, the helpdesks were increasingly solicited by families whose children had been abducted and recruited as child soldiers, or whose fathers or spouses had disappeared. In a number of industrialized countries, and increasingly in developing countries, national bar associations, universities and other civil society groups establish partnerships to provide pro bono services to vulnerable groups.¹¹

¹¹ UNDP, *Civil Society and UNDP in Sri Lanka: Partnerships in Crisis Situations*, 2007, http://www.undp.org/partners/cso/publications/Civil_Society_and_UNDP_in_Sri_Lanka_partnerships_in_crisis_situations.pdf

In the United States of America, this type of collaboration has been very much professionalized, including the development of accreditation standards and procedures for partner institutions and oversight of legal services provided by non-professionals.

Running a legal clinic

Especially in countries or regions where access to justice is limited or certain legal needs are not addressed, legal clinics can play a vital role in protecting the rights of victims. However, the provision of legal advice and assistance carries enormous responsibilities. Dispensing legal advice involves not only knowledge of the law and procedure but also the exercise of judgment. Each case involves ascertaining the facts, identifying the relevant issue, what is the desired outcome and the strategy for achieving it. Any CSO contemplating establishing a legal clinic needs to consider carefully its capacity for doing so and the environment in which it might operate. Some issues to consider are:

Operations and environment

- What is the demand for a legal clinic? How would a new clinic complement any other local legal service providers?
- What is the scope of the assistance to be offered? Is it to provide advice only, or representation in court or other tribunals or both? Civil or criminal matters or both?
- Who will be the clinic's target audience? Will the clinic be directed towards assisting certain vulnerable groups or will it have a wider audience?
- How will the clinic publicize itself and establish its credibility amongst its target audience?
- What geographical scope will the clinic have? Will it include mobile services? Will it operate full or part time?
- Is there a potential risk to the physical safety of clients and staff if they are associated with the clinic? Can it operate in a secure environment? What security can the clinic offer?
- What are the likely costs of the operation? What funding is available for running the clinic and for supporting individual legal actions?
- Does the clinic risk civil liability for the advice given?

Capacity and partners

- What technical skills will the staff need (interviewing, writing, legal skills)? Are skilled legal professionals or paralegals available to staff the clinic?
- Can the clinic ensure confidentiality in consultations and in record-keeping? Can it ensure proper record-keeping and case management?
- Can the clinic progress cases expeditiously?

- What are the opportunities for collaborating with sympathetic lawyers or lawyers' groupings in order to have the benefit of their expertise?
- Are there sympathetic medical personnel available to whom clients may be referred in order to document physical injuries?
- Can clients be provided with additional moral and psychological support or referred to organizations providing these services?
- What alliances can be built with international governmental organizations or NGOs in order to raise the profile of the clinic, secure protection, obtain access to outside expertise and assist in the professional development of the clinic?

The following are some of the practical considerations that CSOs need to address in setting up legal clinics:

Physical space (offices or mobile): These need to accommodate clients seeking legal advice and allow carrying out consultations in a protected atmosphere. To the extent possible, also, CSOs should plan for separate space where people can wait without being exposed.

Making yourself known: CSOs need to spread the word about their services, prepare small advertisements and flyers that briefly explain areas covered in legal clinics and contact information. Flyers can be left in community or municipal buildings, immigration services, family and health care services. CSOs can also consider radio and other media to advertise their work.

Reaching out to target groups: Where transport opportunities are insufficient and accessibility for target groups is difficult, CSOs should consider mobile clinics increase access to their services; where appropriate, they could consider collaboration with social service institutions, hospitals and other partners to hold clinics in their premises on a regular basis to become a permanent reference for some of the clients in these institutions and further increase outreach.

Expertise: CSOs need to consider partnerships with national human rights institutions, local and national bar associations, universities and law schools so as to offer diversified legal expertise and to be able to respond to different needs.

Establish proceedings for the clinic:¹² CSOs should strive to:

- Establish a screening process to identify the client's areas of need in order to proceed with advice or refer elsewhere;

¹² The Western Canada Society To Access Justice, www.accessjustice.ca/lawyers/client_issues.asp There are a number of resources available on the internet on these issues. See: *A Basic Guide to Legal Standards and Practice*, Human Rights First, http://www.humanrightsfirst.org/pubs/descriptions/fair_trial.pdf; *UK National Occupational Standards for Legal Advice*, http://www.ukstandards.co.uk/Find_Occupational_Standards.aspx?NosFindID=4&SuiteID=796 and www.accessjustice.ca/lawyers/procedure.asp

- Establish clear terms of engagement with clients in view of responsibilities (e.g. documentation relating to the client and his or her case remains in most cases with the client, terms of engagement may be limited to the 'one-off' counselling, continued contact can be maintained by the client with the clinic, not necessarily the same lawyer);
- Document meetings: CSOs should prepare a brief with as much detail as possible, especially in view of advice provided to the client and limitation dates; provide one copy to the client and one for its record in case of claims;
- Preparation of documents to encourage clients to write their documents themselves with your assistance; if a client has difficulty in writing, suggest that he or she bring a friend at the next meeting to help.

In addition to the physical establishment of such a clinic, depending on the technical expertise of the CSO and telecommunication infrastructure of the country in question, CSOs might wish to consider providing general legal advice over the internet in order to reach a wider audience. Box 12.5 gives an example.

Box 12.5 Your Rights: information website for the UK by Liberty

The UK NGO Liberty has a website dedicated to the rights of individuals in different situations, including as victims, witnesses, suspects and defendants. The site outlines the relevant legal powers of the authorities and rights of the individual and can be used by citizens to ensure fair treatment.

<http://www.yourrights.org.uk/>

Obligations of the state

States have a general legal duty to ensure the effective protection of human rights.¹³ This involves the following obligations:

- To prevent human rights violations;
- To provide domestic remedies for human rights violations¹⁴;
- To investigate alleged human rights violations;
- To prosecute those suspected of having committed human rights violations;
- To punish those guilty of human rights violations.

¹³ ICCPR Article 2(1) (http://www.unhchr.ch/html.mem3/b/a_ccpr.htm)

¹⁴ Universal Declaration of Human Rights Article 8.

This section deals with the role that CSO can play in individual cases in ensuring that the state fulfils these obligations and the technical assistance they can render to victims of human rights violations. First it is necessary to distinguish between:

- ‘Human rights violations’: acts or omissions committed by the state or its agents; and
- ‘Human rights abuses’: acts or omissions committed by non-state security forces or civilians against the human rights of others

It is important to note that the state will only be liable in respect of human rights violations and not human rights abuses. However, the state does have a duty to protect citizens against harm committed by non-state actors and to take action against them for any abuses.

Second, it is important to understand who constitutes a ‘victim’. In paragraph 1 of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985),¹⁵ ‘victims of crime’ are defined as:

“...persons who individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States including those laws proscribing criminal abuse of power”

However human rights violations are not confined to violations of criminal law but may also be violations of civil law. Therefore a victim may be considered as a person whose nationally or internationally recognized human rights and fundamental freedoms have been violated as a consequence of governmental acts or omissions.

Where human rights violations are alleged to have been committed by members of the security sector, CSOs can play an important role in ensuring that those responsible are held to account and that victims receive redress. The role CSOs can play in supporting victims is recognized in paragraph 18 of the Declaration (above), which states:

“Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means”

By assisting in individual cases CSO can make a further and valuable contribution to the promotion and protection of human rights generally.

¹⁵ <http://www2.ohchr.org/english/law/pdf/victims.pdf>

Legal sanctions and remedies for human rights violations

At all times members of the security sector – which includes the military, the police and prison services – are subject to the law in the execution of their duties. They may be granted powers greater than those enjoyed by ordinary members of the public (e.g. powers of arrest), but the exercise of these powers will always be subject to the law. The use of force should be limited to that which is reasonably necessary and there must always be reasonable grounds for any deprivation of liberty.

According to this principle, any member of the security sector forces who acts unlawfully may be subject to the jurisdiction of either the criminal or civil courts, or both. However, the relationship between the jurisdiction of civilian courts and military courts may be complex and varies from state to state. Human rights violations may constitute offences under both ordinary criminal law and military law. Almost all states' armed forces will be governed by their own military law, one definition of which has been given as:

“[being] in its ordinary and restricted sense the specific law governing the Army as a separate community. In a wider sense, it includes that law, operative only in a time of war or like emergency, that regulates the relations of enemies and authorizes military government and martial law”¹⁶

Therefore the primary purpose of military law should be to maintain discipline of personnel and criminal and civil law should always take precedence where offences have been committed. However, some states may prefer to try military personnel according to military law in military courts for human rights violations rather than subject them to the ordinary criminal law in criminal courts. This can result in granting them unduly favourable treatment or even impunity for their actions. Military tribunals may not necessarily uphold the same fair trial standards as civilian courts: for example, hearings may not be in public, judges may be drawn from members of the military and there may be limited opportunities to call and examine witnesses. Furthermore, decisions and procedures may not be subject to review by the civilian courts. Where there is evidence that security sector personnel have committed offences against civilians, they should always be prosecuted in civilian criminal courts.

Actions in the civil courts may also provide remedies for violations committed by state security forces which do not amount to criminal offences (e.g. wrongful arrests and malicious prosecutions), or alternatives to criminal prosecutions (e.g. in cases of assault) in circumstances where prosecuting authorities may be reluctant to bring a prosecution themselves. Police and prison services owe a duty of care to those in their detention and breaches of this duty (e.g. withholding medical care) may result in civil liability.

¹⁶ Reid v. Covert, 354 US1, 19 n.38 (1957).

In those countries where provision exists in the legal system, CSOs may be able to participate directly in civil proceedings by acting as an *amicus curiae* (friend of the court). In this way they may be able to assist the court by providing expert evidence on the issue under consideration. For example in civil proceedings in 1998 and 1999 in the English courts concerning the extradition of General Pinochet to Chile to stand trial for human rights violations, Amnesty International was able to assist the court as an *amicus curiae*. In those cases where acting as *amicus curiae* is not possible or appropriate, CSO representatives who are sufficiently well qualified may assist one of the parties as expert witnesses.

However, whether any case of a human rights violation is the subject of criminal or civil proceedings, it will only result in a conviction of the guilty or compensation for the victim if there is sufficient evidence to prove to the court's satisfaction that a violation has been committed and the accused is responsible. Therefore, in criminal cases, it is important that those who are charged with the investigation of crimes are diligent and thorough in their approach and ensure that all possible evidence is obtained and preserved and suspects are apprehended as quickly as possible. To support fair and evidence-based trials, CSOs can leverage their access to information and legal expertise through the provision of *pro-bono* services, as explained in the previous section, and through documentation of human rights violations.

Documenting human rights violations

CSOs can assist in bringing perpetrators to justice by documenting human rights violations. Documentation can result in establishing the facts of any human rights violation and lead to the identification of those responsible. The significance of this work will depend very much upon the specific context. In those countries or areas where the political will to investigate human rights violations is absent or where there are few resources to do so, CSO documentation work may be especially important. Whilst the state may never be released from its responsibility to investigate allegations of human rights violations, CSO activity in this area may act an impetus for a police or judicial enquiry or may augment it. Because documentation may ultimately lead to legal proceedings, it needs to be undertaken thoroughly and systematically by trained personnel.

The methodology of monitoring and documentation is discussed in chapter seven. However, some guidance for documenting specific instances of human rights violations is set out in Box 12.6 below.

Box 12.6 Documenting human rights violations

- Determine whether documentation will focus on specific categories of human rights violation (e.g. torture, gender-based violence) or will be more general.
- Determine whether documentation will focus on certain vulnerable groups e.g. indigenous peoples, victims of gender-based violence.

- Determine the training needs of personnel who will undertake the documentation (e.g. their understanding of what constitutes a human rights violation and which facts need to be ascertained, interviewing and writing skills, record-keeping).
- Ensure accuracy, confidentiality, impartiality and sensitivity in documenting.
- Develop a record-keeping system including classification of violations.
- Ensure safety of records.
- Establish checklists to determine that allegation constitutes a human rights violation.
- Establish checklists for specific types of allegations e.g. torture, unlawful killings, excessive use of force by police.
- Develop standard questionnaires for interviewing victims (suggested UN OHCHR model can be found at <http://www1.umn.edu/humanrts/monitoring/chapter20-appendix1.html>).
- Develop standard incident reporting form (suggested UN OHCHR model can be found at <http://www1.umn.edu/humanrts/monitoring/chapter20-appendix4.html>).
- Assess the security risk involved in carrying out documentation – both to personnel undertaking the task and to those being interviewed.
- Establish links with national and international human rights NGOs.
- Establish links with national human rights institutions where they exist.

Additionally, there exists a wide variety of resources available to CSOs engaged in reporting and documenting human rights abuses. Some of these resources are listed in Box 12.7 below.

Box 12.7 Selected resources on documenting human rights violations

OHCHR Manual on Human Rights Monitoring http://www.unhcr.ch/pdf/train7_a.pdf

Monitoring and Reporting Human Rights Violations in Africa: A Handbook for Community Activists (Amnesty International) http://www.protectionline.org/IMG/pdf/spa_handbook.pdf

Training Manual on Human Rights Monitoring (University of Minnesota) <http://www1.umn.edu/humanrts/monitoring/>

Reporting Killings as Human Rights Violations Handbook <http://www.essex.ac.uk/reportingkillingshandbook/>

Handbook on State Obligations under UN Convention against Torture (Association for the Prevention of Torture)
http://www.ap.t.ch/component/option,com_docman/task,cat_view/gid,92/Itemid,99999999/lang,en/

Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol) <http://physiciansforhumanrights.org/library/documents/reports/istanbul-protocol.pdf>

The Torture Reporting Handbook <http://www.essex.ac.uk/torturehandbook/>

Medical Investigation and Documentation of Torture: A Handbook for Health Professionals
<http://www.fco.uk/Files/KFile/MidtHb.pdf>

Monitoring Places of Detention: A Practical Guide for NGOs (Association for the Prevention of Torture) (available in English, Farsi, Mongolian and Russian) http://www.ap.t.ch/component/option,com_docman/task,cat_view/gid,85/Itemid,59/lang,en/

Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action (International Alert), http://www.international-alert.org/our_work/themes/gender_5.php

Understanding Policing: A Resource for Human Rights Activists (Amnesty International)
http://www.amnesty.nl/bibliotheek_vervolg/police_and_human_rights#artikel11338

Trial Monitoring: A Reference Manual for Practitioners (OSCE)
http://www.osce.org/publications/odihr/2008/04/30849_1119_en.pdf

Fair Trials Manual (Amnesty International)
<http://www.amnesty.org/en/library/asset/POL30/002/1998/en/domPOL300021998en.pdf>

OECD DAC Handbook on Security System Reform: Supporting Security and Justice (OECD)
<https://www.oecd.org/dataoecd/43/25/38406485.pdf>

APT Briefing Note 2 – Role of civil society in the preparation of SPT visits
http://www.ap.t.ch/content/view/46/86/lang,en/APT_SPT_BN2en.pdf

Handbook on Observation of Pride Marches (ILGA Europe)
<http://www.ilga-europe.org/>

Another important aspect of documentation of human rights violations that relates to the use of the records as evidence before the court and illustrates implications on confidentiality is illustrated in Box 12.8.

Box 12.8 Disclosure of records

This fictive scenario summarizes some of the challenges posed by confidentiality clauses in documenting human rights abuses and the difficulty of using these records in subsequent prosecutions.

Scenario

A CSO documents allegations of human rights violations committed by security forces during a time of conflict. The documents include the names, dates of birth and addresses of victims and witnesses and their accounts of events. However, victims and witnesses are given assurances of confidentiality. On the basis of these records, the CSO publishes a report on the documented violations. The published report does not contain any names of any victims or witnesses. However, on condition the guarantees of confidentiality are respected, the CSO shares the original records of interviews with victims and witnesses with the relevant prosecuting authorities.

As a result prosecutors commence their own investigation including interviewing some of the same victims and witnesses and taking fresh statements from them. The alleged perpetrators are then identified and criminal proceedings are brought against them. In order to assist in the preparation of their defence, defence lawyers ask the prosecutor to disclose the original statements taken by the CSO. The defence argues that the statements may provide evidence to exonerate the accused or at least provide evidence of the first account of events given by the victims and witnesses. In order to uphold the guarantee of confidentiality, the prosecution refuses to disclose the CSO documentation. The defence applies to the court for disclosure of the CSO records arguing the principle of equality of arms and that without the records the defendants cannot have a fair trial. The court agrees and orders the prosecution to disclose the records.

Although the prosecution have taken their own statements from the victims and witnesses, the earlier statements taken by the CSO affect the overall credibility of the victims and witnesses and the court's ruling means that they cannot call the victims and witnesses to give evidence without disclosing the earlier statements. The prosecution decides that the guarantees of confidentiality take precedence and therefore decide to drop the case. The accused is acquitted.

Similarly, information that is not formally shared with prosecuting authorities but is known to exist with a civil society group may be sought to be disclosed by order of court on application by the defendant. To ensure the protection of witnesses and victims, special laws need to regulate the proceedings for disclosure of records and their sources (see the case of Bosnia and Herzegovina in Box 12.9).

Witnesses

Witnesses will be vital in almost every case. They need to be identified and located as quickly as possible. Police and prosecutors need to consider as soon as possible whether witness protection measures are necessary. This may be especially important in certain kinds of cases – e.g. in torture cases and prosecution of war crimes suspects where the witness may be from a vulnerable group and their safety threatened. In most cases, witnesses will be under a legal duty to give evidence and may be compelled by the court to do so. However, witnesses may suffer injustice in doing so unless they know they can testify in safety and free from the threat of intimidation. The importance of witness protection measures is reflected in a number of international documents. Council of Europe Recommendation R(85) on the Position of the Victim in the Framework of the Criminal Law and Procedure states:¹⁷

“Appropriate legislative and practical measures should be taken to ensure that witnesses and collaborators of justice may testify freely and without being subjected to any act of intimidation.”

The types of witness protection measures which might be taken in cases of organized crime were elaborated in Council of Europe Recommendation R(97) concerning Intimidation of Witnesses and the Rights of the Defence.¹⁸ These include:

- Recording by audiovisual means statements made by witnesses during the pre-trial examination;
- The use in the trial stage of pre-trial statements made by witnesses;
- Revealing the identity of witnesses at the latest possible stage of the proceedings or only revealing selected details;
- Excluding the media and/or the public from all or part of the trial;
- Anonymity for witnesses in exceptional circumstances.

Box 12.9 Bosnia and Herzegovina State Law on the Protection of Witnesses under Threat and Vulnerable Witnesses

With the end of the war in Bosnia and Herzegovina in 1995, the case load of criminal trials and trials for war crimes of the International Criminal Tribunal for Yugoslavia (ICTY) triggered a serious review of institutional capacities of the judiciary and legal frameworks necessary to deal efficiently with the case load. The protection of victims and witnesses quickly became a major concern in war crimes prosecutions. To provide effective state protection to victims and witnesses, the Bosnia and Herzegovina State Law on the Protection of Witnesses under threat and vulnerable witnesses was enacted in 2006.¹⁹ The law provides for:

17 <http://www.legislationline.org/legislation.php?tid=99&lid=4845>

18 http://www.coe.int/t/e/legal_affairs/legal_cooperation/combating_economic_crime/1_standard_settings/Rec_1997_13.pdf

19 http://www.sudbih.gov.ba/files/docs/zakoni/en/BH_LAW_ON_PROTECTION_OF_WITNESSES_-_Consolidated_text.pdf

- Measures of protection for witnesses if they so wish;
- Access to psychological and social assistance and professional help before and during examinations and hearings;
- Accelerated hearing of witnesses under threat and vulnerable witnesses;
- Increased care of witnesses during examinations to protect them from harassment and psychological trauma or stress. This may include the use of audio or video recordings of examinations of the witness, direct examinations of the witness by the judge on behalf of the defending attorney, or testimony in physical absence of the accused (in which case the testimony needs to be made available either through technical means of image and sound transfer, or recordings);
- Limitations in access to files and documentation related to the indictment for the defence attorney and the defendant to avoid disclosure of details that would lead to the identification of the witness, including a post-trial confidentiality period of up to 30 years.

Victim support

The role of CSOs in providing moral and psychological support to victims is an important one and is recognized in Paragraph 14 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which states:

“Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.”

A description of the victim support given by the Bangladesh Rehabilitation Centre for Trauma Victims can be found in Box 12.10.

Box 12.10 Bangladesh Rehabilitation Centre for Trauma Victims (BRCT)

Home Counselling

Direct counselling has an enormous impact on torture survivors as well as on their relations and neighbours. BRCT’s social workers, counsellor, or any other professional involved with the rehabilitation process conduct home visits. The BRCT personnel stay at the remotest area for two or three days and sit with the victims, their family members, friends, neighbours and other relevant persons and try to provide counselling on any complications raised by the survivor. In that way the professionals try to find out the practical solution of the victim’s problems and also try to involve the relevant people in mitigating the victim’s complaints.

The professional tries to boost the personal relationship between the client and his or her surroundings. BRCT conducts home visits with a view to having a complete understanding of the victim's overall condition. The professional then helps to find a reasonable solution and take therapeutic measures to cope with their problems. BRCT also gives further instruction and treatment to restore and develop the reintegration of the victim in his/her family and social environment.

Objectives of home visits are to:

- Give counselling and therapeutic services to cure the victims, prevent further trauma and develop their overall condition;
- Find a suitable solution to the psychosocial and socioeconomic complaints of victims of torture;
- Conduct a feasibility study for taking up the cases of the victims for economic rehabilitation;
- Give group counselling and family therapy;
- Cure and prevent secondary trauma;
- To follow up and supervise the treatment and rehabilitation services given by the BRCT earlier;
- To introduce the victim to BRCT and its services in order to motivate them to use BRCT services;
- To raise general awareness through the Home Visit activities.

Source: <http://www.brct.org/index.php>

Legal proceedings: common challenges and obstacles

Although legal action may be possible in order to hold perpetrators to account and provide redress to victims, some obstacles may limit or prevent this. This section lists such examples.

Legal limitations on the liability of security sector personnel

In times of war or other public emergency threatening the life of the nation, states may derogate from *some* of their human rights obligations. For example both the International Covenant on Civil and Political Rights and the European Convention on Human Rights permit states to derogate from certain human rights obligations.²⁰

However, both these instruments circumscribe the extent of any derogation, and neither allow derogation in respect of the right to life (except under the ECHR for deaths resulting from lawful acts of war), the right to freedom of thought, conscience and religion, the prohibition of torture and the prohibition

²⁰ See chapter fourteen of this handbook for more guidance on operating in states of emergency.

of slavery. Some states may go further than this and seek to grant immunity against legal proceedings to security forces and government officials for all violations committed during a time of war or emergency. Another example may be national peace processes including instances of the transfer of political authority from a military to a civilian government, which provide for an amnesty or immunity from legal proceedings for military or government personnel in respect of any violations committed. Alternatively, states may have statutes of limitation which prevent legal actions being brought in respect of certain crimes (e.g. torture), after a certain amount of time has elapsed. Some states may permit armed forces personnel the defence of 'lawful superior orders' in criminal charges.

Weak judicial systems

Especially in post-conflict and transitional societies the judicial system may be too weak to handle cases against security sector personnel. Judges may not demonstrate sufficient independence and impartiality and may be under pressure not to try sensitive cases. Courts may lack resources, resulting in long delays in hearing cases. Prosecutors and police may lack the necessary resources to investigate cases against the security sector rigorously and in many cases may face deliberate political obstruction or intimidation. Where police officers are responsible for investigating alleged crimes, they may be reluctant to investigate fellow police officers. Prosecutors and police officers may be of the same ethnic group as the suspect or accused and may be reluctant – either out of sympathy or fear of retribution – to see them prosecuted. This may well be the case in those countries where the domestic prosecution of war crimes takes place. Victims may not have ready access to lawyers available to represent them. There may be few or no lawyers in their community or those that exist may not have the necessary expertise to challenge the state or may be unwilling to do so. Victims may also face financial constraints in bringing any civil actions especially if legal aid is not available or is limited.

Right of petition to international courts

Discussion of the right of individual petition to the Inter-American Commission on Human Rights and the European Court of Human Rights can be found in chapter 13 of this handbook.

An application to the European Court of Human Rights allows for the possibility of a third party intervention²¹ and this can be an opportunity for an NGO to assist the court by submitting comments on a particular case or, exceptionally, participating in a hearing before the Court.²²

²¹ ECHR Article 15(1), <http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/Basic+Texts/The+European+Convention+on+Human+Rights+and+its+Protocols>

²² ECHR Art.36(2); ECtHR Rule of Court, Rule 44.

The role of national human rights institutions

National human rights institutions (NHRIs), which exist in many countries, have the responsibility of investigating allegations of human rights violations and making recommendations for their resolution. NHRIs are known by different names in different countries, including Ombudsman or Ombudsperson institutions, the Public Defender (Georgia) and the Office of the Chancellor of Justice (Estonia), or they may be constituted as a human rights commission. The mandate of each NHRI will vary from country to country. In some countries the NHRI may have the authority to initiate investigations *ex officio* while in others an investigation must be based upon an individual complaint. Their mandate may include the power to investigate allegations of human rights violations committed by members of the armed forces, police and prison services. In other countries, this power may be granted to other bodies, as discussed in the following section.

In those countries where they have the mandate to do so, NHRIs can play an important role in overseeing the conduct of the security sector. However, it is important to appreciate that while NHRIs may be able to secure a relatively quick resolution of a problem, their role is always complementary to that of the courts. Where an issue is already the subject of legal proceedings, NHRIs will not intervene or not until the proceedings have concluded. Most crucially it is important to appreciate that in every case where NHRIs investigate complaints and find a human rights violation to have been committed, they can only make a recommendation to the state body concerned for its resolution. Unlike courts, NHRIs have no power to enforce their decisions: they are dependent upon state bodies respecting their role, appreciating the importance of human rights and being motivated to make amends. In those countries where the NHRIs are well-established, where there is a human rights culture and the notion of public accountability, the efforts of NHRIs are more likely to be successful.

Recommendations to NHRIs as to how they can strengthen their role in oversight of the security sector are given in Box 12.11.

Box 12.11 Improving oversight of the security sector: recommendations to ombuds institutions

- Ensure that national legislation creating *ombudsperson* institutions provides the powers necessary for the institution to function according to international norms. Advocate where necessary for amendments to national legislation to add missing powers needed to work with security sector institutions.
- Create an accessible mechanism in security institutions to facilitate easy filing of complaints by those detained against their will.
- Develop a set of priorities as a part of strategic planning under which limited resources are first allocated to investigate allegations of gross violations of human rights by security sector institutions. Give issues affecting life, health and safety the highest priority for investigation.

- Develop recommendations to security sector agencies to restore violated rights, where possible, and to provide reparation.
- Devote a section of the *ombudsperson* institution's annual report to describing and analysing the human rights situation relating to the security sector and the *ombudsperson* institution's activities in the security sector.
- Examine proposed legislation for the security sector to ensure that it is in harmony with national legislation creating the *ombudsperson* institution and that it observes international norms for the protection and promotion of human rights. Make recommendations to the government before legislation is introduced and to parliament after it is introduced where necessary to improve observance of human rights and the *ombudsperson* institution's powers.
- Create a programme to educate security sector personnel about the role, functions and powers of *ombudsperson* institution representatives.
- Cooperate with *ombudsperson* institutions in other countries on bilateral, regional and international bases to exchange information and good practices on the role of *ombudsperson* institutions in the security sector.

Source: UNDP/DCAF, *Monitoring and Investigating the Security Sector*, 2007, <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=27755&nav1=4>

Police complaints bodies

Some countries have dedicated bodies to investigate complaints against the security sector. The most common of these are independent Police Complaints Commissions (PCCs) which are independent bodies created to receive and investigate complaints against the police from victims of police abuse.

The investigations and findings of PCCs are always complementary to the jurisdiction of the courts and should not be intended to usurp the powers of the court. Their findings may be valuable in maintaining discipline and improving police practices, but they should not exclude the possibility of recourse to the courts to establish liability and remedies for violations. To make a formal police complaint requires an exercise of judgment. A complaint in advance of any legal proceedings arising out of the same incident may prejudice any prospect of success of those proceedings as, for example, it may give police officers advance notice of allegations and an opportunity to rehearse their version of events. Box 12.12 gives an example of the mandate of one police complaints body.

Box 12.12 The Independent Police Complaints Commission (IPCC) of England and Wales

The Independent Police Complaints Commission (IPCC) has overall responsibility for the system of complaints against the police in England and Wales. The IPCC is independent of the government and police. It has powers to initiate, carry out and oversee investigations into complaints or allegations of misconduct and is also responsible for monitoring the way complaints are handled by local police forces.

The IPCC differs from the previous Police Complaints Authority in its independence and its powers to run, manage and supervise investigations. The IPCC's eighteen independent commissioners cannot, by law, have worked for a police force. IPCC investigators also have greater powers of investigation and rights of access to police premises, documents and information. A person making a complaint can appeal to the IPCC if they feel they have not been given sufficient information by the police or if they are unhappy with the outcome of an investigation by the police.

Advantages

- it is independent of the police and government;
- people other than victims can make a complaint;
- there is no charge to complainants.

Disadvantages

- the new complaints system cannot be used for complaints made before 1st April 2004 or for complaints that were dealt with previously under the old Police Complaints Authority procedure. However, the new complaints system can be used for complaints made after 1st April 2004 about an incident which occurred before 1st April 2004.

Which complaints are eligible?

Under the new complaints system, the IPCC can deal with complaints relating to any police officer (irrespective of rank) or police staff member, including:

- special constables;
- police support staff;
- community support officers;
- contracted escort and detention officers.

Complaints include, but are not restricted to the following:

- misconduct;
- discrimination or mistreatment;
- rudeness (incivility);
- fraud or criminal activity.

Unlike the former Police Complaints Authority, the IPCC can 'call in' and investigate a case whether or not an actual complaint has been raised. Regulations set out incidents that the police must refer to the IPCC, even if no complaint has been made, such as:

- deaths following police contact;
- fatal road accidents involving a police vehicle;
- any incident where a member of the public has sustained serious injury;
- use of a firearm by an officer on duty;
- allegations of aggravated discriminatory behaviour;
- allegations that an officer has committed a serious prosecutable offence while on duty.

The IPCC also has an important role in overseeing the way that local police forces handle complaints – this is its 'guardianship' role. The IPCC can also consider appeals against an action the police propose to take as a result of the investigation or appeals about the complaints process, such as if the police:

- decide not to record a complaint;
- fail to decide whether or not to record a complaint;
- fail to inform the complainant;
- do not follow the proper procedures under the local resolution process;
- do not give adequate information about the findings of the investigations.

People other than victims can make a complaint. Anybody who has been 'adversely affected' by the incident – which would include a witness, friend or relative – can make a complaint.

Source: <http://www.ipcc.gov.uk>

Commissions of inquiry

States may establish commissions of inquiry to inquire into violations of human rights. However, their effectiveness in dealing with violations may be limited. Before cooperating with any commission CSOs need to consider the terms of reference of any commission including the period of time under examination for the commission of any offences, the composition of the commission, the powers of the commission to call witness, whether the hearings will be in public and whether any findings are intended to exclude the possibility of legal proceedings against individuals responsible for human rights violations. A commission may make recommendations including those to prosecute individuals, but they will remain recommendations and are not binding upon the government.

What you can do as a CSO

Monitor human rights violations

- ✓ Monitor and document individual cases of human rights violations and where appropriate share details with prosecuting authorities
- ✓ Make Third Party interventions before the European Court of Human Rights and the UN Human Rights Treaty Bodies
- ✓ Refer cases to NHRIs and assist NHRIs in investigating allegations by providing background information and information specific to case in question
- ✓ Where it is permissible to do and where appropriate, act as *amicus curiae* in civil actions to provide background information

Provide legal assistance to individuals

- ✓ Run legal clinics where capacity and circumstances permit
- ✓ Provide legal advice and assistance to victims (where appropriate according to the skills and mandate of the organization in question)
- ✓ Assist in locating witnesses
- ✓ Provide psychological and moral support to victims and witnesses
- ✓ Where suitably qualified, appear as an expert witness in legal proceedings
- ✓ Offer moral and psychological assistance to the victims of human rights violations

Lobby for legal reform

- ✓ Advocate for the creation of a legal framework for democratic security sector governance
- ✓ Advocate for the introduction of operational policies and practices in accordance with international standards and monitor their implementation
- ✓ Advocate for the inclusion of gender perspectives in security sector oversight, police and practices
- ✓ Advocate for measures to strengthen the independence of the judiciary
- ✓ Participate in consultative processes which have the objective of achieving reforms to the law, policies and practice
- ✓ Participate in National Referral Mechanisms under OP-CAT
- ✓ Publicize issues of concern in the field of security sector oversight and operations

13

Amrei Müller

Forging Alliances with the International Community

As has been stated in many of the previous chapters, partnerships are a key to success for CSO's looking to increase the transparency and accountability of the security sector. There are different types of partnerships which serve different purposes: a partnership with another CSO working in the same region or on related issues can help to build momentum for reform; partnerships with the media can significantly increase public knowledge on a particular issue; partnerships with parliament can help ensure that the relevant parliamentary committees take their oversight function seriously; partnerships with the government can help to influence official policy. Building partnerships beyond national boundaries and becoming active at the international level is a particularly powerful strategy in today's globalized world. Combining pressure from below with pressure from above, CSOs can increase their influence and negotiation power in a national context.

CSOs involved in security sector oversight and reform should strive to build partnerships and forge alliances with international actors because such partnerships can add to the legitimacy of CSO demands and can thereby increase the impact of their activities. Such partnerships may also help CSOs develop their substantive policies, as sharing and discussing experiences with others is a good way to identify what works well and what does not. In addition to giving weight to CSO positions and a framework for action and policy development, partnerships with international organizations may also offer some protection. Depending on the political environment in which CSOs operate, involvement in activities that seek to promote democratic oversight of the security sector can expose CSOs and their staff to different forms of harassment; partnerships can diffuse such risks through 'burden-sharing'.

Partnering with the UN human rights system

The UN treaty body system

As has been elaborated in chapters 11 and 14 of this handbook, each state has ratified at least one international human rights treaty.¹ Frequently, the implementation of international human rights treaties will promote the democratic oversight of the security sector. These human rights treaties include the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT) and its Optional Protocol (OP-CAT), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention on the Elimination of all Forms of Racial Discrimination (ICERD) and the Convention on the Rights of the Child (CRC).

Under each international human rights treaty, an expert committee has been established to monitor its implementation.² States that have ratified the relevant treaties are obliged to periodically report to these Committees on their efforts to implement the rights contained in these treaties.³ Reports must include information on the legal, administrative, judicial and policy-related measures taken to implement a particular treaty, and on the difficulties encountered during this process.⁴ After the Committees receive the written state reports, they meet with representatives of the States Parties to review and discuss the reports. The Committees then issue their Concluding Observations which include recommendations to the states on how to improve their implementation of the respective treaties.⁵

All Committees have established mechanisms through which they can receive alternative information from other UN agencies, NGOs, academic institutions, the press and other actors of civil society to assuage excessive reliance on state reports to judge the implementation of treaties. CSOs that possess expert knowledge on the violation of human rights within or by security sector agencies can send this information to the Office of the UN High Commissioner for Human Rights (OHCHR) that acts as a secretariat for the eight currently existing UN human rights treaty bodies.⁶ Treaty body members then have the oppor-

1 There are eight universal human rights treaties in force today, including their Optional Protocols: the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention Against Torture and its Optional Protocol; the Convention on the Elimination of all Forms of Discrimination against Women; the Convention on the Rights of the Child and its two Optional Protocols; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities and its Optional Protocol. All these treaties can be accessed at the website of the UN High Commissioner for Human Rights at <http://www2.ohchr.org/english/law/index.htm>

2 For more information on the functioning of the UN treaty body system see the website of the UN treaty bodies at <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

3 For more information on states' reporting obligations and the treaty body system in general see OHCHR Factsheet No.30, available at <http://www2.ohchr.org/english/bodies/docs/OHCHR-FactSheet30.pdf>

4 When writing their reports, states are expected to follow the reporting guidelines that are issued by all treaty bodies. Treaty bodies regularly revise their guidelines. For a recent compilation of reporting guidelines see: *Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to International Human Rights Treaties*, UN Doc. HRI/GEN/2/Rev.4, 21 May 2007.

5 Concluding Observations on reports of all states that participate in the reporting process can be found on the Treaty Bodies Database through the website of the OHCHR: <http://tb.ohchr.org/default.aspx>

6 To name only the most important Committees with regard to the security sector: the Human Rights Committee monitors the implementation of the ICCPR; the Committee Against Torture monitors the implementation of CAT; and the Committee on the Elimination of All Forms of Discrimination Against Women monitors the implementation of CEDAW.

tunity to ask the state delegations questions based on this alternative information provided by CSOs and the recommendations of the treaty bodies to the states parties can be informed by alternative information from CSOs. Thus, CSOs' demands with regard to security policies in their countries can gain international recognition which in turn can foster efforts to promote the democratization of the security sector.

When CSOs consider sending alternative information to relevant treaty bodies, they should make sure that this information relates to specific rights set out in a particular treaty.⁷ Information sent by them will therefore depend on their area of expertise. Regarding any issue related to the security sector, information of CSOs will be most useful for UN treaty bodies when it reviews policies, practices and laws of the security sector in respect of their compliance with the standards and principles of the treaty. Moreover, CSOs should ensure that their information is true and as concise as possible. CSOs can, of course also include recommendations on how security policies could be improved and brought into conformity with international human rights standards in a particular country. The clearer and more concise the information given by CSOs is, the better treaty body members can hold the state parties' delegation accountable for alleged violations and security policies that run counter to universally-accepted human right principles during the session and in their Concluding Observations.⁸

Box 13.1 Alternative report of the Georgian NGO 'Human Rights Information and Documentation Centre' to the UN Human Rights Committee

In 2007, a Georgian NGO successfully drew the Human Rights Committee's attention to the excessive use of force by law enforcement officials that runs counter to Articles 6 and 9 of the ICCPR.

During its 91st session, the Human Rights Committee considered the Report of Georgia. The Georgian NGO "Human Rights Information and Documentation Centre" sent an alternative report on the situations of human rights in Georgia which included, *inter alia*, detailed information on the excessive use of force by law enforcement officials, especially during 'special operations' and in prisons.

The Concluding Observations adopted by the Human Rights Committee urge the Georgian government to "take firm measures to eradicate all forms of excessive use of force by the law enforcement officials." It also spells out particular steps the government should take towards this end.

Sources: The alternative report of the Human Rights Information and Documentation Centre can be accessed at <http://www2.ohchr.org/english/bodies/hrc/docs/ngos/hridcgeorgia.pdf>. The Concluding Observations of the Human Rights Committee on Georgia can be found at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/20/PDF/G0745320.pdf?OpenElement>

⁷ Usually, it will be helpful for CSOs that wish to submit alternative information to UN treaty bodies to familiarize themselves with the reporting guidelines of the committees; see: *Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to International Human Rights Treaties*, UN Doc. HRI/GEN/2/Rev.4, 21 May 2007.

⁸ For further information on how to send reports to UN human rights treaty bodies, CSOs can visit the OHCHR website at www.ohchr.org, or see Bayefsky, Anne F, *How to Complain to the UN Human Rights Treaty System*, Martinus Nijhoff Publishers, The Hague, 2002.

If CSOs have sufficient resources, they can also travel to Geneva when the report of their state is examined and become involved in the Committees' sessions. Any CSO can attend sessions of the Committees as an observer.⁹ They can also have a more active role by meeting with members of the treaty bodies. Treaty bodies give CSOs time during their sessions or during meetings of their pre-sessional working groups where they have the opportunity to make short oral presentations.¹⁰ CSOs specialized in human rights questions related to the security sector can participate in these meetings, present their opinion and propose solutions to committee members.¹¹ Several treaty body members also meet CSOs for informal lunchtime or breakfast briefings.

CSOs engaged in activities related to the democratization of the security sector can also use relevant parts of the Concluding Observations issued by the committees as a basis for their own work. They can, for example, use them in their advocacy campaigns or build a dialogue on security policies with governments around these recommendations. The fact that Concluding Observations are issued by a body of internationally recognized experts gives CSOs' activities further authority and can thereby increase their impact.

CSOs can also monitor how states implement the treaty bodies' recommendations that relate to security policies and laws, and can report on their implementation (or non-implementation) back to the Committees. Committees may then contact the respective government in the process of their routine follow-up activities to Concluding Observations, or raise the issue when the next periodic report is discussed.

Inquiry procedures of UN human rights treaty bodies

The Committee against Torture and the Committee on the Elimination of All Forms of Discrimination Against Women may conduct special inquiries when they receive reliable information of systematic violations of rights set forth in CAT or CEDAW. The Committees usually receive such information from CSOs. On the basis of this information, and with the consent of the respective state party, the committees can appoint one or more of their members to make a confidential inquiry.¹² The outcome of an inquiry is reported back to the committee for examination. The committee develops confidential comments and recommendations which are transmitted to the state party.¹³ These recommendations are usually very detailed and respond to specific but systematic violation of human rights in a particular country, including those committed by security sector agencies. Their implementation is therefore an excellent tool to, *inter alia*, promote the democratization of the security sector.

9 CSOs that wish to attend treaty body sessions as observers should request accreditation from the secretariat of the relevant Committee by contacting the secretariat at the aforementioned address.

10 Most treaty bodies established pre-sessional working groups during which members of the committees discuss what questions should be raised during the session with a particular state.

11 For a constantly updated timetable of the meetings of the Committees see the website of the OHCHR at <http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx>

12 Art. 8 OP-CEDAW; Art. 20 (3) CAT; and CAT (2002): Rules of Procedure of the Committee against Torture. UN Doc. CAT/C/3/Rev.4, 9 August 2002, rule 80.

13 The whole procedure is confidential. But recommendations can be made public with the consent of the state party.

Box 13.2 The Mexican NGO ‘Human Rights Centre Agustin Pro-Juarez’ successfully urges the Committee against Torture to initiate an inquiry into alleged systematic practice of torture in Mexico

In 1998, the NGO “Human Rights Centre Miguel Agustin Pro-Juarez” (PRODH) based in Mexico City sent a detailed report “Torture: Institutionalised Violence in Mexico, April 1997 – September 1998,” to the Committee Against Torture. In this report, the PRODH gave evidence that torture is systematically practised in Mexico, and asked the Committee to conduct an inquiry. The Committee found this information reliable and initiated an inquiry procedure under Article 20 of the Convention Against Torture. With the agreement of the Government of Mexico, two members of the Committee Against Torture carried out a country visit to Mexico in August and September 2001.

During their visit to Mexico, the two Committee members met extensively with CSOs. In their discussion with the Committee members, PRODH was able to provide them with information relating to factors indicating that torture is systematically practised in Mexico. Such information included: information on impunity of police officers who practise torture, evidence obtained by torture in criminal proceedings, evidence of inadequately trained police officers and members of the army and information on the lack of independence of medical experts of the Public Prosecutor’s Office. The information provided by the CSO was complemented by and compared to information given by Mexico’s National and District Human Rights Commissions, testimonies of alleged victims and their relatives, and governmental authorities.

Information given by PRODH contributed greatly to the recommendations that the Committee issued to the Mexican government following its country visit. In its response to the Committee’s recommendations, the Mexican government set out how it planned to give effect to the recommendations. Among other things, the government indicated that it had requested the NGO “Physicians for Human Rights” to train medical experts from the Office of the Attorney-General on how to recognize and document torture.

Source: Committee Against Torture, Report on Mexico produced by the Committee under Art. 20 of the Convention, and Reply from the Government of Mexico. UN Doc. CAT/C/75, 2003, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G03/421/02/PDF/G0342102.pdf?OpenElement>

As the example given in Box 13.2 illustrates, CSOs involved in human rights issues related to the security sector can successfully cooperate with international procedures to promote the democratization of the sector. They can send relevant information to the Committees that might lead to the initiation of an inquiry. If an inquiry is conducted, CSOs can meet with Committee members during their country visit. CSOs should, however, have in mind that inquiries under the Convention Against Torture can only be initiated when there is “reliable information” which appears “to contain well-founded indications that tor-

ture is being systematically practised in the territory of a state party".¹⁴ An inquiry is, accordingly, only generated if systematic torture is alleged, but not for practices of other cruel, inhuman or degrading treatment or punishment.

The UN Human Rights Council

The UN Human Rights Council, the successor of the UN Commission on Human Rights, is the intergovernmental UN body with the mandate to promote universal respect for the protection of all human rights and fundamental freedoms. The Human Rights Council can also address situations of violations of human rights, including gross and systematic violations, and can make recommendations thereon.¹⁵

Many of the topics discussed during the sessions of the Human Rights Council are related to security sector oversight and the democratization of security policies. To name but a few, the Human Rights Council regularly addresses issues such as extrajudicial, summary or arbitrary executions; the promotion and protection of human rights and fundamental freedoms while countering terrorism; transitional justice; and enforced or involuntary disappearances, and adopts resolutions and decisions thereon during its three regular sessions per year.¹⁶ The Council also adopts resolutions and decisions concerning individual countries with questionable human rights records and can hold special sessions when needed at the request of a member of the Council.¹⁷ Recently, the Human Rights Council adopted detailed modalities regarding the Universal Periodic Review which it carried out for the first time in its first session in April 2008.¹⁸ Under this mechanism, the Council will review the fulfilment of human rights obligations by each state based on information submitted by relevant states, the OHCHR, National Human Rights Institutions, NGOs and other civil society actors.

CSOs involved in issues related to security sector oversight can become involved in either the regular or special sessions of the Human Rights Council and can send information regarding human rights conformity of security policies of a specific country which is under the Council's Universal Periodic Review mechanism. Either way, CSOs can make human rights violations committed by security sector agencies public to the international community. This may increase the pressure on states to advance the democ-

14 Art. 20 (1) CAT. In its conclusions to its first inquiry procedure, the CAT clarified what constitutes systematic practices of torture within a state party. See CAT (2003): Annual Report of the Committee against Torture. Official Records of the General Assembly, 58th Session, Supplement No. 44, Add.1, UN Doc. A/58/44/Add.1, 2003, para. 39.

15 For the complete mandate of the UN Human Rights Council see General Assembly Resolution 60/251 of 3 April 2006 establishing the Human Rights Council. It is available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf

16 For the recent agenda of the sixth session of Human Rights Council see <http://www2.ohchr.org/english/bodies/hrcouncil/6session/index.htm>

17 To do so, it must have the support of one third of the members of the Council. See paragraph 10 of General Assembly Resolution 60/251 establishing the Human Rights Council.

18 See Resolution 5/1 of the Human Rights Council for more details on these modalities, available at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc

ratization of the security sector. However, unlike for participation in the treaty body process, CSOs need to obtain a consultative status with the Economic and Social Council (ECOSOC) before they can participate in the regular sessions or the Universal Periodic Review mechanism of the Human Rights Council.¹⁹

Regular sessions of the Human Rights Council

NGOs with consultative status with ECOSOC are able to submit written statements relevant to the work of the Human Rights Council, in accordance with ECOSOC resolution 1996/31.²⁰ The website of the Human Rights Council contains guidelines for NGOs that wish to submit written statements.²¹ The Secretariat will circulate submissions to all participants of the session. This way, CSOs' statements may inform the discussion of the Human Rights Council on specific issues, and may even find a place in the Council's resolutions or decisions. This can support CSOs' efforts to bring an end to human rights violations by security sector agencies and to further the democratization of the sector.

NGOs in consultative status with ECOSOC can also accredit representatives of their organization for regular sessions of the Human Rights Council. For that purpose, they have to send a letter requesting accreditation to the Human Rights Council's Secretariat, containing information specified on the Human Rights Council's website for NGOs.²² During the sessions, accredited NGOs can deliver oral statements, organize parallel events, have informal discussions with state representatives and be involved in drafting resolutions. This is an excellent opportunity for CSOs engaged in security sector oversight to raise their concerns in an international forum. Moreover, the presence of a large number of CSOs and other actors at the sessions of the Human Rights Council offers wide networking opportunities with like-minded CSOs, independent experts and government officials from other countries.

Participation in the Universal Periodic Review mechanism

The Universal Periodic Review (UPR) that has just been established under the Human Rights Council can also become an effective mechanism for CSOs to make public their concerns about security policies within their country once this mechanism comes into operation. It is planned to give CSOs the opportunity to submit information on the country under review. To this end, the Human Rights Council recently adopted guidelines in a preliminary note for NGOs regarding the UPR mechanism which can be found on the Council's website.²³

¹⁹ The website of the UN Department for Economic and Social Affairs explains how CSOs can obtain consultative status with ECOSOC, see <http://www.un.org/esa/coordination/ngo/>

²⁰ This resolution sets out the principles that underlie the cooperation between the Human Rights Council and NGOs. ECOSOC Resolution 1996/31 is available at: <http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm> ; guidelines for written submissions can be accessed at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/6session/hrc6guidelinesngo.doc>

²¹ Guidelines can be accessed at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/6session/hrc6guidelinesngo.doc>

²² <http://www2.ohchr.org/english/bodies/hrcouncil/ngo.htm>

²³ The note can be accessed at http://www2.ohchr.org/english/bodies/hrcouncil/upr/noteNGO_041007.htm

The note also contains valuable background information about the objectives of the UPR mechanism. Moreover, the Human Rights Council's website on the Universal Periodic Review shows an e-mail address to which the information can be sent.²⁴ It is planned that CSOs will be able to attend the Universal Periodic Review procedure, which will be conducted by a working group of the Human Rights Council. CSOs shall also have the opportunity to give oral statements during the meeting of the working group. CSOs that wish to become involved in this procedure are strongly advised to regularly consult the Human Rights Council's website, since the procedure has just been established and mechanisms can still be changed.

CSO cooperation with Special Procedures to the Human Rights Council

CSOs that promote the democratization of their national security sector can also find strong allies in the Special Procedures to the Human Rights Council. Special procedures were originally established by the Commission on Human Rights, the Human Rights Council's predecessor, and usually have a mandate to examine, monitor, advise about and publicly report on a thematic issue in the specific human rights situation in a particular country.²⁵ The work of the Special Procedures enumerated in Box 13.3 can be particularly relevant for questions related to security sector oversight and reform. More details on their mandates can be found through the links provided.

Box 13.3 Special Procedures of the Human Rights Council with which CSOs engaged in security sector oversight can build effective partnerships

Special Procedures with thematic mandates

Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism:

<http://www2.ohchr.org/english/issues/terrorism/rapporteur/srchr.htm>

Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:

<http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm>

Working Group on Arbitrary Detentions: <http://www2.ohchr.org/english/issues/detention/index.htm>

Working Group on Enforced or Involuntary Disappearances: <http://www2.ohchr.org/english/issues/disappear/index.htm>

²⁴ Currently (November 2008), this e-mail address is: civilsocietyunit@ohchr.org – but see the website for updates: <http://www2.ohchr.org/english/bodies/hrcouncil/upr/index.htm>

²⁵ Special procedures include special rapporteurs, representative, special representatives, independent experts and working groups.

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions:
<http://www2.ohchr.org/english/issues/executions/index.htm>

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:
<http://www2.ohchr.org/english/issues/opinion/index.htm>

Special Procedures with country mandates

A list of Special Procedures holding country mandates can be found at
<http://www2.ohchr.org/english/bodies/chr/special/countries.htm>

There are several ways in which Special Procedures fulfil their mandate. They can send communications on individual cases to governments; carry out country visits; publish reports or thematic studies and issue press releases. With these activities, they can raise awareness and make human rights violations public, including violations committed by security sector agencies. Special procedures also develop operational guidelines that can be used by CSOs working with security sector agencies. For example, the Special Rapporteur on Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment issued general recommendations which might be used for CSOs engaged in delivering training to personnel working in prisons and other detention centres. The recommendations expressly mention that independent non-governmental organizations should be given full access to “all places of detention, including police lock-ups, pre-trial detention centres, security service premises, administrative detention areas, detention units of medical and psychiatric institutions and prisons, with a view to monitoring the treatment of persons and their conditions of detention.”²⁶

Communications

When Special Procedures receive reliable information on individual cases of alleged violations of human rights, they can contact the government concerned through OHCHR, asking for clarification and comments on the allegations, as well as taking preventive or investigatory measures. CSOs working on security-related issues often possess such well documented information on alleged human rights violations, and can forward it to Special Procedures mandate-holders.²⁷ The efforts undertaken by the Special Procedures mandate-holders might then contribute to putting an end to human rights abuses committed by security sector agencies in an individual case. They will contact the authorities of the state concerned di-

²⁶ See the website of the Special Rapporteur on Torture for his recommendations at <http://www2.ohchr.org/english/issues/docs/recommendations.doc>

²⁷ It should be noted, however, that not all special procedures have a mandate to receive information on individual cases. This can be checked on the websites mentioned in Box 13.3 above.

rectly, and report the case and the responses received in their annual reports or in press releases. The websites of the Special Procedures contain model forms that provide guidance to NGOs when they wish to send communications to a Special Procedures mandate-holder.²⁸

Country visits

A Special Procedures mandate-holder can request authorities of a country to approve a country visit by Special Rapporteurs. When such approval is given, special procedures mandate-holders can carry out country visits in order to investigate the situation of human rights within their mandate at the national level. CSOs can suggest visits to mandate-holders and make them aware of particular problems.

CSOs working on issues related to the security sector can also submit information on matters of concern to a Special Procedures mandate-holder before the visit takes place so that these matters can be raised by the mandate-holder during their meetings with local, regional and national authorities. CSOs can also meet with mandate-holders during their country visits (or in a third country should such opportunity arise) and discuss matters of concern with them. Such discussions may be reflected upon in reports on the country visits which are usually issued by mandate-holders shortly after a country visit has taken place. This is a good way for CSOs to make certain human rights violations committed by security sector agencies public, and get international experts to issue recommendations to the government on how to stop and redress the alleged violations. Once the mandate-holder has issued his or her report and recommendations, CSOs can also follow up the implementation of recommendations at the national level.

Reports, thematic studies and press releases

Special Procedures mandate-holders regularly issue reports on their activities or prepare thematic studies on particular questions related to their mandates. Sometimes they also issue press releases on certain issues or on a specific situation and the international norms that must be respected by relevant actors in this specific situation.

CSOs working on security related issues might possess information relevant for thematic studies or other reports, and may wish to forward it to relevant mandate-holders to make it public or to share it with like-minded CSOs from other countries. They may also suggest that mandate-holders issue press releases on matters related to security sector oversight in their countries.

²⁸ These can be accessed at: <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

International Criminal Court

The International Criminal Court (ICC) was established by the Rome Statute and entered into force on 1 July 2002. Currently, 104 countries²⁹ have signed and ratified the Statute. Although the court is not an organ of the United Nations, it maintains a cooperative relationship with it. The court is a last resort for bringing justice to victims of genocide, crimes against humanity and war crimes; it exercises jurisdiction over individuals accused of being directly responsible for or assisting those responsible in such crimes, including military commanders and other superiors.³⁰ Due to its complementary role to national judicial systems, the Court's statute deems a case inadmissible where it is already being investigated or prosecuted by a national government.

Individuals and non-governmental organizations are able to access the court through the Office of the Prosecutor, whose mandate is to conduct investigations and prosecutions of individuals involved in war crimes, genocide and crimes against humanity.³¹ The Prosecutor may start an investigation upon receiving referrals from either a State Party or the UN Security Council, and also from information received by individuals or non-governmental organizations – provided the information is relevant to crimes within the jurisdiction of the court.³²

After conducting a preliminary examination of the information received, the Prosecutor may request the Pre-Trial Chamber to authorize an investigation should he or she decide that there is a reasonable basis to proceed with an investigation. The investigation covers both incriminating and exonerating evidence to establish the truth. The Pre-Trial Chamber will thus carry out the judicial aspects of the proceedings, such as issuing arrest warrants or summons. The actual proceedings are carried out by the Trial Chamber, which finally issues its decision of acquittal or conviction of the individual being tried. The Trial Chamber may also order reparations to victims, who may also participate directly or through legal representation in proceedings.³³

Partnering with international NGOs and networks

While the collaboration with inter-governmental organizations presents many opportunities for CSOs working on security sector oversight, it is equally important to develop partnerships with other CSOs active at the international level.

29 <http://www.icc-cpi.int/statesparties.html>

30 See Article 7 of the Rome Statute, http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_English.pdf

31 <http://www.icc-cpi.int/about/ataglance/structure.html>

32 Ibid.

33 <http://www.icc-cpi.int/about/ataglance/works.html>

Particularly important platforms for such collaboration are campaigns. Campaigns seek to mobilize public support with the aim of prompting social change. Campaigns may seek various objectives pursuant to local, national, regional and international concerns. With regard to security sector governance campaigns, organizations deploy actions that can draw the attention of a wide range of actors – local authorities, governments, media, and the international community – who are linked with decision-making. Campaigns often climax in a momentum that requires states to take action on pertinent issues and, where applicable, to introduce new legal instruments. The establishment of the ICC for example was greatly supported by the Coalition for the ICC, which started in 1995 as a small group of NGOs that decided to coordinate efforts in support of its establishment. The Coalition for the ICC has grown to include more than 2,000 member organizations who have worked together through all stages of the process, from the Preparatory Committee to the Rome Conference, from the UN Preparatory Commission for the ICC, to the Assembly of States Parties (see <http://www.iccnw.org>). Similarly, the International Campaign to Ban Landmines was instrumental for paving the way for the Ottawa Treaty (see <http://www.icbl.org>) and the Coalition to Stop the Use of Child Soldiers supported the negotiation, adoption and entry into force of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (see <http://www.child-soldiers.org>).

Being a member of an international campaign usually entails a lot of work. At the same time, it constitutes a good starting point for exchanging knowledge and experience on a particular issue. The partnership should therefore be based on a win-win spirit. International non-governmental organizations can often help local CSOs to develop their capacity, both in substantive and in managerial terms. This is crucial especially in states where civil society is still weak. Local CSOs should thus use their contacts with international CSOs to discuss what kind of support can be granted to them – as part of a campaign or even outside it.

Box 13.4 The Control Arms campaign

Control Arms is a campaign jointly run by Amnesty International, IANSA and Oxfam. The campaign focuses on the international trade in arms.

Today, there are more than 600 million small arms and light weapons around the world. The weapons and arms trade have contributed to innumerable violent conflicts, crimes, domestic abuse and violence along with state repression around the globe. If a strict control is not put in place, these weapons can fuel new conflicts which result in human rights abuses and will cost human lives. It is not just unlawful killings during wartime that is on the increase; military and security equipment is being misused by soldiers, paramilitaries and police to kill, wound, and commit atrocities against civilians during peacetime too.

The global misuse of arms has reached a crisis point. In a speech delivered in 2002, former UN Secretary-General Kofi Annan said: “the excessive accumulation and illicit trade of small arms is threatening international peace and security, dashing hopes for social and economic development, and jeopardising prospects for democracy and human rights.”

For many years, the campaign sought for tougher arms controls by drawing the attention of governments, as they are responsible for the security of their citizens and the protection of human rights, to take action to stop the spread of (illicit) arms. The Control Arms campaign calls for an international, legally-binding Arms Trade Treaty to ease the suffering caused by irresponsible weapons transfers. Such a treaty is sought to be a legal instrument that would prohibit arms from being exported to destinations where they are likely to be used to commit grave human rights violations. Such a treaty would require countries to comply with international human rights and humanitarian law standards when authorizing weapons transfers.

After almost five years of efforts by campaigners all around the world, Control Arms has gathered the support of over one million people worldwide. The campaign claimed major success in December 2006 when governments voted at the United Nations in favour of a resolution to start work on developing an international Arms Trade Treaty.

Source: <http://www.controlarms.org/>

Partnering with regional organizations

CSOs involved in security sector reform can also find strong allies at the regional level. This section reviews possible cooperation between CSOs and regional organizations, such as the Council of Europe, the OSCE, the EU, the Organization of American States and the African Union.

Europe

The Council of Europe

Shortly after its establishment in 1949, the Council of Europe started to cooperate with international NGOs, by providing them with the opportunity to acquire participatory status.³⁴ Only international NGOs from the member states of the Council of Europe are eligible to apply for participatory status. Once they

³⁴ For information on how to acquire participatory status with the CoE see the following website: http://www.coe.int/T/E/NGO/public/Participatory_status/Application_form/Applying.asp

have acquired this status, CSOs can interact in various ways with the different organs of the Council of Europe, such as the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities, but also with the European Court of Human Rights.

Modes of cooperation include:

- International CSOs can bring their views on specific issues to the attention of the Parliamentary Assembly, usually by delivering oral or written statements at the various Committees of the Parliamentary Assembly. Cooperation with the Legal Affairs and Human Rights Committee and the Committee of Political Affairs may be most relevant for international CSOs involved in security sector oversight. CSOs can also submit information to individual parliamentarians. The Parliamentary Assembly also regularly requests advice of international CSOs;
- At the European Court of Human Rights, CSOs can give advice or even legally represent individuals whose rights under the European Convention on Human Rights have been violated by security sector agencies. Sometimes, international CSOs can be invited to provide information to the Court which contributes to the analysis of issues raised;
- CSOs can send information to the European Committee for the Prevention of Torture, especially when the Committee plans to conduct country visits. Information about conditions of detention in a particular country is welcomed by the Committee;³⁵
- CSOs have been involved in the preparation and drawing up of many of the Council of Europe's conventions and charters, such as the European Convention for the Prevention of Torture, and more recently the Recommendation to member states on the legal status of non-governmental organizations in Europe which was adopted by the Committee of Ministers in October 2007. These Conventions relate to security policies directly or indirectly;
- CSOs participate actively in major conferences, colloquies and seminars organized by the Council of Europe.

The Council of Europe has established a permanent structure of cooperation with international CSOs that have acquired participatory status. All CSOs can attend the Annual Plenary Conference of NGOs which decides on the general line of action for the coming year. CSOs involved in security sector oversight can try to bring their issues of concern on to the agenda when participating in these conferences.³⁶

International CSOs with participatory status are further organized in several groupings, such as the grouping on human rights, on gender equality, on health and on extreme poverty and social cohesion. CSOs with shared interests and expert knowledge who wish to synergize their ideas and energies find themselves in these groupings. The groupings also develop closer ties with various bodies of the Coun-

³⁵ For more information on the European Committee for the Prevention of Torture see the website of the Committee: <http://www.cpt.coe.int/en/default.htm>
³⁶ See http://www.coe.int/T/E/NGO/public/INGO_Conference/ for more information on the Annual Plenary Conference of NGOs.

cil of Europe whose work is most related to their area of concern and expertise. CSOs involved in security related issues are most likely to find strong allies in the Human Rights Grouping. The Human Rights Grouping has adopted resolutions on security sector-relevant topics such as the status of conscientious objectors and the freedom of association for members of the armed forces, as well as on particular countries such as the situation in Chechnya or Kosovo.³⁷

Box 13.5 The Human Rights Grouping calls upon the Committee of Ministers to incorporate the right to conscientious objection to military service in the European Convention on Human Rights by means of an additional protocol

In 2001, the Human Rights Grouping of international NGOs with participatory status at the Council of Europe adopted a resolution on conscientious objection in which it requested:

- Member states of the Council of Europe to incorporate the right to conscientious objection to compulsory military service in their legislation in accordance with Recommendations of the Parliamentary Assembly and the Committee of Ministers and to grant amnesty to conscientious objectors who are imprisoned or persecuted;
- The Committee of Ministers to incorporate the right to conscientious objection in the European Convention on Human Rights through an additional Protocol as has been requested by the Parliamentary Assembly before, and to support NGOs in their efforts to promote the full recognition of the right to conscientious objection in the Council of Europe's member States.

Even though the Committee of Ministers did not follow the Human Rights Grouping's request to incorporate the right to conscientious objection to military service in the European Convention on Human Rights by means of an additional protocol, the attention given to this topic rose enormously. The Directorate General of Human Rights of the Council of Europe published a brochure called *Conscientious objection to compulsory military service* to raise public awareness of the problems faced by conscientious objectors in many countries. The brochure also sets out the principles of the Council of Europe for securing the rights of conscientious objectors, and calls upon national authorities to collaborate with NGOs in protecting the right to conscientious objection.³⁸

Source: Reports of the Human Rights Grouping on their meetings in 2001–2003, especially the meetings on 21 June 2001, 25 September 2001 and 1 April 2003. Reports are accessible at http://www.coe.int/T/E/NGO/public/Groupings/Human_rights/index.asp

³⁷ See http://www.coe.int/T/E/NGO/public/Groupings/Human_rights/index.asp#TopOfPage for more information on the Human Rights Grouping.

³⁸ The text of the brochure can be downloaded from the following address: www.coe.int/T/E/NGO/public/Groupings/Human_rights/objcone.pdf

For information on forms of further collaboration of the various bodies of the Council of Europe and international CSOs involved in security sector-related activities CSOs should visit the Council of Europe's website for NGOs: <http://www.coe.int/T/E/NGO/public/> or contact the Council of Europe at the following address:

Council of Europe
NGOs Unit
Directorate General of Political Affairs
F – 67075 STRASBOURG cedex
Fax: +33 3 90 21 47 66

Organization for Security and Co-operation in Europe (OSCE)

Since its beginnings as the Conference on Security and Co-operation in Europe in the early 1970s, security has had three facets for the OSCE: a politico-military dimension, an economic and environmental dimension and a human dimension. The politico-military dimension aims at enhancing military security by promoting greater openness, transparency and cooperation in military issues among member states.³⁹ The Forum for Security Co-operation in Vienna is the main OSCE body dealing with the politico-military dimension. The human dimension describes the (political) obligation of member states of the OSCE to ensure human rights and fundamental freedoms, the rule of law and principles of democracy.⁴⁰ The main body responsible for the human dimension is the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.

CSOs involved in security sector oversight can build partnerships with the OSCE under either of these dimensions (see Box 13.6).

Box 13.6 CSOs' partnerships with OSCE's activities under the politico-military and human dimension

CSOs participated in the OSCE's project "Citizens in uniform: protecting human rights in the armed forces" in September 2006. The conference held by OSCE and DCAF discussed ways of protecting human rights of members of the armed forces in peacetime and during armed conflict, based on the idea that when human rights of members of armed forces are protected in their own national armed forces, they are more apt to respect human rights of other soldiers and civilians. See <http://www.osce.org/item/20641.html>

³⁹ For more on the politico-military dimension, see <http://www.osce.org/activities/18803.html>

⁴⁰ For more on the human dimension, see <http://www.osce.org/odihr/13371.html>

Women's CSOs are involved in ODIHR's programme to train police and change attitudes to combat domestic violence in Georgia and Azerbaijan: because domestic violence has been regarded as a private matter for a long time, many countries lack legal measures for prosecuting perpetrators of domestic violence and for protecting victims. Local CSOs have therefore been involved in ODIHR's programme to sensitize police and other public authorities to the fact that domestic violence is a crime; to provide training to police officers to play an active role in preventing and combating domestic violence; and to promote better cooperation on these issues between law-enforcement agencies and CSOs. See http://www.osce.org/odihr/item_2_27443.html

Together with the OSCE mission in Montenegro, CSOs support the Montenegrin government to establish a National Preventive Mechanism to monitor prisons, as required by the Optional Protocol to the UN Convention Against Torture (OP-CAT): OP-CAT requires each state to establish a National Preventive Mechanism with a mandate to regularly monitor places of detention in collaboration with the international Sub-Committee on Prevention of Torture. In collaboration with the OSCE mission in Montenegro, representatives of law enforcement agencies, the ministries of Health, Interior and Justice, and the National Ombudsman, various CSOs held meetings throughout 2006 to discuss the most appropriate National Preventive Mechanism to implement OP-CAT in Montenegro. See <http://www.osce.org/item/22951.html>

The Americas

The Organization of American States (OAS)

The OAS has recognized CSOs both as allies and critics in the work of the organization. It has established three mechanisms for the participation of CSOs in all its activities, some of which relate to oversight and democratization of the security sector. First, CSOs can register with the OAS. Second, CSOs can become 'Special Guests' at meetings of the General Assembly and other bodies of the OAS. Third, CSOs can conclude cooperation agreements with the General Secretariat or other OAS organs.

Registration

Registration with the OAS can open many opportunities for building partnerships and other forms of cooperation for CSOs. For example, registration allows CSOs to comment on draft resolutions of the OAS General Assembly, receive copies of these resolutions and assist in their implementation. Usually, many resolutions are on topics related to security policies, and therefore the participation of CSOs in drafting resolutions can provide them with an opportunity to raise awareness on various issues related to security sector oversight on a regional level. For example, in its 2007 session the OAS General Assembly adopted resolutions and declarations on Disarmament and Non-proliferation Education, on Support for Action against Anti-Personnel Mines in Ecuador and Peru, on the Inter-American Convention on Trans-

parency in Conventional Weapons Acquisition, on the Americas as an Anti-Personnel Landmine-Free Zone, on Protecting Human Rights and Fundamental Freedoms while Countering Terrorism, on Study of the Rights and Care of Persons under Any Form of Detention or Imprisonment and on Addressing Illicit Trafficking in Small Arms and Light Weapons, Stockpile Management and Security, as well resolutions relating to the promotion of respect of international human rights law and international humanitarian law.⁴¹

Registered CSOs can also attend public meetings of the Permanent Council of the OAS and its Committees, and can circulate written statements with the approval of these bodies.⁴² For CSOs involved in security sector oversight it seems to be most fruitful to participate in the meetings of the Committee on Juridical and Political Affairs which deals, *inter alia*, with human rights issues, as well as with questions related to terrorism, justice and representative democracy.⁴³ Moreover, the work of the Committee on Hemispheric Security which deals with actions against anti-personnel mines, the implementation of the Inter-American Convention on Transparency in Conventional Weapon Acquisition, and military spending and transparency in arms acquisition may be of interest for CSOs involved in security issues.⁴⁴

CSOs wishing to become registered with the OAS must follow the 'Guidelines for the Participation of Civil Society Organizations in OAS Activities' approved by the Permanent Council in Resolution CP/RES.⁴⁵ CSOs can find detailed information on how to register with the OAS on the organization's website.⁴⁶

Box 13.7 The Committee on Hemispheric Security holds a seminar on the topic "Addressing Extreme Poverty, Inequality and Social Exclusion as a Means of Strengthening Hemispheric Security"

In March 2007, the Committee on Hemispheric Security of the Permanent Council of the OAS organized a seminar for the purpose of considering, from a strategic point of view, how extreme poverty erodes social cohesion and undermines the security of states. Along with government experts and representatives of international organizations, CSOs participated actively in the seminar.

The discussion during the seminar focused on two sub-topics, "Combating hunger and poverty and strengthening security" and the region-specific sub-topic "Combating poverty and strengthening security: International initiatives for the development of Haiti and MINUSTAH."

The report on the seminar can be accessed at http://scm.oas.org/doc_public/ENGLISH/HIST_07/CP18032E07.doc

41 Resolution and Decisions of the OAS' General Assembly it adopted during its 37th regular session in June 2007 can be accessed at <http://www.oas.org/dil/AG03738E14.doc>.

42 For the function and mandate of the Permanent Council and its Committees, see <http://www.oas.org/consejo/>

43 For more information see the website of the Committee on Juridical and Political Affairs: <http://www.oas.org/consejo/CAJP/>

44 For more information on the work of the Committee in Hemispheric Security, see <http://www.oas.org/csh/english/>

45 This resolution can be found at <http://www.civil-society.oas.org/Permanent%20Council/CP-RES-759.htm>

46 http://www.civil-society.oas.org/Pages/Registration_1_ENG.htm

CSOs as ‘Special Guests’

If CSOs do not want to become registered with the OAS but would like to participate in specific meetings of the General Assembly of the OAS or other bodies, they can become ‘Special Guests’ by sending a letter setting out their intention to attend a particular session, 45 days in advance of this session to the Secretary General of the OAS. The letter shall also contain the CSO’s charter, statutes, most recent annual reports and mission statement. CSOs that are registered with the OAS also need to send a letter of intention to participate in the sessions of the General Assembly, but do not need to send other documents.⁴⁷

Cooperation agreements

CSOs can also conclude cooperation agreements with the General Secretariat of the OAS. This allows them to carry out joint projects with the General Secretariat in their area of interest and expertise, including in areas related to the security sector. If CSOs are interested in creating such a ‘contract’ with the General Secretariat, they are advised to consult with the specific administrative unit of the Secretariat which is responsible for the types of projects they are interested in. A cooperation agreement has to be approved by the Secretary General of the OAS.⁴⁸

For any further information on participation in the activities of the OAS, CSOs are recommended to write to the OAS’s Civil Society Coordinator:

Civil Society Coordinator
Department of the Americas Secretariat
Organization of American States
1889 F Street NW
Washington, D.C. 20006
Telephone: +1-202-458-3081
Fax: +1-202-458-3665

How partnerships can help when CSOs are under pressure

Involvement in issues related to security sector oversight often entails uncovering human rights violations committed by security sector agencies, making such violations public or demanding that those responsible are held accountable. Activities of CSOs can also aim at empowering individuals who are

⁴⁷ More information on the ‘Special Guest’ status can be found at http://www.civil-society.oas.org/Pages/Registration_2_ENG.htm

⁴⁸ More information on cooperation agreements can be found at http://www.civil-society.oas.org/Pages/Registration_5_ENG.htm

negatively affected by security policies to claim their basic rights under international human rights law. These activities may cause tensions between authorities and CSOs, and in some cases CSOs may come under outright pressure; authorities may try to silence CSOs or individuals by introducing restrictive laws, by prosecuting them, by restricting their freedom of movement through placing them under house arrest or detention, by impeding CSOs' communications or by forcing them to stop their activities directly or by preventing access to funding sources. In the worst cases, members of CSOs can be subjected to death threats, torture, enforced disappearance and even murder.

While there is no mechanism that can protect CSOs and individuals from all types of pressure and harm, there are several mechanisms that international organizations have set up to assist CSOs under pressure. The following section reviews some of the mechanisms established by regional and international inter-governmental organizations, and by international non-governmental organizations aimed at protecting human rights defenders and CSO members.

International Mechanisms

The United Nations Declaration on Human Rights Defenders and the Special Representative of the Secretary-General on the Situation of Human Rights Defenders

In 1998, the UN General Assembly adopted a Declaration on Human Rights Defenders.⁴⁹ The Declaration calls for governments to protect the rights that are crucial for the work of human rights defenders, such as the right to freedom of speech, freedom to assemble peacefully, to carry out collective activities, to receive and disseminate information and to communicate with national and international actors. These are all relevant rights for the work of CSOs engaged in the promotion of the democratization of the security sector, and the limitation of these rights by governments is often the first indication of pressure being exerted.

In 2000, the Secretary-General appointed a Special Representative on Human Rights Defenders at the request of the Commission on Human Rights (now the Human Rights Council). It was the Commission's intention to give better effect to the Declaration on Human Rights Defenders by creating this post.

One aspect of the mandate of the Special Representative is of particular interest for CSO members who are under immediate pressure because of their involvement in security policies: the Special Representative has the possibility to take up individual cases of human rights violations committed against individual

⁴⁹ The Declaration can be accessed at <http://daccessdds.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>

human rights defenders, groups or organizations and send ‘urgent action’ or ‘allegation’ letters to the relevant authorities in order to protect human rights defenders and their rights. ‘Urgent action letters’ are sent when a violation of human rights of an individual human rights defender or a CSO is about to occur or continue to occur. States are called upon to prevent or stop the violations. ‘Allegation letters’ are usually sent when the violation has already occurred and the impact it has had on an individual or CSO cannot be changed any more. The Special Representative, however, needs reliable information on the alleged violations before she can send the letters and urge governments to protect individuals or CSOs at risk.⁵⁰

Governments to which urgent action or allegation letters are sent are also urged by the Special Representative to inform him or her on the action they have taken to protect the individual under threat. The Special Representative’s letters and government’s responses are made public in the Special Representative’s Annual Reports to the General Assembly, a fact that puts some pressure on governments to comply with the Special Representative’s requests.⁵¹

The Special Representative on Human Rights Defenders frequently collaborates with other Special Procedures mandate-holders of the Human Rights Council in processing urgent action or allegation letters to governments. Other Special Procedures mandate-holders that have the mandate to receive individual complaints and that CSOs or individuals at risk can turn to include:

- The Working Group on Arbitrary Detention;⁵²
- The Working Group on Enforced or Involuntary Disappearances;⁵³
- The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression;⁵⁴
- Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.⁵⁵

Individual communications to the UN human rights treaty bodies

Six of the eight currently existing UN human rights treaty bodies have the mandate to receive communications from individuals or groups who claim that their rights set out in the relevant treaty have been violated.⁵⁶ The Committees can consider these communications if the conditions for applicability are met.

50 The website of the Special Representative contains all details on what information CSOs or individuals under threat need to submit to the Special Representative: <http://www2.ohchr.org/english/issues/defenders/complaints.htm>

51 Annual Reports can be accessed on the Special Representative’s website at <http://www2.ohchr.org/english/issues/defenders/annual.htm>

52 <http://www2.ohchr.org/english/issues/detention/index.htm>

53 <http://www2.ohchr.org/english/issues/disappear/index.htm>

54 <http://www2.ohchr.org/english/issues/opinion/index.htm>

55 <http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm>

56 The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of Persons with Disabilities can consider such communications.

Only individuals, whose rights have allegedly been violated by authorities of those states that are parties to optional protocols of the relevant treaties or, for example in the case of the Committee against Torture, that expressly recognize the relevant Committee's competence to examine individual communications, can lodge individual complaints. This restriction does not apply to Special Procedures, which have a global mandate.

On average it takes 2-3 years for the Treaty Bodies to issue a final decision in an individual case. Treaty bodies can, however, issue interim measures in urgent cases to avoid irreparable harm for the applicants. These interim measures stay in place until the treaty body makes its final decision. This may be of particular importance for CSOs or individuals who are under immediate risk.

More information on the individual complaints procedure, model complaint forms, and detailed information on the requirements that are to be met before Treaty Bodies can consider individual communications can be found on the website of the UN High Commissioner for Human Rights.⁵⁷

Box 13.8 The OMCT Handbook Series

The Handbook Series of the World Organisation Against Torture (OMCT) consists of four volumes, each one providing a detailed guide to the practice, procedures and jurisprudence of the regional and international mechanisms that are competent to examine individual complaints concerning the violation of the absolute prohibition of torture and ill-treatment. These handbooks are available electronically at: <http://www.omct.org/>
(On this site, access United Nations Treaty Bodies and then Publications)

Regional Mechanisms

Africa

The Special Rapporteur on Human Rights Defenders in Africa

The African Commission on Human and Peoples' Rights adopted a resolution on human rights defenders in 2004, in which it urged African governments to implement the UN Declaration on Human Rights Defenders. In the same year, the African Commission appointed a Special Rapporteur on Human Rights De-

⁵⁷ <http://www2.ohchr.org/english/bodies/petitions/individual.htm>

fenders in Africa with the aim of improving the protection of human rights defenders on the African continent.⁵⁸ Individuals under pressure can turn to the Special Rapporteur who can then decide to send letters to start a dialogue with governments or issue press releases on the issues at hand. In 2007, the Special Rapporteur entered into dialogue with authorities from Angola, the Central African Republic, Congo Brazzaville, the Democratic Republic of the Congo, Djibouti, Egypt, Somalia and Zimbabwe. Cases ranged from individuals placed under arbitrary detention and the killings of human rights activists to the threat of closing down NGOs in particular countries.⁵⁹

African CSOs getting into difficulties with authorities because of their activities related to promoting the democratization of the security sector in their country can contact the Special Rapporteur through the secretariat of the African Commission at the following address:

African Commission on Human and Peoples' Rights
48 Kairaba Avenue
P. O. Box 673
Banjul, The Gambia
Tel: +220 439 2962 / 437 7721
Fax: +220 439 076

The Americas

The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights has the mandate to, *inter alia*, process individual complaints from any person or CSO alleging violations of rights protected in the American Convention on Human Rights and the American Declaration of the Rights and Duties of Men.⁶⁰ The Inter-American Commission can also order states to take precautionary measures to avoid serious and irreparable harm to individuals in urgent cases. Frequently, when individual members of CSOs come under pressure from national authorities, this constitutes a violation of their human rights. Therefore, a petition to the Inter-American Commission can help them to restore their rights and to prevent irreparable harm.

⁵⁸ The website of the Special Rapporteur on Human Rights Defenders in Africa can be accessed at http://www.achpr.org/english/_info/index_hrd_en.html

⁵⁹ See the 41st intersession Activity Report of the Special Rapporteur on Human Rights Defenders in Africa at http://www.achpr.org/english/Special%20Mechanisms/HRD/Activity%20Reports/41st%20Activity%20Report_eng.pdf

⁶⁰ The Convention and Declaration can be accessed at http://www.hrcr.org/docs/American_Convention/oashr.html and <http://www.oas.org/juridico/english/ga-res99/eres1635.htm>

Precautionary measures ordered by the Inter-American Commission or the Inter-American Court of Human Rights usually include investigations of threats or violations of human rights of individuals or CSOs, or an order to put into place certain security measures. States are expected to report back to the Commission on the implementation of precautionary measures.⁶¹

Europe

European Court of Human Rights

Individuals and CSOs at risk can bring an individual complaint against their states before the European Court of Human Rights if the pressure they experience from national authorities amounts to a violation of one of the rights set forth in the European Convention on Human Rights and its Additional Protocols.⁶² States against which complaints are made must be parties to the European Convention on Human Rights.

The European Court of Human Rights will usually not directly approach the authorities that CSOs or individuals complain about. In exceptional circumstances it will, however, request the states against which the complaint is brought to grant interim measures. The court orders such interim measures only when an applicant is at serious risk of physical harm, and when the harm suffered by the applicant will be irreversible. The court can request states to report back to it on the implementation of interim measures.

European Union

The European Union adopted guidelines on Human Rights Defenders in June 2004.⁶³ The guidelines set out ways in which the European Union intends to enhance its efforts to support and protect human rights defenders in third countries. Under these guidelines, CSOs and individuals coming under pressure because of their involvement in activities related to the democratization of the security sector can get public support from EU delegations in their country, or can urge the European Union to use its influence behind the scenes.

⁶¹ These procedures are explained in detail at https://www.cidh.oas.org/cidh_apps/instructions.asp?gc_language=E

⁶² The European Convention on Human Rights and its Additional Protocols can be accessed at <http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/Basic+Texts/The+European+Convention+on+Human+Rights+and+its+Protocols/>. More information on how to lodge an individual complaint before the European Court of Human Rights and on interim measures can be found on the Court's website at <http://www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/Frequently+asked+questions/>

⁶³ These guidelines "Ensuring Protection – European Union Guidelines on Human Rights Defenders", can be accessed at <http://ue.eu.int/uedocs/cmsUpload/GuidelinesDefenders.pdf>

Box 13.9 Activities of the European Union under its Guidelines on Human Rights Defenders of particular interest for CSOs and individuals under pressure

Heads of EU Missions in all countries are obliged to send periodic reports on the human rights situations in their country of accreditation. These reports usually contain information about human rights defenders, including the occurrence of any threats or attacks against them as well as recommendations for possible EU actions, such as condemnations of threats and attacks against human rights defenders, or for demarches and public statements where human rights defenders are at immediate risk. The EU regularly follows up on its statements and demarches.

Whenever the EU Presidency, the High Representative for the EU's Common Foreign and Security Policy, EU Special Representatives and Envoys, or the European Commission embark on country visits, they mention the situations of human rights defenders in their political dialogue, which in some cases may prevent authorities from increasing pressure on CSOs or individuals.

Staff of EU country delegations attend and observe trials of human rights defenders, including those that work towards ending human rights violations committed by security sector agencies. The attendance of EU representatives may prevent a state from conducting unfair trials or imposing disproportionate punishments on human rights defenders.

Sources: Ensuring Protection – European Union Guidelines on Human Rights Defenders, available at <http://ue.eu.int/ue-docs/cmsUpload/GuidelinesDefenders.pdf> and Council Conclusions on the first review of the implementation of the EU Guidelines on Human Rights Defenders, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news67.pdf

From the information in Box 13.9 it is clear that CSOs and individuals under pressure should keep the European Union informed of any danger they are exposed to. Only when the European Union possesses all relevant information can it issue demarches or public statements, mention the situation of CSOs and individuals at risk in political dialogue or send observers to trials. CSOs best submit information on their situations to European Union delegations in their country or region. A list of EU delegations and their contact details can be found at http://ec.europa.eu/external_relations/delegations/intro/web.htm

It is generally advisable for CSOs to build good relationships with EU delegations even when they are not under pressure. This will make it easier for CSOs to inform the EU about any developments of concern when necessary, and to discuss most suitable ways of support the EU can offer in a particular situation.

Mechanisms established by international non-governmental organizations

In addition to the aforementioned mechanisms, numerous international non-governmental organizations work to support and protect human rights defenders and their rights. Many of these mechanisms can be used by CSO members under pressure because of their involvement in security-related issues.

Amnesty International's Individuals at Risk scheme

From the day of its foundation, Amnesty International engaged in campaigns to support and protect individuals and groups at risk because of their activities related to the promotion and protection of human rights.

Amnesty International uses so-called Urgent Actions to mobilize its activists worldwide as fast as possible when an individual is facing immediate human rights violations, including life-threatening violations. If an Urgent Action is started, thousands of Amnesty International activists send letters or e-mails directly to the authorities or controlling non-state actors that have the power to stop the human rights violation.

Box 13.10 Release of a Belarusian youth activist in January 2008 due to international pressure created by Amnesty International's Urgent Action

The leader of the Belarusian youth opposition CSO 'Young Front', Zmitser Dashkevich had been sentenced to 18 months imprisonment for "organizing or participating in activities of an unregistered organization" in November 2006.

Amnesty International started an Urgent Action in Spring 2007. It called upon Amnesty International activists around the world to send more than 10,000 origami cranes to the Belarusian Ministry of Internal Affairs, protesting against the crackdown of the right to freedom of expression in Belarus, and demanding Zmitser Dashkevich's release.

Zmitser Dashkevich was released from prison in January 2008 due to international pressure.

Source: <http://www.amnesty.org/en/news-and-updates/good-news/belarusian-youth-activist-freed-20080125>

CSOs and individuals at risk because of their activities related to the promotion and protection of human rights by and within the security sector may contact Amnesty International with the request to issue an Urgent Action.⁶⁴

Peace Brigades International

The international NGO Peace Brigades International has established a specific mechanism for the protection of human rights activists, including those working on human rights and the security sector. Peace Brigades International sends teams of international volunteers to accompany organizations or individuals at risk when they carry out their work related to the promotion and protection of human rights.

The presence of international volunteers sent by Peace Brigades International enables individuals and local organizations at risk to work with greater confidence. Their presence can deter authorities (or powerful non-state actors) from exerting pressure or attacking CSO members, because the political costs of such actions rise immensely if international witnesses are present. In addition, the presence of international accompaniment provides moral support for individuals or local CSOs involved in risky human rights work that challenges the interests of powerful actors.⁶⁵

Peace Brigades International accompanies CSOs and individuals at risk primarily in Latin American countries, such as Mexico, Guatemala and Colombia, but also works in Nepal and Indonesia. Many of the organizations or individuals accompanied by Peace Brigades International are involved in human rights work that relates to the security sector.

Front Line emergency support

The international foundation Front Line runs a 24-hour service offering support to human rights defenders at immediate risk. The emergency number can be called at any hour (+353 1 21 00 489) and the service gives human rights defenders an option to speak to someone in Arabic, English, French, Russian or Spanish. In the event of an emergency, Front Line will mobilize rapid international support and action which can include faxed or phoned appeals to the relevant authorities, raising the case through the EU or individual government representatives, providing practical help with temporary relocation or assistance with medical or legal expenses.⁶⁶

64 More information on Amnesty International's Individuals at Risk Scheme and Urgent Actions can be found on Amnesty International's website at <http://www.amnesty.org/en/individuals-at-risk>

65 More information on the work of Peace Brigades International's protective accompaniment scheme can be found at <http://www.peacebrigades.org/1165.html>

66 <http://www.frontlinedefenders.org/emergency>

Box 13.11 Other international non-governmental organization's protection schemes

In addition to those profiled above, there are many other international non-governmental organizations that work for the protection and support of individuals or organizations under pressure because of their activities related to the promotion and protection of human rights. These include, not are not limited to:

Reporters without Borders: Press Releases and Protest Letters: http://www.rsf.org/article.php3?id_article=9594

Women Human Rights Defenders Action Alert: <http://www.defendingwomen-defendingrights.org/index.php>

The Observatory for the Protection of Human Rights Defenders: An International Federation for Human Rights (FIDH) and Word Organization Against Torture (OMCT) Joint Programme: http://www.fidh.org/article.php3?id_article=4627

Human Rights First: Human Rights Defenders Programme: http://www.humanrightsfirst.org/defenders/hrd_intro/hrd_intro.htm

Scholars at Risk Network: Alerts and Campaigns: http://scholarsatrisk.nyu.edu/Beta/Activities/Alerts_Campaigns.php

Depending on the modes of their engagement with security sector agencies and the overall situation in their country, CSOs under pressure will carefully consider which organization they will turn to for support.

State mechanisms

National human rights institutions

Last but not least, under international human rights law, states have the obligation to investigate and provide reparations to individuals affected by human rights violations committed by security forces. To fulfill these obligations and for enhancing the general promotion and protection of human rights within their country, most states have established independent national human rights institutions. National human rights institutions appear in various forms, such as national human rights commissions, ombudsman institutions, public defender's offices or advisory human rights institutions. Most of these national human rights institutions have the mandate to receive and investigate complaints and petitions from individuals who allege that their rights have been violated. They cannot, however, make binding decisions on the result of their investigations, but can refer the matter to the judiciary if need be.

National human rights institutions are expected to act independently of the government, and may therefore be able to greatly contribute to the protection CSOs or individual members of CSOs under pressure from governmental bodies. A list with addresses, websites and mandates of all national human rights institutions worldwide can be found on the website of the National Human Rights Institutions Forum: <http://www.nhri.net/nationaldatalist.asp>

Conclusion

Previous chapters of this handbook have focused on the skills CSOs need to promote democratic governance of the security sector, such as monitoring, budget analysis and advocacy. In addition to these skills, CSOs must also be able to engage with international partners and forge alliances with the international community to further promote public oversight of the security sector.

The various mechanisms introduced in this chapter are all important entry points to engage with the international community: participation in the UN Human Rights System, engagement with regional organizations and partnerships with international NGOs and networks to achieve common goals and seek assistance when under pressure.

However, the mechanisms presented in this chapter should not be taken be a comprehensive guide to possibilities for engagement with the international community. Increasingly, international and regional organizations establish new mechanisms to engage with civil society and CSOs can use these mechanisms to further the goals of security sector reform. Similarly, it is also up to CSOs to engage with like-minded CSOs at the local and international levels to achieve common goals.

What you can do as a CSO

Partner with the UN human rights system

- ✓ Engage with the UN treaty body system
- ✓ Send Alternative Reports to UN treaty bodies
- ✓ Request special inquiries of UN treaty bodies
- ✓ Request special inquiries of UN treaty bodies (CAT and CEDAW) in case of systematic violations of human rights
- ✓ Cooperate with the Special Procedures of the Human Rights Council

Partner with international NGOs and networks

- ✓ Partner with like-minded NGOs and CSOs to achieve common goals
- ✓ Participate in international campaigns with other NGOs and CSOs

Partner with regional organizations

- ✓ Participate in the permanent structure of cooperation with CSOs of the Council of Europe
- ✓ Engage with the OSCE Office for Democratic Institutions and Human Rights
- ✓ Cooperate with the Organization of American States
- ✓ Cooperate with other regional human rights organizations

Seek assistance from international partners when under pressure

- ✓ Send individual communications to the UN human rights treaty bodies
- ✓ Engage with the UN Special Representative on Human Rights Defenders and other Special Procedures of the UN Human Rights Council
- ✓ Engage with the African Special Rapporteur on Human Rights Defenders, the Inter-American Commission on Human Rights, the European Court of Human Rights or EU country delegations supporting human rights defenders
- ✓ Seek the support of mechanisms established by international NGOs

14

Rizal Darma Putra

States of Emergency and Restrictive Environments

The necessary presence of a strong and independent civil society has become a widely acknowledged facet of democracies. In the everyday running of civilian affairs, active participation of an independent citizenry provides authorities with channels of information and expertise on the needs of society and helps to prevent the concentration and misuse of power.

The work of civil society in states of emergency¹ and restrictive environments, however, is all the more significant as restrictions of freedoms of association and speech invariably limit the ability of citizen groups to organize and influence state authorities.

This chapter provides guidance to civil society organizations (CSOs) and suggests ways in which they can hold the security sector accountable during states of emergency. It is divided into two sections. The first section introduces states of emergency from a historical perspective and then lays out the rationale for the use of extraordinary powers during states of emergency. Subsequently, it analyses the current regulatory framework and the limitations placed upon the use of emergency powers in national constitutions and international human rights treaties. The second section builds upon this understanding to suggest ways in which civil society organizations can hold responsible ministries accountable during states of emergency and ultimately promote and protect human rights at these times. It also discusses a number of strategies that CSOs can adopt themselves to limit threats to the personal safety of their members; international instruments for the protection of human rights defenders, on the other hand, are discussed in chapters 11 and 13.

This chapter specifically assesses the role that civil society can play in overseeing the security sector in states of emergency resulting from socially created circumstances. As such, it does not directly address the implications of emergencies resulting from natural disasters or health epidemics.

¹ Actions that extend the power of authorities and limit civil liberties based on a legal procedure are *de jure* states of emergencies. In contrast, states of emergency that result from a situation where the state creates a restrictive environment and limits civil liberties over a long period of time, without officially declaring an emergency, are *de facto* states of emergency. Recommendations and observations generally apply to both scenarios, but in the latter case the lack of a proclamation means the existence of the exceptional state may be contested by the authorities.

States of emergency in history

The use of extraordinary powers in times of exception is not a novel phenomenon in world history. Since the earliest example of the use of emergency powers – frequently associated with the *aesymnetia* of ancient Greece² where a ruler was elected to govern with enlarged powers in times of severe crisis threatening the survival of the city-state³ – emergency powers have been used across regions and historical eras. These include the imposition of martial law in medieval England, the use of emergency powers – under the civil law concept of *état de siege* – at a time of civil war in France in 1791, the declaration of martial law in Hawaii in 1941 during the second World War and the suspension of the privileges of writ of habeas corpus in the Philippines in 1971 during the Marcos dictatorship.

Emergency powers have regularly been used beyond the situations that initially triggered their use. Invariably, political leaders have justified disregard for the normal functioning of state organs by the urgency of emergency situations. Invariably, also, the worst abuses of human rights have occurred at these times and the proclamation of a state of emergency has frequently been used by authoritarian leaders as a ‘legal instrument’ to suppress human rights and crush all forms of political opposition.

However, the gradual shift in the twentieth century away from the role traditionally played by states in international law towards a vision of the right of individuals, and the parallel adoption of a number of human rights treaties at the international and regional level has placed limitations on the exercise of power during national crises. This, in turn, gives a new significance to the role that CSOs can play during states of emergency in holding governments accountable and upholding the universal principles of public international law.

Emergency powers: rationale and guiding principles

There are those who argue that no matter how pressing a crisis situation, no matter how imminent a threat, all individual rights must be respected at all times. This position is certainly appealing, but in practice it has proven impracticable. The very same national institutions endowed with the responsibility to protect fundamental human rights cannot stand watching their own downfall when faced with an imminent danger. To quote Paul Mahoney, speaking on the justification of emergency powers in the European Convention on Human Rights, “States must have at their disposal adequate weapons to counter [imminent threats], otherwise the rights and freedoms safeguarded in this Convention risk

² Reinach, Théodore, *De l'état de siège – Etude historique et juridique*, F. Pichon, Paris, 1885, p.12.

³ For Aristotle, these rulers were in fact “a kind of elected tyrant”. Aristotle, *The Politics*, Penguin Classics, New York, 1992, p.136.

becoming ineffective.”⁴ If respect for all listed individual rights in practice results in government paralysis, politicians who advocate the sacrifice of individual rights will likely gain public support and enduringly compromise the position of human rights activists. A more sensible approach to the issue is to allow for well defined short-term emergency powers which at the same time prevent permanent restrictions.

This belief underpins the use of emergency powers in the vast majority of national legislations: most legal systems contain procedures for derogation from certain human rights obligations and the alteration of state powers in times of emergency, but the use of emergency powers is subject to a number of guiding principles, namely those of legality, proclamation, notification, non-discrimination, exceptional threat, proportionality and time limitation. These principles are further developed in Box 14.1.

14.1 States of emergency in international law

Guiding Principles and Recommendations from the UN Special Rapporteur, Mr. Leandro Despouy, on the question of Human Rights and States of Emergency

In 1985, the United Nations Economic and Social Council appointed a special Rapporteur, Mr. Leandro Despouy, with the mandate to assess the impact of emergency measures adopted by governments worldwide and recommend measures with a view to guaranteeing respect for the various state obligations under international law. The Special Rapporteur’s latest report, published in 1997, highlights some of the principles governing the use of emergency powers in international law and provides guidelines for the development of national norms.

Principle of Legality The principle of legality implies on the one hand, the pre-existence of norms which govern states of emergency as an institutional process, and on the other, the existence of domestic and international monitoring process that verify conformity with national and international norms and regulations. The principle of legality also seeks to bring domestic legislation regulating states of emergency in line with international law. ‘In order to avoid circumstantial legislative reforms, regulations governing the state of emergency shall enjoy constitutional status and shall govern all emergency situations (of whatever description) liable to lead to any kind of limitation of the exercise of human rights.’

Principle of Proclamation The principle of proclamation refers to the formal requirement to publicly announce, in the form of an official declaration, a state of emergency. The announcement should precede the entry into force of the state of exception.

⁴ Mahone, Paul, ‘Judicial Activism and Judicial Self-Restraint in the European Court of Human Rights: Two Sides of the Same Coin’, *Human Rights Law Journal* 57(58), 1990.

Principle of Notification The principle of notification requires states to communicate the existence of a state of emergency to other states parties, the United Nations Secretary General, and in the case of two regional conventions, the Secretary-General of the Organization of American States and the Secretary-General of the Council of Europe, respectively. The act of proclamation should set out the circumstances motivating it, the territory and timeframe to which it applies, the measures it authorizes and the derogations it seeks from its obligations under international law.

Principle of Time Limitation The guiding legal standards of a state of emergency require it to be limited in time and that the exceptional measures adopted remain limited to the time period required by the demands of the situation. To guarantee the proper regulation of this principle, the Special Rapporteur recommends that national legislation shall indicate that no state of emergency should be allowed beyond the time that is strictly necessary. Furthermore, legal provisions shall mandate relevant monitoring bodies to review the justification for the continued state of emergency at least every three months.

Principle of Exceptional Threat The nature of the danger that leads to a declaration of a state of emergency must be current or imminent. It cannot be adopted for opportunistic, speculative or abstract reasons. In order to regulate this principle with the norms of international law, the report of the UN Special Rapporteur proposes that legislation should stipulate cases in which a state of emergency could be declared. These measures should only be implemented to 'safeguard the rights and safety of the population and the operation of public institutions under the rule of law'.

Principle of Proportionality The principle of proportionality requires measures adopted in a state of emergency to be strictly limited to the severity of the crisis. The UN Special Rapporteur recommends that when a state of emergency affects derogable human rights, administrative and judicial measures should be put in place to repair the adverse effects of the curtailment of these rights.

Principle of Non-discrimination Derogation of certain human rights obligations during a declared state of emergency can not under any circumstances involve discrimination on the grounds of race, colour, sex, language, religion or social origin. In order to properly regulate this principle, the Special Rapporteur proposes that legislations shall stipulate explicitly that the principle of non-discrimination is not subject to any type of limitation or derogation.

Source: Report by the UN Special Rapporteur, Mr. Leandro Despouy, on the question of Human Rights and States of Emergency, available online at www.derechos.org/nizkor/excepto/despouy97en.html

Today, public international law and most national constitutions recognize that in situations of crisis, authorities may suspend certain civil liberties for the function of restoring order and extending the exercise of the most fundamental human rights. This paradox is at the crux of the legal underpinning of

emergency powers: suspending certain rights is the 'only means of preserving the exercise of the most fundamental ones'.⁵ To name one example, at a time of armed conflict, it is justifiable to limit the free movement of people in order to safeguard the right to life. Put differently, the rationale for emergency powers is essentially a protective rather than a repressive one.

Circumstances leading to the use of emergency powers in democracies

Circumstances that can trigger the use of emergency powers are typically left undefined in both national constitutions and international human rights treaties. Historically, major socially created circumstances that have led modern democracies to invoke emergency powers include:

War

States of emergency have frequently been invoked by governments at times of inter-state war. In addition to the various human rights safeguards contained in international law, the guiding principles of humanitarian law, and in particular the Hague Convention of 1907 and the four Geneva Conventions of 1949 and Additional Protocol I, apply in these situations.⁶

- The government of the United States used emergency powers during World War II. From 1941 to 1945, the US severely limited freedom of movement and imposed limits of the exercise of civil liberties for certain ethnic groups.

Internal armed conflict

Governments have also consistently used emergency powers during times of internal armed conflict. In times of intense internal conflict, where insurgents are relatively well-organized and control a portion of the territory, the norms contained in Additional Protocol II to the four Geneva Conventions of 1949 apply.

- In 1992, shortly after gaining independence, Moldova imposed a state of emergency following an upsurge in fighting in the Trans-Dniester breakaway region.

⁵ Report by the UN Special Rapporteur, Mr. Leandro Despouy, on the question of Human Rights and States of Emergency, available online at www.derechos.org/nizkor/excep/despouy97en.html

⁶ ICRC, *Customary International Humanitarian Law*, Cambridge University Press, Cambridge, 2005.

Threat of armed conflict

States have in addition shown a tendency to declare states of emergency in relation to real and perceived dangers of international and internal conflict.

- Israel has officially maintained a state of emergency since its creation in 1948. The state of emergency allows the Israeli government to, *inter alia*, suspend certain civil rights of Arab citizens and enables the state to prohibit civilians from leaving the country. The Israeli Government has justified the permanent state of exception based on perceived external and internal security needs, and contends that these “exceptional conditions” present in 1948 continue to prevail today. Israel’s Basic Law mandates an annual review of a state of emergency by the Knesset (the legislative body).

Terrorist attacks

Terrorist attacks, and the threat thereof, have led governments to restrict a number of civil liberties with the stated purpose of preventing such attacks in the future.

- The British Parliament has adopted emergency measures in 2001 and has officially been in a state of emergency since then. Following the terrorist attacks of September 11 2001, the British Parliament ratified the Anti-Terrorism, Crime and Security Act, extending, *inter alia*, the power to arrest and detain foreign nationals.

Economic crisis and civil unrest

Serious economic crises and civil unrest have led authorities to declare states of exception and suspend several civil liberties.

- In 2001, Argentina declared a state of emergency after violent clashes erupted amidst a unprecedented economic crisis. The emergency decree initially gave the government special powers to bring troops and other security forces onto the streets of major cities and temporarily ban public meetings.

Other circumstances

There are a series of other man-made circumstances that have prompted governments to resort to emergency powers to re-establish public order. These include, but are not limited to sabotage, suspicion of an imminent political coup, general domestic disturbances, inter-ethnic confrontations and political kidnappings.

- A series of political kidnappings led the Canadian government to invoke a state of emergency in 1970. In October 1970, members of the radical group *Front de Libération du Québec* kidnapped Pierre Laporte, a Quebec Minister, and James Cross, a British diplomat, demanding the release of several prisoners and the public diffusion of a secessionist manifesto in exchange of the detainees.

Three days after the first kidnapping, the Canadian government declared a state of emergency and invoked the War Measures Act, suspending civil liberties and giving the police and army far-reaching powers of investigation and arrest. The army was deployed on the streets of Montreal and several thousand people were arrested without warrants. The state of emergency was lifted after the arrest of one terrorist cell and the release of James Cross in return for the provision of safe conduct to Cuba for the remaining kidnappers.

Emergency powers in national legislation: a comparative perspective⁷

Most constitutions contain explicit provisions for the use of emergency powers in exceptional situations, while at the same time expressly limiting the time period in which such powers can be exercised without renewed democratic mandate. In a handful of countries, however, there exists no emergency power legislation *per se*, but certain exceptional provisions that can be applied at times of war or other national emergencies.

For example, in Austria, Denmark, Norway and Sweden there exists an extensive transfer of power to the executive branch if parliament is unable to meet for an extended amount of time. In Sweden, if parliament is unable to meet in war time or similar situations, it may be replaced by a 'War Delegation' composed of 51 members and if the 'War Delegation' itself is unable to meet, the executive branch of government can replace the delegation to bring back public order. In the United States, the constitution does not provide the federal government with a special legal regime in emergency situations. Instead, in very specific circumstances, the constitution grants the president power to use federal troops to control domestic disturbances and enforce the law. However, these measures do not give the executive power to suspend the functions of other branches of government.

In democratic societies, as a general rule, the power to declare a state of exception rests in the executive and is later submitted to the legislative branch for approval. In Canada, the Prime Minister and the federal Cabinet of Ministers can declare a state of emergency, but this has to be ratified by Parliament to enter into

⁷ This brief survey of emergency power legislation in individual countries is based on the findings the European Commission for Democracy through Law (Venice Commission). Country examples are limited to those surveyed by the 1995 report on emergency powers. Source: Venice Commission, *Emergency Powers*, CDL-STD, 1995, available online at [http://www.venice.coe.int/docs/1995/CDL-STD\(1995\)012-e.asp](http://www.venice.coe.int/docs/1995/CDL-STD(1995)012-e.asp)

force. In Latvia, the executive is empowered to declare a state of emergency, but if the parliament does not ratify it within 48 hours, the declaration becomes void. In other democratic systems, including Hungary and Kyrgyzstan, power to declare a state of emergency rests in the parliament. The vast majority of constitutions provide for a time limit – usually renewable – for the exercise of emergency powers. This period is 15 days in Portugal, 30 to 60 days in Russia, three months in Finland and six months in Latvia.

In some countries, including Cyprus and Slovakia, there is only one type of emergency legislation. The norm, however, embodied in most national constitutions, provides for different types of emergency powers according to different situations of exception. In Spain, grounds for invoking emergency powers include ‘state of alarm’, ‘state of emergency’ and ‘state of siege’. In Hungary, the Constitution refers to ‘state of siege’, ‘state of emergency’ and ‘state of public danger’. The Turkish constitution refers to four distinct types of emergency rules: a state of war, a natural disaster, a medical epidemic or a serious economic crisis, one set to deal with ‘widespread acts of violence aimed at the destruction of the free democratic order’ and finally legislation designed for a ‘state of siege’ for acts that are deemed ‘more dangerous than the cases necessitating a state of emergency’. In many other states, including Portugal, Russia and Poland, the national constitution provides for one of two states of exception: emergency rule and state of siege. In all these states, different types of emergency provide for different types of emergency measures.

The majority of constitutional frameworks limit the use of emergency powers to the principle of strict proportionality. In Romania, for instance, the constitution states that restrictions on civil liberties can only be made in clearly defined circumstances and must be proportionate to the situation which gave rise to them.

In the constitutions of a number of countries, the requirement to respect international agreements is clearly spelled out. The Latvian constitution, for instance, states that ‘measures for a state of emergency shall conform to those international agreements and acts of international rights in the sphere of human rights which the Republic of Latvia has signed or acceded to’ (Article 16). Article 15 of the Turkish constitution reiterates Article 15 of the European Convention on Human Rights.⁸

Box 14.2 Martial law

Martial law is the application of military rule over the population of a given territory. Similar to states of emergency, martial law limits civil liberties and expands the powers of state authorities, but differs in that martial law is the termination of civilian rule and the substitution of judicial courts by military tribunals. Martial law is usually not clearly defined, and its substance takes shape in the course of the emergency which has provoked its use. In martial law, the military is typically no longer under civilian control but in fact replaces the civilian

8 European Commission for Democracy Through Law: *Emergency Powers*, [http://www.venice.coe.int/docs/1995/CDL-STD\(1995\)012-e.asp](http://www.venice.coe.int/docs/1995/CDL-STD(1995)012-e.asp)

government in the administration of state affairs. Martial law has been invoked in instances of war, occupation and civil unrest. Historically, military tribunals have prescribed more severe punishments, including the death penalty, and have more regularly circumvented fundamental human rights.

International legal norms and states of emergency

Public international law also provides for the possibility of derogation from certain civil liberties when 'public emergency threatens the life of the nation', but also imposes a number of restrictions and sets out a list of non-derogable rights. The use of emergency power is regulated by the International Covenant on Civil and Political Rights (ICCPR) at the global level, the European Convention on Human Rights (ECHR) in Europe and the American Convention on Human Rights (ACHR) in the Americas.

ICCPR

The International Covenant on Civil and Political Rights provides States Parties the possibility to derogate from some of their obligations in times of national emergencies. Some legal principles are nevertheless non-derogable under international law, something which provides crucial scope for civil society to act in a state of emergency.

First, emergency measures are allowed only to the 'extent strictly required by the exigencies of the situation'. In other words, the severity, duration and geographical scope of any derogation must be proportionate to the threats facing the nation.

Second, derogations in times of emergency must be compatible with other obligations under international law. Importantly, an emergency may not be invoked as a justification for torture.⁹

Third, derogations taken in states of emergency may not amount to discrimination before the law based on race, colour, sex, language, religion or social origin. The UN Human Rights Committee has further stated that several human rights provisions remain inviolable in states of exception. The humane treatment of all persons deprived of their liberty shall be respected; prohibitions against hostage-taking and unacknowledged incarceration; prohibition of propaganda advocating war or national, racial or religious hatred; and procedural guarantees and safeguards designed to ensure the integrity of the judicial system must all be followed in times of emergency. The Human Rights Committee has emphasized that sus-

⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2.2.

pension of certain civil liberties must be of a temporary nature.¹⁰ Hence, an initially legal state of emergency might turn into an illegal one over time.

Finally, derogations in times of emergency must be communicated to other States Parties. Notification should indicate the 'nature and extent' of derogation and give specific details about the derogations concerned.¹¹

Box 14.3 Non-derogable rights in the International Covenant on Civil and Political Rights

Article 4(2) of the ICCPR enumerates a specific list of seven rights from which no derogation in respect is allowed. In summary, these are:

Article 6: Every human being has the inherent right to life. This right shall be protected by the law. No one shall be arbitrarily deprived of his life.

Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8 (1): No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. (2) No one shall be held in servitude.

Article 11: No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 15: No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.

Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

Article 18: Everyone shall have the right to freedom of thought, conscience and religion.

At least three of these seven rights (life, torture, slavery) can be considered as *jus cogens* or, 'peremptory' norms of international law, meaning that the principle of non-derogation is not only applicable to states that are a party to the ICCPR but applies to all states.

Source: Richards, David L. and K. Chad Clay, *Government Respect for Non-derogable Human Rights During Declared States of Emergency, 1996-2004*, paper prepared for the 2008 Annual Meeting of the International Studies Association, 26-30 March 2008, San Francisco, p.6.

10 GAOR, A/39/40 Report HCR, p.84 para. 270

11 UN Human Rights Committee, *General Comments no 29 (States of Emergency)*

ECHR

The European Convention on Human Rights provides additional safeguards for the protection of basic human rights in states of emergencies. Article 15 of the Convention allows states to derogate from their commitments only in times of 'war or other public emergency threatening the life of the nation'. The general meaning of such a public emergency has been defined by the European Court of Human Rights as an 'exceptional, actual, or imminent situation of crisis or emergency which affects the whole or part of the population or nation'.¹² The European Commission has emphasized that 'crises or danger must be exceptional in that the normal measures or restrictions permitted by the Convention for the maintenance of public safety, health and order are plainly inadequate.'¹³ If a state is to derogate from its responsibilities under the ECHR, it must notify the Council of Europe and the notification must be renewed periodically. Finally, Article 15 of the ECHR does not under any circumstances derogate states from their basic obligations: the guarantee of the right to life to all citizens, prohibition of torture, freedom from slavery and freedom of thought, conscience and religion.

ACHR

The American Convention on Human Rights is the most extensive legal instrument as to its non-derogable safeguards in times of emergency. In addition to the safeguards contained in the International Covenant on Civil and Political Rights and the European Convention on Human Rights, Article 27 of the American Convention extends non-derogable rights in times of exception to the rights of the child (Art.19), the protection of the family (Art.17) and the right to participate in government (Art.23), and the 'judicial guarantees essential for the protection of such rights'. Additionally, the Inter-American Court of Human Rights stated, in Advisory Opinion OC-8/87, that while a state of emergency grants a state the power to temporarily suspend certain civil liberties, it does not imply 'a temporary suspension of the rule of law, nor does it authorize those in power to act in disregard of the principle of legality by which they are bound at all times'.¹⁴

In sum, a number of international safeguards exist to limit the extent to which states can dilute their constitutional responsibilities during times of emergency. More importantly perhaps, the declining salience of the concept of 'non-interference in domestic affairs' in the current corpus of international law and the *erga omnes* (literally 'toward all') nature of human rights obligations reinforces the important role that

¹² European Court of Human Rights, *Lawless v. Ireland*, 3 Eur. Ct. H.R. (Ser. A) at 56 (1960).

¹³ Svensson-McCarthy, Anna-Lena, *The International Law of Human Rights and States of Exception: With Special Reference to the Travaux Préparatoires and Case-Law of the International Monitoring Bodies*, Springer, London, 1998, p.464.

¹⁴ Report by the UN Special Rapporteur, Mr. Leandro Despouy, on the question of Human Rights and States of Emergency, §48; available online at www.derechos.org/nizkor/excep/despouy97en.html

civil society can play during states of emergency. The norms of human rights treaties and conventions possess a dual character: the obligation to comply with the agreement and to object if others fail to do so. Consequently, CSOs can play a significant role in preventing the abuse of human rights by promoting state compliance with international law, spreading knowledge of state obligations in international law and reporting eventual mistreatment and abuses of human rights to other States Parties.

Box 14.4 1984 Paris Minimum Standards of Human Rights Norms in a State of Emergency

In light of a lack of clarity on human rights norms in a state of emergency, it was a CSO that took it upon itself to develop authoritative guidance on minimum standards of such norms. A special subcommittee of the International Law Association studied the issue for six years. It took an additional two years of revision by the full Committee on the Enforcement of Human Rights Law until the 61st Conference of the International Law Association, held in Paris from August 26 to September 1 1984, approved a set of minimum standards by consensus.

These minimum standards govern the declaration and administration of states of emergency that threaten the life of a nation and include 16 articles that set out the non-derogable rights and freedoms. In particular, these standards enunciate general principles for the protection of individuals during states of emergency.

The Paris Minimum Standards of Human Rights Norms in a State of Emergency

Section (B) Emergency Powers and the Protection of Individuals: General Principles

1. During the Period of existence of a public emergency the state concerned may take measures derogating from its obligations to respect and ensure to all individuals within its territory and subject to its jurisdiction the human rights and fundamental freedoms internationally recognized, but it may not derogate from internationally prescribed rights which are by their own terms 'nonsuspendable' and not subject to derogation.
2. The power to take derogatory measures as aforesaid is subject to five general conditions:
 - a) Every state which is party to a regional or international human rights treaty shall comply with the principle of notification as may be prescribed by the particular treaty.
 - b) Such measures must be strictly proportionate to the exigencies of the situation.
 - c) Such measures must not be inconsistent with the other obligations of the state under international law.
 - d) Such measures must not involve any discrimination solely on the ground of race, colour, sex, language, religion, nationality or social origin.
 - e) The basic rights and freedoms guaranteed by international law shall remain non-derogable even during emergency. As the minimum, the constitution shall provide that the rights recognized as non-derogable in international law may not be affected by a state of emergency.

3. While assuming or exercising emergency powers every state shall respect the following principles:
 - a) The fundamental functions of the legislature shall remain intact despite the relative expansion of the authority of the executive. Thus, the legislature shall provide general guidelines to regulate executive discretion in respect of permissible measures of delegated legislation.
 - b) The prerogatives, immunities and privileges of the legislature shall remain intact.
 - c) The guarantees of the independence of the judiciary and of the legal profession shall remain intact. In particular, the use of emergency power to remove judges or to alter the structure of the judicial branch or otherwise to restrict the independence of the judiciary shall be prohibited by the constitution.

4.
 - a) All emergency measures in derogation of the rights of individuals shall be supported by the authority of law as enacted by the duly elected representatives of the people.
 - b) As far as practicable, norms to be applied during an emergency shall be formulated when no emergency exists.
 - c) States shall review and, if necessary, revise the emergency measures (legislative or executive) from time to time to ensure reasonable guarantees against any abusive exercise of emergency powers.

5. The judiciary shall have the power and jurisdiction: first, to decide whether or not emergency legislation is in conformity with the constitution of the state; second, to decide whether or not any particular exercise of emergency power is in conformity with the emergency legislation; third, to ensure that there is no encroachment upon the non-derogable rights and that derogatory measures derogating from other rights are in compliance with the rule of proportionality; and fourth, where existing municipal laws and orders are not specifically rescinded or suspended, the judiciary shall continue to regard them as being in effect. A court of law shall have full powers to declare null and void any emergency measure (legislative or executive) or any act of application of any emergency measure which does not satisfy the aforesaid tests.

Source: Lillich, Richard B, 'The Paris Minimum Standards of Human Rights Norms in a State of Emergency' in *The American Journal of International Law*, Vol. 79, No. 4 (Oct 1985).

As the previous section outlines, most national constitutions and a number of international treaties provide safeguards against the abuse of state powers during states of emergency. These safeguards, however, are not self-enforcing and here lies the crucial role that civil society can play during times of exception: only organizations independent from state control can report on human rights violations committed by state organs and lobby governments to live to their international obligations during states of emergency. Similarly, independent organizations are well placed to provide expertise to governments as to the adoption of national laws and directives to meet the international obligations of the state. Historically, excessive neglect of human rights has occurred more frequently in situations where the military were not subordinated to civilian control. In contrast, the use of emergency powers has functioned best when states of exception have been clearly and previously defined in permanent constitutions.

Box 14.5 International legal norms and states of emergency

International Covenant on Civil and Political Rights

Article 4: In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their obligation under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Article 6: Every human being has the inherent right to life. This right shall be protected by law.

No one shall be arbitrarily deprived of his life. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Source: <http://www2.ohchr.org/english/law/ccpr.htm>

European Convention on Human Rights

Article 2:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - (a) in defence of any person from unlawful violence;
 - (b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained;
 - (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 15:

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2 [right to life], except in respect of deaths resulting from lawful acts of war, or from Articles 3 [prohibition of torture], 4 (paragraph 1) [prohibition of slavery] and 7 [prohibition of punishment without law] shall be made under this provision.

3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons thereof. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Source: <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

American Convention on Human Rights

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, colour, sex, language, religion, or social origin.
2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from Ex Post Facto Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.
3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

Source: <http://www.oas.org/juridico/English/treaties/b-32.html>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 2.2 No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

Source: http://www.unhcr.ch/html/menu3/b/h_cat39.htm

Strategizing action during states of emergency

There are two approaches CSOs can use to positively influence observance of human rights by security sector agencies during states of emergency. First, CSOs can lobby for the adoption of best standards and legal safeguards to regulate the imposition of a state of emergency and to clarify which conditions have to be met for it to be lifted or, if applicable, extended beyond a set time limit. Second, CSOs can monitor the wrongdoings of security sector actors during states of emergency and report on these findings to the outside world.

Before the imposition a state of emergency

There are a number of ways CSOs can 'prepare' the security sector for a state of emergency. These include, but are not limited to:

- Training
- Legal reform
- Awareness -raising

Frequently, restrictions are imposed on the freedoms of movement and assembly during states of emergency. In these situations, the police and the armed forces are often called upon to block streets, disperse political meetings and implement emergency regulations. The security sector, especially in transition states emerging from totalitarian rule, is often poorly equipped to apply democratic principles in dealing with the citizenry. For instance, the armed forces are trained for combat and counter-terrorism but rarely on the basic guidelines for maintaining public order in cities. Here, CSOs can use their comparative advantage and build capacity inside security ministries by providing them training on these issues. Similarly, the imposition of a state of emergency often gives power to detain suspects without legal mandates. In the past, the police have often used torture to extract information from persons in custody. Here again, the CSOs can play a critical role in training the police and other security sector agencies in methods of extracting information that do not involve torture.

Also, the use of emergency powers remains ill-defined in a number of countries and contradicts state commitment to human rights treaties in others. As stated above, there a number of specific norms regulating the use of emergency powers, including the freedom from torture, right of religion and the prohibition of discrimination based on race, colour or ethnic origin. To prevent the violation of these norms, CSOs can lobby for legal reform to ensure compatibility of future states of emergency with international human rights law. In other cases, regulation governing emergency powers is non-existent, a situation that often leads to disregard for the most fundamental human rights as there are no clear restrictions on the role of the security sector during states of emergency. In such situations, CSOs can lobby for the adoption of an emergency law based on international standards and best practice as outlined above and, notably, in the 1984 Paris Minimum Standards (see Box 14.4).

Finally, CSOs have a unique role to play in educating the citizenry about international safeguards and non-derogable human rights during states of emergency. Only a citizenry that is aware of its rights is likely to create the public capital necessary for comprehensive change. States of emergency and limits on emergency powers are matters that are already sufficiently specific for an awareness-raising campaign.

During states of emergency

Where a CSO's actions or words are open to criticism and intervention by a repressive government, the CSO is challenged to operate effectively without compromising the integrity of the organization, and minimizing exposure of its members and stakeholders to recriminations from the authorities. CSOs are often the only source of independent information during the imposition of a state of emergency and this often makes them the first victims of repression. There is no magic rule or universal principle for CSOs operating in these settings. Instead, the following are suggestive guidelines; in practice, CSOs should combine them with good judgment and the specifics of local conditions:

- To the extent possible, CSOs should continue to work within the framework of the law during states of emergency to avoid being easily targeted by state authorities;
- CSOs should use all available legal means to report harassment from state authorities when and if they happen. In particular, they should address national human rights and ombuds institutions where they exist;
- During states of emergency, governments are more likely to be responsive to CSOs that have worked for some time, gained organizational credibility and whose competence and independence is recognized. This points to the importance of developing organizational credibility;¹⁵
- During prolonged states of emergency, CSOs can ally with international partners and mount an international campaign to bring international attention to abuses in the host country;
- In countries with large diasporas, CSOs can contact and build relationships with co-nationals living abroad to report abuses to the outside world and attract international attention. Because CSOs are often the first victims of repression in closed environments, they can most directly report on abuses and harassment against their members perpetrated by the authorities;
- Oftentimes, restrictive environments are designed to prevent groups and coalitions from developing nationwide support that could challenge state authority. When CSOs steer clear of action that could constitute such a challenge, they frequently have considerable room to manoeuvre and press the government to respect certain freedoms;
- When under pressure, CSOs can make use of the international instruments set up to support human rights defenders experiencing threats. More information on these instruments is provided in chapter 13 of this handbook.

¹⁵ Developing organizational credibility is addressed in further detail in chapter nine of this handbook.

Box 14.6 Front Line

The principle actor working to help CSOs take appropriate measures for their own security is the international foundation Front Line. Front Line runs a training programme and has published material with helpful and practical suggestions on how to deal with threats, intimidation and attacks and what measures can be taken to increase personal security. These materials are available online at <http://www.frontlinedefenders.org/manuals>

States of emergency and restrictive environments: common features

This chapter has thus far focused on states of emergency, presenting its different constituents and suggesting a role for CSOs. This last section aims to relate these recommendations to restrictive environments.

Restrictive environments exhibit many of the characteristics of states of emergency, but they generally last much longer. Furthermore, the role that CSOs can play during states of emergency is similar in prolonged restrictive environments and recommendations generally apply to the latter.

Restrictive environments are characterized by long-term restrictions on freedom of expression, freedom of conscience, freedom of assembly, freedom of religion and freedom of movement, as well as crackdowns on independent press outlets, objectors of conscience and non-governmental organizations. These restrictions are frequently institutionalized by repressive regimes, either in the daily functioning of governmental agencies or as part of a new legal framework. Frequently, the security sector and its agencies are responsible for the major violations of human rights in these environments. Also, CSOs are frequently the main target of censure and repression in these environments.

The most repressive of regimes are increasingly wary of negative international coverage. In these environments, CSOs can prove crucial in monitoring abuses and reporting them to the international community. The international pressure that is generated sometimes, albeit infrequently, leads foreign states and international donors to impose sanctions on host governments. These sanctions, in turn, have led regimes to reverse some of the worst abuses of human rights. To be sure, there is no one-to-one relationship between reports of abuses, sanctions and changes of policy. Many authoritarian regimes have remained in power for prolonged periods of time despite mounting international pressure; also, reporting of abuses does not always lead to successful international awareness-raising campaigns. Yet, it is also clear that in a globalized world, states can no longer claim to be isolated from their neighbours and international public opinion.

The role of CSOs in restrictive environments should not, however, be limited to monitoring and reporting abuse. In these settings CSOs should use all available legal means to redress malpractices. In restrictive environments, governments often establish replicas of democratic institutions to provide a semblance of democratic rule to the outside world, including ombudsperson institutions and national human rights commissions. These institutions are hardly ever independent from executive control, but once set up they can take a trajectory of their own. Hence, CSOs should work to the extent possible with these organizations, and positively influence the orientation that they take.

Finally, CSOs can help resolve collective action problems. In restrictive environments, restrictions on freedom of speech and freedom of assembly increase the opportunity costs for individuals to influence the democratic process. CSOs can play a major role in engaging non-governmental actors from different backgrounds and uniting them in a common front against abusive policies. The most well-known example is probably the Asamblea de la Civilidad in Chile, which played a determining role in uniting a number of political parties and civil society players to bring down the Pinochet regime at the end of the 1980s (see Box 14.8).

Box 14.7 Civil society organizations in restrictive environments

China

In restrictive environments, expatriates and people in exile often play an important role in supporting and complementing local activists. One example of this is the Laogai Research Foundation (LRF) which was established in 1992 by the China-born American Harry Wu. For 19 years he was detained in the Laogai labour camps.

The Chinese term laogai means 'reform through labour'. The Laogai system was set up by Mao Zedong and shares many traits with the Gulags in the Soviet Union. Today, penal labour continues to exist in China, including in 're-education through labour' camps (laojiao), a form of administrative detention for a renewable term of 3 years without judicial process.

As one of its activities, the Laogai Research Foundation publishes the bi-annual Laogai Handbook. It identifies more than 1000 places of detention, including prisons and re-education through labour camps. It is the only independent and publicly available catalogue on China's system of penal labour.

Source: Laogai Research Foundation, <http://www.laogai.org>

Zimbabwe

The organization WOZA launched and published a study on violence against its members (see <http://wozazimbabwe.org/?p=165>). They also regularly issue alerts on their website when members are detained and tortured. (see <http://wozazimbabwe.org/?s=torture>). This serves two key goals: documenting abuses by the

state's armed forces while at the same time increasing protection by making clear that the abuses do not go unnoticed and that the organization has the capacity to organize and to alert international actors.

Source: http://wozazimbabwe.org/?page_id=4

Radio B92, Serbia

In 1993, B92 joined forces with seven other radio stations to form the Association of Independent Electronic Media, whose message centred on peaceful resistance and democracy. Expansion of horizontal linkages between these civil society organizations led the association to become one of the major players for the fight for freedom of information in Milosevic's Serbia.

After being reopened in 1994, B92 rapidly expanded beyond radio broadcasting and opened a publishing house, a CD production company, established a cultural centre in Belgrade and launched the first internet service provider in Serbia. Amidst massive demonstrations in protest against general-election fraud, the radio station was closed for the second time in 1996, but within two days significant national and international pressures led the authorities to reopen B92.

In April 1999, at the time of NATO air-bombing campaign during the Kosovo crisis, Milosevic's state apparatus started to crack down on all independent sources of information. B92's offices were sacked and the station was closed for the third time since 1989. The radio's latest message before its closedown was 'Continue to believe' (Campagne de soutien à B92 Communiqué de presse du 3 avril 1999, http://helpb92.xs4all.nl/press_fra2.htm). As in 1996, the radio station switched all of its activities to the internet and was one of the only non-censored sources of information coming from Serbia during the Kosovo crisis. It was reported that B92's website reached one million hits per day at that time.

Today, B92 has expanded to become one the most popular TV and radio station in Serbia, and also the most prominent independent source of news in the country. Its TV programmes include the "Insajder" series, a unique case of investigative journalism on Serbian television.

The story of B92 is one of a civil society organization that grew despite restrictions to become a key player in the democratization process of the country. In a mixture of political news and non-nationalistic music, B92 has given voice to a new generation of Serbians to influence the public debate.

Restrictive environments: challenges and opportunities for CSOs

The challenges that CSOs face in restrictive environments are many. First, and most notably, their staff and members are regularly intimidated by state authorities. When independent organizations are not altogether outlawed by the regime, intimidation, persecution, detention without trial and disappear-

ances are a recurrent phenomenon. Second, restrictions on press freedom limit the capacity of CSOs and local associations to influence public debate and hold governments accountable. The publication of newspapers and alternative dissemination of articles and information are often used as a substitute way to express independent viewpoints. Additionally, it is more difficult for CSOs working in restrictive environments to elaborate international links and diversify sources of funding, as organizations that receive money from abroad are commonly accused of engaging in hostile, 'anti-national' activities and are regularly harassed by authorities.

Box 14.8 Coup d'état resulting in long-term military rule in Chile

On 11 September 1973, a military coup led by General Augusto Pinochet ousted the democratically elected government of Salvador Allende and imposed a military rule that lasted until 1989. Pinochet's regime was marked by large-scale repression and gross violations of human rights. The military junta abolished civil liberties, dissolved the national congress and banned political parties and political activities. More than 3000 people were reportedly executed in the first years of the regime, 29,000 tortured and more than 30,000 forced to flee the country.¹⁶

Civil society in Chile played a significant role in reporting human rights abuses during Pinochet's rule and was important in the return to democracy in 1989. Following the 1973 coup, new territorially based organizations began to appear in the *poblaciones*, or shantytowns. The Catholic Church played a key function in providing sanctuary for these CSOs and undertook a variety of efforts to augment their capacity to organize themselves.¹⁷ This protective environment helped social organizations reconstitute themselves gradually as autonomous entities in a restrictive environment.

In the years following the imposition of military rule, CSOs led limited public rallies and hunger strikes in protest against assassinations, detentions, torture and disappearances. These protests gradually developed into large-scale public strikes in the 1980s. In 1987, political parties were allowed in Chile for the first time since 1973, and subsequently a wide array of CSOs, including *pobladores*, university students, professional organizations, truck drivers, women's associations and human rights organizations united and formed the *Asamblea de la Ciudadad*. The opposition achieved a high degree of unity and ensured the transition to democracy by defeating a 1988 plebiscite on the continuation of Pinochet's rule. Following the return of democracy in March 1990, CSOs played a key role in providing testimonies and evidence of abuse to the National Commission for Truth and Reconciliation established to report on human rights abuses during the military regime.

16 National Commission on Political Imprisonment and Torture, *Final Report*, 1991, available online at: http://www.usip.org/library/tc/doc/reports/chile/chile_1993_toc.html

17 Oxhorn, Philipp, *Organizing Civil Society: The Popular Sectors and the Struggle for Democracy in Chile*, Pennsylvania State University Press, University Park, 1995.

Despite these difficulties, civil society can be a major player in promoting the safeguard of basic human rights and encourage states to comply with international law in restrictive environments and declared states of emergency.

In these environments, the presence of non-governmental organizations is vital to report human rights violations and to provide an independent assessment of governmental policies. Where freedom of the press is restricted and governmental news agencies are often the only source of daily information, testimonies and documentation detailing violations of human rights collected by these non-governmental organizations and associations become an exclusive source of evidence for the mistreatments committed during prolonged states of emergency. In the past, evidence of systematic violations of human rights has led the international community to impose, albeit selectively, trade and economic sanctions against these regimes. Furthermore, the numerous truth commissions that have emerged at the end of long-standing states of emergency have also relied on evidence provided by CSOs to establish the complicity of the regime in human rights violations and have condemned, at times symbolically, governmental officials complicit of the crimes committed during these periods.

CSOs can also play a critical role in disseminating information about the various state obligations under international and regional law regulating emergency powers. Research institutes, universities and advocacy groups can help educate the public through outreach and educational programmes, lectures for non-specialists and seminars. The effect of these education programmes will certainly be limited in the short run. However, an educated citizenry can have long-standing consequences for the ability of governments to formulate policies that are fundamentally anti-constitutional or contrary to obligations under international law. Specifically, relevant CSOs should influence authorities to have the international principles of legality, proclamation, communication, temporality, exceptional threat and proportionality embedded in national legislation regulating states of emergency. Specialized institutes, human-rights organizations and groups of citizens particularly affected by emergency powers can provide assistance in developing new legislation in accordance with international human rights obligations and offer advice on the adverse effects of proposed changes.

Finally, the mostly local nature of CSOs in restrictive environments renders them unable to take advantage of the full range of opportunities to enhance their contribution to the democratic debate. Expansion of horizontal linkages among different locally-based organizations and partnership with foreign non-governmental international organizations are avenues that can increase the impact of civil society on the decision-making process. In particular, local CSOs in restrictive environments can gain expertise by drawing on the know-how of NGOs in well-established democracies and adapting these experiences to local realities.

Box 14.9 Coup d'état resulting in long-term military rule in Nigeria

On 17 November 1993, Nigerian Defence Minister Sani Abacha forced President Shonekan to resign and instituted a military dictatorship that was characterized by massive abuses of human rights, the dismemberment of democratic institutions and significant limits on press freedom.

During the Abacha rule, CSOs mounted a constant challenge to the military regime over its abuses and authoritarian rule. A broad range of CSOs, including professional, workers', ethnic, regional, youth (most notably, the Ikwere Youth Convention and Ijaw Youth Council) and university associations (the Academic Staff Union of Universities), as well as human rights NGOs, led a struggle against the consolidation of the Abacha military regime.¹⁸ Particularly, human rights NGOs provided much of the evidence of abuses of human rights to foreign observers and international organizations. Mounting evidence of human rights violations led the United States and other international actors to impose travel sanctions on the Abacha leadership and imposed a ban on the sale of arms and the end of military assistance to Nigeria.

Civil society organizations in the north of Nigeria, fewer in numbers and characterized by their traditional roots and community structures, further contributed to the resistance against the state's repressive policies. Despite their apolitical nature, many of these organizations began to challenge the state over issues relating to the rights and freedom of their members. For instance, the Boyajidda social and drama club in the city of Funtua, until then a largely apolitical organization, began to challenge the state after the arrest and detention of actors and organizers over allegedly 'anti-government' plays.¹⁹

Since the return to electoral democracy in 1999, international actors, most notably the United Nations Children's Fund (UNICEF) and USAID, have pursued policies aimed at strengthening the independent capacity of Nigerian civil society organizations. These strategies include the development of horizontal linkages between organizations, facilitating international networking between local organizations and international actors, and most importantly creating a capacity to remain independent from the state.

Conclusion

Under international law and the majority of national legal frameworks, governments are free to declare a state of emergency when they perceive the survival of state institutions to be threatened. Legal documents do not indicate specific conditions which might trigger the use of emergency powers, but governments have historically invoked states of emergency at times of war or internal armed conflict, following terrorist attacks, economic crises or civil unrest and in a number of socially created circumstances.

¹⁸ Walker, Judith-Ann, 'Civil Society, the Challenge to the Authoritarian State, and the Consolidation of Democracy in Nigeria' in *Issue, A Journal of Opinion*, XXVII:1, 1999, p.54.

¹⁹ *Ibid*, p.56.

The imposition of a state of emergency is regulated by three major international and regional human rights treaties: the International Covenant of Civil and Political Rights, the European Convention on Human Rights and the Inter-American Convention on Human Rights. States may derogate from some of their human rights obligations during times of exception. However, derogation is subject to a number of restrictions, and states may never derogate from non-derogable rights. Furthermore, the measures implemented during the state of emergency must be proportional to the severity of the crisis and limited in time.

Many governments, however, have used the 'pretext' of a state of emergency to impose decade-long states of emergency and have committed violations of human rights in disregard of their international obligations. The role of CSOs in the oversight of the security sector during states of emergency is precisely so crucial because the worst violations of human rights occur during states of emergency – whether *de jure* or *de facto* – and these violations are frequently committed by security sector personnel.

Civil society organizations can help prevent state abuses by advocating the adoption and facilitating the implementation of best practices in the regulation of emergency powers in national legislation. They can also draw attention to human rights violations by monitoring and reporting governmental action during states of emergency, and more generally, during times that are characterized by government suppression, CSOs can deliver independent news coverage.

Ultimately, CSOs are most likely to enhance the accountability of security ministries if they operate as far as possible within the limits of the law, if they methodically report abuses committed by the security sector and if they establish a global strategy in partnership with like-minded NGOs abroad to bring light to malpractices of the state and create international pressure on the home government. These recommendations apply not only to declared states of emergency but also to restrictive environments.

What you can do as a CSO

Lobby for legal reform

- ✓ Analyse relevant legislation regulating the use of emergency powers in your country
- ✓ Examine relevant international human rights obligations applicable during states of emergency
- ✓ Lobby for legal reform in order bring national laws to conformity with the international obligations of the state
- ✓ Lobby for the implementation of safeguards during states of emergency

Promote training and awareness-raising

- ✓ Train the army, the police and other security sector agencies on non-derogable human rights during states of emergency
- ✓ Incorporate state of emergency training in outreach and awareness-raising programmes
- ✓ Promote awareness of state obligations and non-derogable rights during states of emergency

Strategize action during states of emergency and in restrictive environments

- ✓ Take appropriate action to protect your own safety
- ✓ Monitor abuses of human rights perpetrated by security sector agents
- ✓ Disseminate your findings to the citizenry
- ✓ Establish partnerships with CSOs abroad and disseminate reports of abuses to the outside world
- ✓ Provide legal counsel to victims of abuse

15

Katrin Kinzelbach and Yasmine Sherif

Security Sector Oversight, Violent Conflict and Peacebuilding

Introduction

Justice and security are the critical pillars of a society that rests on the rule of law. Wherever this foundation is disintegrated or absent, the opposite appears – the rule by force, which in turn tends to imply armed conflict. Thus, in order to fully comprehend the connection between security sector oversight, conflict and peacebuilding, one has to understand armed conflict. Civil society organizations face special challenges in a post-conflict peacebuilding context, ranging from participation in the formation of new institutions, through to transitional justice and truth and reconciliation commissions. This chapter focuses on security sector oversight in the context of contemporary civil wars where the official state no longer serves as the primary security provider but typically represents one of the warring parties.

Civil wars are often characterized by breaches of international and domestic law, often amounting to crimes against humanity. The targeting of civilians is often a principal strategy of the warring parties who use the absence of physical and legal protection to commit human rights violations and abuses. The architects of those violations may even be found in a country's own governance institutions, notably the security sector and may be condoned by a marginalized justice sector. Widespread abuses by police, security forces and the military, arbitrary arrests and unlawful detentions, a politically biased judiciary and orchestrated trials may all testify to a severe erosion of the justice and security sector – a sector meant to safeguard fundamental rights and protection of citizens.

In such an environment, the legislative, judicial and law-enforcement institutions lack legitimacy and suffer from competence or capacity deficits. Moreover, these institutions are compromised by political and military interference and corruption. Without democratic control or oversight of armed forces, the civilian population is exposed to arbitrary violence and interference in their lives. Neither physical nor legal security, nor access to justice are at hand. The institutional and operational gaps in the justice and se-

curity sector are often exacerbated by a massive circulation of small arms and in-country divisions based on ethnicity or religion. This, in turn, is further compounded by a lack of confidence amongst the populace in an impartial justice and security system.

The issues of justice and security are sometimes seen as too sensitive to openly address during or after an armed conflict, and there has thus been a tendency to focus on socio-economic recovery – divorced from security and justice. However, without security and access to justice for citizens centrally embedded in peacebuilding, displaced populations (refugees and internally displaced persons) cannot return in safety and with dignity to their communities; armed conflict resolution will continue to dominate the relationship between adversaries and conflicting interests; civilian governance structures will remain marginalized; and the society will sooner or later relapse into full-blown violence. Investing in justice and security sector reform and building mechanisms for the democratic control of the security sector, including oversight by civil society organizations, is not only a necessity, but a pre-requisite for sustainable peacebuilding.

This chapter outlines options for civil society engagement on security issues in conflict situations, looking separately at engagement options before, during and after violent conflict.

Engagement options: before conflict escalation

When a security sector does not meet the security needs of a society but rather endangers people's security, democratic security sector reform can help to prevent the escalation of a simmering conflict. This is because the recourse to violence is less likely where conflicts can be resolved by peaceful means. At the same time, it must be recognized that the actual reform process is a very volatile period. Research shows that while political and socio-economic reforms do address systemic conditions and conflict causes, they might in the short-term contribute to rather than prevent conflict.¹ Security sector reform can generate tensions because the power balance shifts in favour of some groups and away from others. Power struggles can erupt between groups competing in the transition process to gain control over the security sector. There is also the risk that security sector reform programmes inadvertently exacerbate tensions. A rather wide-spread problem is that defence and security institutions receive capacity-development assistance from international actors but the oversight component remains weak and ineffective. This in turn can lead to a situation where rights-violating security forces become better equipped to do what they have always done.

From the outset of any security sector reform process, civil society should thus advocate for attention and support to the oversight components of security sector reform. Similarly, it is important to ensure that

¹ See for example: Michael S. Lund: 'Early Warning and Preventive Diplomacy', in *Managing Global Chaos Sources of and Responses to International Conflict*, Chester A. Crocker, Fen Osler Hampson and Pamela R. Aall (eds), United States Institute of Peace Press, Washington, 1996, pp. 379-402.

reform assistance is not only provided in one part of the country. In a divided society, this could strengthen ethnic divisions and the marginalization of disadvantaged groups. To ensure a conflict-sensitive approach to security sector reform, it is essential to set up appropriate consultation mechanisms with all stakeholders, including civil society.

Box 15.1 Preventing crisis escalation through cooperation between parliament and civil society

At a roundtable of parliamentarians held in Kiev, Ukraine in June 2006, Ukrainian parliamentarians stressed the point that a civilian movement working together with a political elite was the fundamental prerequisite for launching security sector reform. In Ukraine, the turning point occurred during an institutional crisis. In this vacuum, a new political elite and a civil movement could operate. Three parliamentary committees, including the National Security and Defence Committee, were in constant contact with law enforcement agencies and civil society representatives during the crisis. This enabled them to be fully informed about the evolution of events and to oversee the situation. At the same time, activities carried out by the Ukrainian Parliament would not have been possible without broad civilian support. It was the combination of civic and legislative security sector oversight that helped prevent the escalation of the crisis.

Source: UNDP/ DCAF *Report on Parliamentary Roundtable on Security Sector Oversight, Kiev 22-23 June 2006*, available at <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=DCAF&fileid=0003EF7B-6DA3-A39B-ECC8-3D7D5576B61E&lng=en>

Civil society raises awareness amongst constituencies, communities and international actors. Professional and national networks, NGOs and community-based organizations spread the message of peace and human rights, conduct capacity-building and challenge norms that have proven ineffective or damaging to the social contract. The transformation from apartheid to democracy in South Africa is a case in point, where a mass democratic movement led by the African National Congress (ANC), including a number of churches, NGOs and trade unions, challenged a regime that excluded the majority of the population from the social contract.²

Engagement options: during violent conflict

During violent conflict, civilian oversight of the security sector most typically means peaceful resistance to violence, documentation of abuses and advocacy for peace. Where there is large-scale breakdown of peaceful organizations and the social fabric, such resistance is not necessarily supported by formal in-

² Cawthra, Gavin, 'Security Transformation in Post-Apartheid South Africa', in *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, Cawthra and Luckham (eds), Zed Books, London, 2003.

stitutions. Rather, it takes the courage and creativity of individuals or small groups to successfully advocate for the (temporary) cessation of violence. An evocative example comes from the self-declared state of Somaliland in the north of Somalia. In September 1994, when fighting broke out in Hargeisa, a group of women raised their voices in protest. The shooting stopped when the women marched through the dry riverbed that marked the frontline and started singing:

Hadaba Deeqay dagaalkanu muxuu ahaa?

...

*O, Deeqa [a man's name], I am truly at loss
As to the real intentions of this war.*

*Unlike unrelated people who can drift apart
My own people are fighting one another.
My neighbours are fiercely at each other's throat,
My plight has no match.³*

More formal humanitarian negotiations with armed groups can also be understood as a form of security sector oversight. In situations where governmental oversight mechanisms of the security sector cease to function, and the security sector has disintegrated into various factions, such humanitarian negotiations are sometimes the only way to help prevent excessive violence and the targeting of civilians. During a conflict, humanitarian negotiations with armed groups can be undertaken in pursuit of a number of goals, including:

- To secure humanitarian access to those in need;
- To agree on rules and behaviour of belligerents that will improve the protection of civilians in areas under the control or influence of armed groups, in accordance with international humanitarian law and international human rights law;
- To secure the release of persons being held by armed groups against their will, including humanitarian workers held hostage and civilian detainees;
- To secure agreement on special protection areas or periods (for example, to secure agreement on conducting immunizations over a period of days).⁴

This is of course not an easy task. The power imbalance between civil representatives and the armed groups is stark – that is in terms of coercive power. Civil representatives can usually only employ moral

³ For the full version of this poem in Somali and English, see Judith Gardner and Judy El Bushra (eds), *Somalia: The Untold Story. The War Through the Eyes of Somali Women*, Pluto Press, London, 2004, p.139.

⁴ Mc Hugh, Gerard and Manuel Bessler, *Humanitarian Negotiations with Armed Groups. A Manual for Practitioners*, OCHA/ United Nations, New York, 2006, p. 12.

power. Although prospects for such a negotiation may appear bleak, this strategy is not doomed to fail in all cases. When negotiating with armed groups on the protection of civilians, humanitarian negotiators should consider the following points:

1. Members of the armed group may not be aware of their obligations to protect civilians, nor of the legal mechanism that can hold them accountable for failure to protect civilians or for causing harm to civilians. The protection of civilians is enshrined in humanitarian law (for international and non-international armed conflicts), customary international humanitarian law (for international and non-international armed conflicts) and international human rights law (applicable in times of peace and conflict). Part of the process of negotiation should therefore focus on raising awareness among members of the armed group regarding the need for civilians to be protected in armed conflicts and the armed groups' obligations in this regard.
2. Since the actual protection is non-negotiable as they already constitute international legal instruments, notably provided for by International Humanitarian Law, International Human Rights Law and the International Criminal Law, humanitarian negotiators should attempt to demonstrate to the armed group, using a persuasive approach to negotiation, that it is also in their interest to ensure the protection of civilians.
3. Humanitarian negotiators should generate options (by brainstorming within their own organizations and with the armed group negotiators) for consideration that can lead to enhanced protection of civilians. The options will depend on the particular context, but could include, for example, agreement on procedures to register and arrange for appropriate care of orphaned children in areas controlled by the armed group or agreement by the armed group not to engage in abduction and sexual exploitation of girls.
4. Even though the armed group is not a party to the international human rights treaties, international human rights law can provide a basis for discussion with armed groups on the type and scope of protections that need to be afforded to civilians.⁵

Humanitarian negotiations often take place under extreme political and moral pressure and under time constraints. Nonetheless, they need to be carefully prepared. The civil negotiators must understand the armed groups' motivations, structure and principles of action, including ethno-cultural dimensions, the interests and the constituency of the armed group interlocutors, and any needs (organizational, resource-related, identity-related or otherwise) of the armed group and its interlocutors. In some situations the negotiations negatively impact the security of civilians as armed groups may use civilian populations under their control

⁵ Ibid, p. 67.

as a bargaining tool. The negotiations may also put the lives of the armed group interlocutors and those of the humanitarian negotiators at risk. On the other hand, such negotiations may serve as a confidence-building measure and thus pave the way for further political negotiations and an end to the armed violence.

Box 15.2 Geneva Call

Geneva Call is an international humanitarian NGO that provides an innovative mechanism for non-state actors, who do not participate in drafting international treaties and thus may not feel bound by their obligations, to express adherence to the norms embodied in the 1997 anti-personnel mine ban treaty through signing the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*. Under the Deed of Commitment, signatory groups commit themselves:

- To a total prohibition on the use, production, acquisition, transfer and stockpiling of anti-personal mines and other victim-activated explosive devices, under any circumstances;
- To undertake, to cooperate in or to facilitate programmes to destroy stockpiles, clear mines, provide assistance to victims and promote awareness;
- To allow and to cooperate in the monitoring and verification of their commitments by Geneva Call;
- To issue the necessary orders to commanders and to the rank and file for the implementation and enforcement of their commitments;
- To treat their commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms.

Since the launch of Geneva Call in 2000, thirty-four non-state actors from Burma/Myanmar, Burundi, India, Iraq, the Philippines, Somalia, Sudan, Turkey and Western Sahara have signed the Deed of Commitment. According to a progress report completed in 2007, the signatory groups have, by and large, complied with their obligations, refraining from using anti-personnel mines and cooperating in mine action with specialized organizations. In addition, nine other non-state actors have pledged to prohibit or limit the use of anti-personnel mines, either unilaterally or through a ceasefire agreement with the government. In some countries, the signing of the Deed of Commitment by non-state actors facilitated the launch of much-needed humanitarian mine action programmes in areas under their control, as well as the accession by their respective States to the Ottawa Convention.

Source: Geneva Call Progress Report (2000-2007). Available at <http://www.genevacall.org/resources/testi-publications/gc-progress-report-07.pdf>; see the Deed of Commitment at <http://www.genevacall.org/about/testi-mission/gc-04oct01-deed.htm>

Throughout the conflict phase, civil society often has a state-substitution role, which means it provides essential services that are otherwise delivered by the state. Last but not least, civil society actors can perform a significant oversight function during violent conflict by documenting abuses by armed groups so that those responsible may be held accountable in the aftermath of violent conflict (for further information, see the section on transitional justice below and the human rights chapter in this handbook).

Engagement options: peace negotiations

Peace agreements typically contain provisions on the demobilization and reform of the armed forces, or the integration of previously rival groups into a single force under governmental control. In addition to the restructuring of the armed forces (particularly military and paramilitary), peace negotiations offer a unique opportunity to agree on deep and difficult structural reforms and to establish civilian control and a people-centred, democratic security service. In the past, this opportunity has seldom been used.

In recent years, the international community has come a long way in paying more attention to the challenges of security sector reform during peace negotiations and in peace-support operations. Recent policy developments at the United Nations include the Open Debate in the Security Council organized under the Slovak Presidency in February 2007 and the establishment of a UN Task Force on Security Sector Reform. It is anticipated that these efforts will generate a report by the Secretary-General to the Security Council and General Assembly, including lessons learned and recommendations on the way forward. Although the role of civil society is broadly acknowledged at the policy level, in reality peace negotiations are normally held between combatant groups, often with the assistance of a mediator. Representatives of civil society, that is those parts of the population that did not take up arms, rarely have the opportunity to engage in peace negotiations where basic parameters for post-conflict security sector reform are agreed upon.

Box 15.3 Peace agreements with comprehensive security sector reform provisions

The peace agreements in Guatemala and Bosnia and Herzegovina in the 1990s included not only specific provisions on security sector reform but also linked security and justice reforms to broader social and economic transformations.

The final peace agreement between the Guatemalan government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) signed in 1996 comprised eleven accords that were signed on a range of substantive issues related to security sector reform, including human rights, indigenous groups, social and economic reforms, land reforms, a commission to document war crimes and a new role for the army, as well as demobilization and reintegration.

The Dayton Peace Accords that ended the conflict in Bosnia and Herzegovina provides an example of how immediate stabilization efforts (which included establishing rotating presidents, separate police, and government forces within the three republics) can be linked to longer-term reform processes. Ten years later this process led to the Bosnian parliament voting for the creation of a single, unified army and defence ministry and setting a target for reforming the police to meet European Union standards.

Source: OECD/DAC *Handbook on Security System Reform*, OECD, 2007, p.101. Available at <http://www.oecd.org/dataoecd/43/25/38406485.pdf>.

So how can the interests, aspirations and values of different constituent elements of a society inform the post-conflict decisions on security sector reform? There is no single design that fits all situations. In principle, there are three different modes: representative participation through political parties; consultative mechanisms where civil society can voice views and make recommendations; and direct participation in local conflict resolution mechanisms. Given political and time pressures, peace negotiations rarely offer ample space for broad public participation. Launching a consultative process after the main points are already agreed upon has only limited credibility. How representatives of civil society can create the political space for participation will differ from case to case, but reference to the following international norms may support civil society requests to be heard in peace negotiations:⁶

Box 15.4 International normative frameworks for civil society involvement in peace negotiations

Group	Instrument
General population	Universal Declaration of Human Rights, Article 21
	International Covenant on Civil and Political Rights, Article 25 (Adopted 1996)
Women	Security Council Resolution 1325 (S/RES/1325) on Women, Peace and Security
	UN Convention on the Elimination of All Forms of Discrimination Against Women (Article 7)
	UN Declaration on the Participation of Women in Promoting International Peace and Cooperation
	Beijing Platform of Action Section E
Minorities and indigenous people	International Convention on the Elimination of All Forms of Racial Discrimination (Article 5c)
	UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Articles 2.2 and 2.3)
	International Labour Organization’s 1989 Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No.169 (Articles 4, 6, 7, 14, 17)

To ensure meaningful and sufficient public consultation, peace agreements should, at a minimum, include a provision on the establishment of a mechanism or process whereby civil society can participate in a systematic security needs assessment that provides the basis for post-conflict security sector reform.

Engagement options: post-conflict situations

While armed hostilities may cease with the signature of a peace agreement, violence and human rights violations will not. A society affected by war is also affected by a war mentality. Armed individuals and

⁶ Catherine Barnes: ‘Democratising peacemaking processes: strategies and dilemmas for public participation’, in: *Accord*, No. 13, Conciliation Resources, London (2002): p. 8 and 10.

groups, untrained police and un-disciplined soldiers will continue to roam the streets. Fear and resentment will remain for a long time and will continuously be acted upon – often with a risk of relapse into chaos and violence. In other words, the peace-building process is not an end in itself. It is merely the beginning.

Besides the critical aspect of political will, the knowledge-base, democratization and operational capacity of the security forces, law-enforcement officials, the judiciary and legal professionals have to be restored and strengthened – they must be equipped with the technical skills and capacity to execute their responsibilities in a transparent and accountable manner.

Trust has to be rebuilt and commitment restored to do what is right according to universally recognized standards. In the absence of an adequate justice and law-enforcement system, perceptions and commitment to legal imperatives and citizens' rights may have been altered and misconstrued: instead of serving the people, judges, the police and the army serve their leadership and the state, *per se*. These perceptions have to be reversed.

Box 15.5 Failures in building local ownership

In 1999, three years after the UN-brokered a peace accord that ended a 36-year civil war, the government of Guatemala deployed a new civilian national police (Policía Nacional Civil, PNC). To help with police-community relations PNC National Director General Rodolfo Mendoza launched the local security councils (Juntas Locales de Seguridad, JLS) without any consultation with civil society or parliament. These local councils, arising from a presidential decree rather than from legislation, were headed by the mayor of the municipality and included the chief of the local police and another respected resident of the community. They were to be used to facilitate communication with local residents and inform them of the new police force and its role, and to encourage citizen participation in the reform process.

The councils operated without a clear strategy as to how to integrate the communities into the work of the police. Local citizens in former conflict zones saw little difference between the new councils and the Self-Defence Patrols that were used during the civil war as a means of forced participation in the conflict.

The lessons that have to be drawn from this experience are that improving police-community relations after conflict should be achieved through a strategy different from one that was previously associated with repression and tension. Even though police found these councils a useful space for citizen contact and information-gathering, it was a one-sided approach implemented with little regard for the past. Thus, if efforts to create local mechanisms for police-community relations and improve community security are short on accountability, loosely regulated and lack oversight mechanisms, they will have limited results in reorienting police-community relations after conflict.

Source: Neild, Rachel, *Sustaining Reform: Democratic Policing in Central America*, Washington Office on Latin America, Washington, 2002.

A broad spectrum of actors has to be brought into this process, not the least civil society. In fact, civil society is often at the forefront of moving the above processes forward. Civil society reaches out across a country, even where communication and transport is limited. Their knowledge of the local context and culture is likely to add significant value to awareness-raising and training of police, security forces and legal professionals. They know how to situate human rights in relation to their fellow citizens, be it judges, soldiers or civil servants (for further information on how to implement such activities, please refer to the chapters on awareness-raising and training in this handbook).

In post-conflict situations, security sector reform usually starts with disarmament, demobilization and reintegration of ex-combatants (DDR). Apart from reducing the number of armed forces in a post-conflict society and re-instituting central control, the DDR process aims to address a central security problem, namely that the majority of combatants remain without a livelihood or support network once the open hostilities have ended. If the combatants do not quickly experience the dividends of peace, they often return to the war strategy of securing income through violence.

Civil society can play an important role in the reintegration of former combatants. Unfortunately, there are far more examples of the problems arising from the exclusion of civil society in the reintegration phase of DDR programmes than there are of their successful inclusion. El Salvador, Haiti, Nicaragua and Mali are cases in point.⁷

The transformation of soldiers and militias into citizens is ultimately a social challenge. The role of civil society in this endeavour must be acknowledged. Economically, it can promote opportunities for self-reliance and economic revival. Socially, civil society can support reintegration and acceptance of ex-combatants into their communities. But this will only succeed if the process is considered transparent and fair. The enormous difficulty of any DDR programme is that it has to strike a balance between security and equity.

To maximize the chance for success and credibility of a DDR programme, civil society representatives should be engaged through a consultative mechanism in all phases of the programme. Of crucial importance is the participation in decisions on eligibility criteria. These criteria will reflect the fact that the main focus of DDR is to improve security. That is, those members of the armed forces who pose the greatest threat to peace and stability will most likely be prioritized. This procedure implies that disabled people, unarmed female followers and abductees including women and children are often excluded. They are, however, also members of the fighting factions and thus face similar reintegration obstacles as the armed combatants. Eligibility criteria must be separately decided-upon for each component of DDR:

⁷ See Poulton, Robin Edward, 'Civil Society is an Indispensable Partner for Weapon Collection and DRRR within the UN Programme of Action', in *UNIDIR Disarmament Forum*, Geneva, 2006.

- unarmed members of armed forces and groups are not eligible for disarmament, but should be eligible for demobilization and reintegration;
- dependants are not eligible for disarmament and demobilization, but should be eligible for reintegration;
- abductees and children may need to be disarmed, but may not be formally demobilized, and should be eligible to receive reintegration assistance.⁸

Box 15.6 Women's associations and DDR in the Democratic Republic of Congo

In recognition of the need for a strategy on how to include women and girls in the disarmament, demobilization and reintegration process in the Democratic Republic of Congo (DRC), a consultation process was organized which started with a two-day meeting in Kinshasa on 10–11 November 2003. Supported by UNDP and UNIFEM, the seminar was used by Congolese women as an opportunity to express and discuss their opinions and needs, and to raise awareness among key actors that women must not be forgotten in the DDR process.

In addition to women's associations, participants also included other human rights organizations, representatives of the ministries in charge of DDR in the DRC and selected donor representatives. Four working groups were formed to discuss the following themes: 1. Disarmament and demobilization; 2. Reinsertion and reintegration; 3. Awareness-raising and mobilizing society on DDR; 4. Children associated with armed groups.

The seminar produced a detailed list of recommendations which were presented to the public at a press conference. Despite these advocacy efforts, however, the national DDR programme adopted a narrow focus, excluding women associated with armed groups for budgetary reasons. In 2005, this led to a humanitarian crisis at the borders of encampments where thousands of women waited with children for the demobilization of their spouses in deplorable living conditions.

This example shows that marginalized groups often have valuable insights and that negative effects of programmes could be avoided if the views of relevant civil society actors were taken into account in the conceptualization of programmes. It also underlines that consultation processes and advocacy efforts of CSOs do not always lead to the intended result.

Source: UNDP Report: Gender and DDR in the DRC, May 2005 see Emily Schroeder, *A Window of Opportunity in the Democratic Republic of the Congo: Incorporating a Gender Perspective in the Disarmament, Demobilization and Reintegration Process*, available online at <http://www.peacestudiesjournal.org.uk/docs/AWindowofOpportunity.PDF>

⁸ UN Inter-Agency Working Group on Disarmament, Demobilization and Reintegration (IAWG – DDR): *Operational Guide to the IDDRS*, 2006, p. 44. Available at http://www.unddr.org/iddrs/iddrs_guide.php

Similarly, reintegration programmes must avoid producing resignation among those groups in society that never resorted to violence. To prevent a wide-spread sentiment that violence pays, reintegration programmes should adopt an integrated approach that benefits not only combatants but economic revival of the communities at large. Adequate consultative mechanisms with civil society are indispensable to the success of such a process.

With a longer-term perspective, one of the major weaknesses of the DDR approach is that it focuses on immediate security threats and therefore such programmes often fail to pave the way for larger institutional reform of the security sector. As mentioned above, a roadmap for a comprehensive institutional reform process should ideally be included in the peace agreement. In a post-conflict environment, CSOs can advocate for adequate attention to structural reform using the strategies described in the advocacy chapter of this handbook.

A particularly useful approach in post-conflict environments is to get CSO representatives onto project and programme governance bodies in the areas of DDR, governance and public administration reform. At this level, CSO representatives can influence the long-term orientation of programmes, and can ensure that windows of opportunity for structural reforms are seized and that goal definitions and success indicators take the need for structural reform into account. Civil society participation in such governing boards can indeed be understood as a precursor of civil society oversight of a reconstructed security sector.

Another option for civil society engagement on security sector oversight after conflict relates to armed violence and the need for the control of small arms and light weapons. While disarmament, demobilization and reintegration processes as well as security sector reform address weapons in possession of armed factions and groups, it is important to re-establish control over all weapons in circulation. In times of peace, small arms are largely placed in check by cultural and social cohesion and a normative framework. However, when conflict erupts the social and cultural safeguards are disrupted, as conflict brings lawlessness and rule by the gun. Weapons surface and become part of people's daily life. As a result, small arms and light weapons tend to remain the only means of protection at hand for communities and opposition groups. A comprehensive strategy to curb small arms proliferation and use includes two elements: increasing control and reducing demand. Community policing coupled with traditional conflict resolution is one avenue to contribute to protection and trust-building at the local level.

Box 15.7 Safer Community Plans in Macedonia

In Macedonia in preparation for a national small arms and light weapons amnesty in November/December 2003, civil society activists carried out community-based discussions in ex-conflict areas during the preceding months. According to the Macedonian NGO CIVIL and its partner Pax Christi from the Netherlands, villagers were relatively open and interested in speaking about community problems including the proliferation

of weapons – quite contrary to expectations. The twin strategy of opening discussions by asking communities about their problems rather than lecturing them, and of embedding the issue of small arms control within more general discussions about economic, security and political issues proved highly successful.

In this case the existence of a national peace agreement (the Ohrid Framework Agreement) provided a ready-made focus for discussions. Debates were initiated by first contacting village mayors and then meeting with them to build a relationship and explain the NGO plans. Community leaders then typically appointed a contact who arranged further meetings. During discussions NGO staff managed to impart much information about the coming amnesty and to spark community debates on the pros and cons of disarmament.

Source: *SALW Awareness Support Pack*, SEESAC, Belgrade, 2003, p. 82.

While it is clear that civil society can make invaluable contributions to increase security in post-conflict environments and pave the way for longer-term institutional reform in the security sector, it must at the same time be recognized that not all civil society actors necessarily support a peacebuilding agenda. Mafia groups, for example may instead perpetuate instability for their own benefit. Such actors are sometimes called ‘uncivil society’.⁹ Veterans’ groups, on the other hand, may have peaceful objectives but they nonetheless nourish a war identity among their members, which can sometimes also impede peacebuilding efforts. Selecting civil society partners in post-conflict environments is therefore a complicated issue. In addition, one can typically observe an enormous growth of civil society organizations in response to the offer of international aid agencies to use CSOs as a conduit for aid money. In such situations, founding a CSO becomes tantamount to founding a business. Therefore, time spent getting to know potential civil society partners is time well spent in order to identify those with links to the communities and constituents, rather than those seeking clientelistic relations with donors.

While building alliances with the international community for peacebuilding, civil society organizations should at the same time try to avoid over relying on international support and remain focused on the local context and on their ability to define and promote locally-owned agendas for change.

Engagement options: transitional justice

It is frequently argued that basic security, including food security and the building of sustainable livelihoods, is of greater importance in a post-conflict setting than addressing the past. Indeed, it can be

⁹ See for example Alan Bryden, Timothy Donais and Heiner Hänggi, ‘Shaping a Security Governance Agenda in Post-Conflict Peacebuilding’, *DCAF Policy Paper No. 11*, DCAF Geneva, 2005, p. 12. Available at <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=DCAF&fileid=7E41A1F4-6D69-5470-48FA-F3DB4E0BD1E0&lng=en>

said that food security, livelihoods and the restoration of essential social services and of basic security are prerequisites for reconciliation. However, once these primary concerns are addressed, the challenge will arise to address the past, and to build a common vision for the future.

The right timing for addressing the past is crucial. Experiences indicate that transitional justice to address past war crimes may not be a constructive entry point if pursued in isolation from broader capacity-building programmes in the justice and security sector or pushed too early before the political situation and peace have stabilized. After all, transitional justice is often bound to implicate the parties to the peace agreement – the very same actors that are in a position to call for an end to the conflict. This does not mean though that justice should not be pursued. It rather means providing a breathing space to engage with all parties and nurture a culture of justice – gradually assisting the society towards acknowledgement of the past and reconciliation. Civil society can take this forward by supporting access to justice during and after a conflict through the national judicial system. By sensitizing and training the police, judges and prosecutors, while also empowering lawyers and targeted communities to come forward, mutually reinforcing activities bring impetus to previously dysfunctional domestic courts.

An example of this relates to the legal aid work carried out by civil society groups in Darfur. A lawyers' network of over 60 local lawyers provides legal aid and representation to displaced populations during the actual conflict. Thanks to substantive investment in confidence-building and awareness-raising, ongoing human rights violations, notably sexual gender-based violence, are being addressed through the existing court system. Not only does it serve to provide legal protection and combat impunity, but it also impacts the attitudes of judges and prosecutors, who are increasingly acknowledging the crimes committed.

A peaceful and democratic future cannot be built with a denied history. Without reconciliation there will be no broadly shared consensus on how to build a country's future. Continued hatred and distrust can feed into discriminatory policies with the effect that certain groups of the society will suffer from exclusion, marginalization and deprivation. Civil society can be a vocal advocate for addressing past war crimes and transitional justice. This entails ensuring an inclusive consultative process in determining the most appropriate option. The major approaches to transitional justice include the following:

- Domestic, hybrid and international prosecutions of perpetrators of human rights abuses;
- Determining the full extent and nature of past abuses through truth-telling initiatives, including national and international commissions;
- Providing reparations to victims of human rights violations, including compensatory, restitutionary, rehabilitative and symbolic reparations;
- Institutional reform, of which one measure is the vetting of abusive, corrupt or incompetent officials from the police and security services, the military and other public institutions including the judiciary. Vetting refers to the process of excluding from public employment those known to have committed human rights abuses or been involved in corrupt practices;

- Promoting reconciliation within divided communities, including working with victims on traditional justice mechanisms and forging social reconstruction;
- Constructing memorials and museums to preserve the memory of the past;
- Taking into account gendered patterns of abuse to enhance justice for female victims.¹⁰

Where dedicated truth and reconciliation commissions exist, these also create a means to organize local and regional discussions about reform.

Box 15.8 Stakeholder consultation on transitional justice in the former Yugoslavia

Three NGO partners from the former Yugoslavia, namely Documenta (Croatia), the Humanitarian Law Center (Serbia and Kosovo) and the Research and Documentation Center (Bosnia and Herzegovina) organized a Regional Forum on Transitional Justice titled ‘Establishing the Truth about War Crimes and Conflicts’ in Zagreb on 8-9 February 2007. More than 300 representatives of victims’ associations, war veterans, refugees, human rights organizations, women groups and youth initiative groups took part in the discussion and consultations on truth-telling and truth-seeking mechanisms and procedures. Aside from representatives of the International War Crimes Tribunal for the Former Yugoslavia (ICTY), courts, Offices of Prosecutors of the Republic of Croatia, Republic of Serbia and Bosnia and Herzegovina, representatives of diplomatic corps, OSCE, UNDP and the International Center for Transitional Justice, many artists, historians, journalists and members of parliament took part in the discussion. The goal of this regional forum was to initiate public debate and consultations on truth-telling and truth-seeking mechanisms and procedures within civil societies and to urge national governments and parliaments to take part in a broad-based debate dealing with ways to provide justice for the victims, prevent recurrence of the crimes in the future and generally overcome the heavy burden of the past.

Source: Documenta – Centre for Dealing with the Past. For the forum’s conclusions, see <http://www.documenta.hr/eng/index.php?option=content&task=view&id=29&Itemid>

Although there is no one right approach to transitional justice, international criminal law has by now firmly established the norm of individual responsibility. In 2002, the Rome Statute of the International Criminal Court (ICC) entered into force. The International Criminal Court is an independent, permanent court that tries persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes. The Rome Statute and the International Criminal Court are relevant to all armed groups engaged in a conflict:¹¹

¹⁰ See International Centre for Transitional Justice: <http://www.ictj.org/en/tj/>

¹¹ See http://www.icc-cpi.int/library/about/officialjournal/Rome_Statute_English.pdf

- Articles 1 and 8(2)(c)-(f), Rome Statute: the ICC has jurisdiction over individual members of an armed group in situations of non-international armed conflict;
- Article 8(2)(f), Rome Statute: the ICC has jurisdiction when armed conflicts take place in the territory of a State where there is protracted conflict between either governmental authorities and organized armed groups or between such groups;
- Article 12(2), Rome Statute: the ICC has jurisdiction when the State on whose territory the armed conflict takes place is a party to the Rome Statute; OR when the State of which the accused person is a national is a party to the Statute;
- Article 13(b), Rome Statute: the ICC has jurisdiction where the crime of genocide, crimes against humanity, war crimes or the crime of aggression appear to have been committed in a situation referred to the ICC by the UN Security Council;
- Article 25, Rome Statute: establishes individual criminal responsibility;
- Article 27, Rome Statute: immunities linked to the official capacity of a person do not bar the court from investigating;
- Article 28, Rome Statute: a commander/superior is responsible for crimes committed by subordinates.

It is important to note that the various mechanisms of transitional justice are not mutually exclusive but can indeed be complementary. Punitive justice is only one dimension of justice and the circumstances in a post-conflict situation may mean that punitive justice is simply impossible and often insufficient as an exclusive strategy. In post-conflict situations, people often feel the need for a reconciliatory approach to justice, one that focuses on truth-telling, historical accounting, confessions and forgiveness. A thorough analysis of the various options, their advantages and disadvantages goes beyond the scope of this chapter. There are, however, a number of NGOs that have produced excellent guidance material and research on transitional justice. A list of select resources is provided in the following box.

Box 15.9 Selected NGO initiatives on transitional justice

The African Transitional Justice Research Network (ATJRN, www.transitionaljustice.org.za) is an initiative of the Centre for the Study of Violence and Reconciliation (CSVr <http://www.csvr.org.za/>), the Ghana Centre for Democratic Development (CDD-Ghana, <http://www.cddghana.org/>) and the Refugee Law Project, University of Makerere, Uganda (<http://www.refugeelawproject.org/>).

The Coalition for an International Criminal Court (CICC www.igc.org/icc/) is a global network of over 2,500 non-governmental organizations (NGOs) advocating for a fair, effective and independent International Criminal Court (ICC).

The International Center for Transitional Justice (ICTJ, www.ictj.org) is a US-based NGO that assists countries pursuing accountability for past mass atrocity or human rights abuse.

The International IDEA Handbook, *Reconciliation After Violent Conflict*, presents a range of tools that can be, and have been, employed in the design and implementation of reconciliation processes. See http://www.idea.int/publications/reconciliation/upload/reconciliation_full.pdf

The Internet Guide by Search for Common Ground and Harvard Law School, *Strategic Choices in the Design of Truth Commissions* (<http://www.truthcommission.org>) is a web-based guide on the establishment of truth commissions, based on the experiences in Argentina, Chile, El Salvador, Guatemala and South Africa.

Conclusion

In establishing an environment that is conducive to the rule of law, it is essential to replace a military culture with civilian mechanisms of law enforcement, oversight, legal representation and an independent judiciary, alongside the restoration of customary conflict-resolution. The combination of trust-building and local initiatives on the ground is just as necessary as the broader building of institutions. An exclusive top-down approach will not suffice. Priorities must be linked in a mutually reinforcing manner and should be implemented in parallel. Recognizing that justice, security and the broader rule of law are not limited to the written law, but encompass a social code of conduct to regulate peaceful co-existence, the approach has to be multidimensional and integrate confidence-building and capacity development, community empowerment and institution-building.

In a sequenced approach, the most urgent needs for security and justice on the ground should be given priority. Institutional reform is a long-term investment and during the early days of a peacebuilding process, communities cannot wait for broader reforms. However, once mechanisms are put in place to meet the most urgent security needs, the process for institutional reform must commence.

As outlined above, civil society has a critical role to play at both levels and has various engagement options in all phases: before, during and after a conflict. In conclusion, though, it must be recognized that civil society ardently carries out their mission at the risk of their own lives. In conflict settings, civil society action is often severely restrained by the climate of violence and insecurity, as well as by the unlawful activities of the various institutions that are in need of oversight. Members of human rights organizations are monitored and arbitrarily arrested. Censorship, harassment and even physical abuse and murder are all too common. The establishment of local networks, umbrella organizations and partnerships with international governmental and non-governmental organizations can help to enhance personal security. Additional suggestions are provided in chapter 14 on restrictive environments and in chapter 13 on building alliances with the international community. But civil society engagement to oversee the security sector during times of violent conflict is ultimately an act of courage for which no handbook can define ground rules or standards.

Notes on Contributors

Peter Albrecht is a PhD candidate at the Danish Institute for International Studies (DIIS) and the Copenhagen Business School (CBS), focusing on local level implementation of security sector reform in Sierra Leone. Peter was previously a Senior Programme Officer in International Alert's Peacebuilding Issues Programme focusing on the Balkans and West Africa. Peter has worked for the UN Mission in Kosovo, the Kofi Annan International Peacekeeping Training Centre in Ghana, the Danish Institute for Foreign Affairs and the Danish Association for International Co-operation. Peter has also written on gender and security sector reform issues, and contributed, with Karen Barnes, to the DCAF-ODIHR-INSTRAW *Gender and Security Sector Reform Toolkit*. He holds an MSc in Nationalism and Ethnicity from the London School of Economics (LSE) and an MA Research Degree in Anthropology and Ethnography from Aarhus University, Denmark.

Marina Caparini is Deputy Director of the Security System Reform Program at the International Center for Transitional Justice. Marina specializes in justice and security sector governance and has published extensively on these subjects and has provided analysis and regulatory advice to a wide array of actors internationally. Her recent work has addressed the role of non-state actors, including civil society groups and private military and security companies. She is currently working on the development of a justice-sensitive approach to Security Sector Reform (SSR). She holds a BA (Hon) degree in Political Science and a Master's in International Relations from the University of Calgary.

Eden Cole is Deputy Head Operations NIS, at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) where he is responsible for developing and managing DCAF's democratic security sector oversight programmes in the former Soviet Union and Asia. He has published several articles on security sector oversight issues in the CIS and SEE, and also on thematic issues including private security company regulation. Before joining DCAF, Eden worked on humanitarian action issues and as a contractor in the City of London. He has a BA and an MA from the University of London.

Teodora Fuior is a visiting expert with the Research Division of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) seconded by the Romanian government. She is responsible for research, documentation and publication projects relevant to parliamentary oversight of the security sector. Prior to joining DCAF, Teodora was a senior advisor at the Committee for Defense, Public Order and National Security at the Chamber of Deputies of the Romanian Parliament. Previously, she worked as a research assistant at the NATO Parliamentary Assembly in Brussels. Ms. Fuior holds an undergraduate degree in

International Economic Relations and a Masters in International Relations and European Integration. She has also studied at the Diplomatic Academy of Peru and at the George C. Marshall Center in Garmisch-Partenkirchen, Germany. Teodora graduated from the Romanian National Defence College in 2004.

Vahan Galoumian is a Research Assistant at the Geneva Centre for the Democratic Control of Armed Forces (DCAF). His work focuses on security sector reform in Asia and the former Soviet Union. Prior to joining to DCAF, Vahan was a consultant at the Chilean Ministry of Education. Previously, he worked as a translator for the United Nations High Commission for Refugees. Vahan holds a BA (Hons) in Political Science from McGill University and a Master's in International Affairs (Security and Conflict Management) from the Graduate Institute of International and Development Studies, Geneva.

Mark Guthrie is an independent consultant specializing in human rights and legal issues. Mark practised for seventeen years as a barrister in London where he is a member of Took's Chambers, the chambers of Michael Mansfield QC, where he specialized in criminal defence, civil actions against the police and human rights issues. Subsequently he was seconded by the United Kingdom Foreign and Commonwealth Office to the OSCE Mission to Bosnia and Herzegovina to serve variously as Human Rights Office, Rule of Law Legal Advisor and Senior Human Rights Officer. Thereafter he was appointed Deputy Head, Human Rights at the OSCE Office for Democratic Institutions and Human Rights in Warsaw. Born in Cape Town, he was involved in the South African liberation struggle. He maintains an especial interest in African affairs and is a member of the Royal African Society.

Duncan Hiscock is a researcher who has written extensively on security issues in the former Soviet Union and Asia. He has previously worked as an international consultant to the Director at the International Centre for Policy Studies in Kyiv, Ukraine, and as project coordinator for Eastern Europe at Saferworld. Duncan Hiscock's recent publications include: 'Integration and Coordination of DDR and SALW control programming: Experience and priorities' for CICS, University of Bradford, 'Human Security in Bangladesh' (Saferworld, 2008 (forthcoming)), 'The Commercialisation of Post-Soviet Private Security' in 'Private Actors and Security Governance' (DCAF, 2006), and 'Security Sector Reform in Armenia' (Saferworld, 2005). Duncan currently works for the Institute for Public Policy Research in the UK.

Katrin Kinzelbach is a political scientist and currently works as a research fellow at the Ludwig Boltzmann Institute of Human Rights in Vienna. Katrin previously worked for UNDP from 2001 to 2007, focusing on crisis prevention and recovery and democratic governance, in particular in the security sector. Katrin also worked with UNHCR in Geneva and as a short-term election observer for the OSCE. Katrin Kinzelbach holds two M.A. degrees (M.A. from King's College, London and a bilateral M.A. from the Universities of Florence and Bonn) and is currently completing her Ph.D. at the University of Vienna.

Ian Leigh is Professor of Law at the University of Durham and Co-Director of the Durham Human Rights Centre. His publications include *Law, Politics and Local Democracy* (Oxford University Press, 2000); *In*

From the Cold: National Security and Parliamentary Democracy (Oxford University Press, 1994), with Laurence Lustgarten; *Who's Watching the Spies: Establishing Intelligence Service Accountability* (Potomac Books, 2005) with Hans Born and Loch Johnson; *Religious Freedom in the Liberal State* (Oxford University Press 2005), with Rex Ahdar and *Making Rights Real: the Human Rights Act in its First Decade* (Hart Publishing, 2008), with Roger Masterman. He has recently co-authored the *OSCE / DCAF Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel* (Warsaw, 2008). His policy report *Making Intelligence Accountable* (with Dr Hans Born, published by the Norwegian Parliament Printing House 2005) has been translated into 12 languages. Ian has also acted as a consultant to the OSCE Office of Democratic Institutions and Human Rights and to the Venice Commission on democratic control of security and intelligence agencies in Council of Europe states.

Angela Mackay is a professional trainer with extensive experience with the UN system, OSCE and other international institutions and NGOs in the design, development and delivery of training for military, police and civilian participants. Angela has specialized in gender-related materials, human rights, human trafficking and most recently, SSR. In 2007 she was a member of the ICMPD team delivering specialized training to the Kosovo Border Police Service. Angela is currently working as the GenCap Adviser in Humanitarian Action with the UN mission in Kenya.

Siphosami Malunga is the Policy Advisor for Governance at the Regional Service Centre for Eastern and Southern Africa Region. Siphosami joined the Regional Service Centre in January 2008 from the UNDP Oslo Governance Centre where he was the Governance, Conflict and Peace-Building Advisor. He has also worked for the United Nations Transitional Administration in East Timor (UNTAET) and its successor mission, the United Nations Mission of Assistance in East Timor (UNMISET) in various capacities including as Head of the Legal Aid/Public Defender Unit, Legal Affairs Officer, Judicial Affairs Officer and Trial Attorney in the East Timor Serious Crimes Tribunal. He has also worked for the International Development Organisation (IDLO) as the Resident Programme Manager for the East Timor Judiciary Training Project and for UNDP Afghanistan as a Programme Manager for the Justice Reform Programme. His expertise includes governance policy and technical support and also managing programmes for recovery and institution-building in post-conflict situations. He began his career in Zimbabwe where he worked as an attorney before moving to Botswana in the same role. He holds a Master of Laws in Public International Law from the University of Oslo and an LLB Honours Degree from the University of Zimbabwe.

Johanna Mendelson Forman is Senior Associate at the Center for Strategic and International Studies (CSIS), where she works among a variety of programs related to her areas of interest. A former Co-Director of the Post-Conflict Reconstruction Project, she writes about security-sector reform in conflict states, economic development in postwar societies, and the role of the United Nations in peace operations. Johanna served as the director of peace, security and human rights at the UN Foundation until 2006. She served as an advisor to the UN Mission in Haiti. Previously, Johanna Mendel-

son Forman has held senior positions in the U.S. government at USAID, as senior adviser in the Bureau for Humanitarian Response and the Office of Transition Initiatives at the World Bank's Post Conflict Unit. She holds a doctorate in history from Washington University, St. Louis, Missouri and a law degree from the American University in Washington, D.C. Johanna Mendelson Forman is a member of the Council on Foreign Relations.

Amrei Müller is currently a PhD candidate at the University of Nottingham exploring the relationship of legal obligations under the International Covenant on Economic, Social and Cultural Rights and International Humanitarian Law. She has previously worked with the German Institute for Human Rights (DIMR) and with UNDP Regional Centre for Europe and the CIS on human rights and security issues. She studied International Human Rights Law (LL.M) and International Relations (B.A.) in the UK and in Germany. Amrei has published on 'The Role of National Human Rights Institutions in the United Nations Treaty Body Process' (DIMR, 2008) and on 'Ombudsman Institutions and Security Sector Oversight' in *Monitoring and Investigating the Security Sector* (UNDP/DCAF, 2007).

Alejandra Pero is currently a senior independent consultant focusing on civil society and indigenous peoples' issues. She has extensive experience in conflict-prevention, peace building, human rights, and local development issues. She previously worked at the UNDP Civil Society Division in New York, in policy development and programme design. Prior to joining the United Nations, Ms. Pero was a researcher for women's non-governmental organizations in Argentina, Turkey and the United States.

Geoffrey Prewitt works as the Team Leader for Governance and Social Capital for UNDP's Programme of Assistance to the Palestinian People (PAPP). Previously, he worked for five years as the Poverty Reduction and Civil Society Advisor at UNDP's Regional Centre for Europe and the CIS. Geoff also served as a UNDP Advisor in Addis Ababa, Ethiopia providing support to poverty reduction initiatives in Central and Eastern Africa and spent several years working with UNDP head quarters in various capacities. Prior to joining UNDP, Geoff worked with civil society organizations in Malawi and Hungary. He has written extensively on issues of civic engagement; his most recent work focused on Social Enterprises. Geoff received a M.A. in International Development from Cornell University and a B.A. from the University of Wisconsin – Madison.

Rizal Darma Putra is the Executive Director of the Indonesian Institute for Strategic and Defense Studies (LESPERSSI), Jakarta. Rizal's work involves security and strategic studies, particularly on East Asian security issues. He has contributed as a key speaker in various international seminars and discussions on security sector reform, including advocacy work with the Defense and Internal Security Committees of National Assembly of the Islamic Republic of Afghanistan in May 2008. He has recently contributed to several publications on Indonesian military reform issues, including the elimination of the 'military business' sector and is also a contributor on strategic issues for the Indonesian media. He holds an MA in International Relations from the University of Indonesia.

Yasmine Sherif is the Senior Justice and Security Sector Reform Adviser for UNDP's Bureau for Crisis Prevention and Recovery. Yasmine joined the UN in 1988 and has served with UNHCR, OCHA, UNDP and DPKO in some of the most conflict-affected areas of the world, such as Afghanistan, Bosnia & Herzegovina, Cambodia, Democratic Republic of Congo, Kosovo and Sudan. She has also been posted at the UN Headquarters in New York and in Geneva. From 2002 to 2003, she was an Adjunct Professor at Long Island University in New York, responsible for the UN Graduate Programme, where she lectured on the United Nations, Human Rights, Humanitarian Law and the Middle East. She has appeared in national and international media and published extensively. She has a Masters in Law (LLM) with specialization in International Humanitarian and Human Rights Law from Stockholm University (1987).

