CONNECTIONS

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Security Sector Reform

U.S. Agency for International Development, U.S. Department of Defense, U.S. Department of State [*]

Preface

This paper provides Department of State, Department of Defense (DoD), and United States Agency for International Development (USAID) practitioners with guidelines for planning and implementing Security Sector Reform (SSR) programs with foreign partner nations. SSR refers to reform efforts directed at the institutions, processes, and forces that provide security and promote the rule of law. Over the past decade, the U.S. Government (USG), along with like-minded bilateral and multilateral donors, has begun to develop a more comprehensive approach to SSR by better integrating its defense, development, and diplomatic tools and resources. The objective of this new approach is to assist partner governments to provide effective, legitimate, and accountable security for their citizens. In so doing, SSR assists these governments to respond appropriately to threats within and outside their borders.

This paper is designed to guide practitioners at the Department of State, DoD, and USAID in their implementation of current foreign assistance approaches to security and development. Forces enhanced through traditional security assistance comprised of equipment and training can better carry out their responsibilities if the institutional and governance frameworks necessary to sustain them are equally well-developed. Development assistance also benefits from being fully coordinated with security-related assistance, as development is at risk without basic security. The increasingly complex threats facing our partners and our own nation urgently require that we address the linkages among security, governance, development, and conflict in more comprehensive and sustainable ways.

In addition to building professional security forces, SSR programs support the:

- Establishment of relevant legal and policy frameworks

- Improvement of civilian management, leadership, oversight, planning, and budgeting capacities

- Enhancement of coordination and cooperation among security-related and civil institutions, and

- Management of the legacies and sources of past or present conflict or insecurity.

Experience suggests that integrating these different lines of operation into a comprehensive package—in support of U.S. and partner nation priorities—ultimately

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[*] This is an official document of the Department of State, the Department of Defense and the United States Agency for International Development, known also as 3D Paper on Security Sector Reform. It was originally published in January 2009.

proves more successful and sustainable. Where we have pursued more holistic approaches—for example, in supporting the democratization of countries such as Poland, Hungary, or Czech Republic; through U.S. security and development assistance in support of Plan Colombia; or in post-conflict reconstruction efforts such as in El Salvador—we have helped partners to transform their security sectors in ways that have had a direct, positive, and sustainable impact.

The guidance contained in this document draws on a range of diplomatic, defense, and development assets to support SSR in partner governments and reflects international best practices. Although this paper applies to the Department of State, DoD, and USAID, SSR is a whole-of-government effort and requires the full support of all Federal departments and agencies with an SSR role. This document complements related efforts such as implementation of NSPD-44 and Transformational Diplomacy by clarifying guidance for the reform, restructuring, and reestablishment of partner security and justice institutions. The most successful outcomes will result only if the activities of other USG departments and agencies are fully integrated in a comprehensive approach to support SSR. The complex and enduring characteristics of SSR demand an approach that capitalizes on the strengths of collective expertise in the USG. This document is a first step toward ensuring the success of our SSR efforts as well as the success of our partners.

Purpose

This document provides Department of State, DoD, and USAID practitioners with guidelines for coordinating, planning, and implementing SSR programs with foreign partner nations. The objective of this paper is to provide guidance on how best to design, develop, and deliver foreign assistance such that it promotes effective, legitimate, transparent, and accountable security sector development in partner states.

Introduction

SSR emerged as a discipline over the last decade in recognition of the changing international security environment and the limitations of existing donor approaches. SSR builds on the USG's longstanding tradition of working in partnership with foreign governments and organizations to support peace, security, and democratic governance globally.

The 2006 U.S. National Security Strategy stated that the goal of U.S. statecraft is "to help create a world of democratic, well-governed states that can meet the needs of their citizens and conduct themselves responsibly in the international system." SSR can help achieve that objective, reinforce U.S. diplomatic, development, and defense priorities, and reduce long-term threats to U.S. security by helping to build stable, prosperous, and peaceful societies beyond our borders. SSR enables U.S. foreign assistance providers to respond to national strategic guidance and transform our approaches towards cooperation, partnership capacity building, stabilization and reconstruction, and engagement. Accordingly, the principles contained in this paper

guide relevant actors to conduct security-related engagement in more holistic, integrated ways.

The U.S. foreign assistance framework[†] identifies SSR as a key program area in support of the *Peace and Security* foreign policy objective and security sector governance as a program element in support of the *Governing Justly and Democratically* foreign policy objective. SSR is an ongoing process and may be an appropriate engagement for countries in each of the foreign assistance country categories. SSR may include activities in support of security force and intelligence reform; justice sector reform; civilian oversight and management of military and intelligence services; community security; and disarmament, demobilization, and reintegration (DDR). Program design—including sequencing and prioritization— should be undertaken with full consideration of country context and circumstance.

The USG is not alone in its pursuit of comprehensive approaches to SSR. The United Nations (UN) is integrating SSR across different UN offices and agencies, including the United Nations Development Program (UNDP) and the United Nations Department of Peacekeeping Operations (UNDPKO).[‡] The North Atlantic Treaty Organization (NATO), the European Union (EU), the Organization for Economic Cooperation and Development (OECD), and major bilateral donors have advanced a more holistic SSR concept through combined funding mechanisms and enhanced collaboration among defense and development agencies. In April 2004, USAID endorsed the OECD/Development Assistance Committee's publication, *Security System Reform and Governance: Policy and Good Practice* on behalf of the U.S. Government.[§]

Objective

The Department of State, DoD, and USAID should pursue integrated SSR strategies and programs. The objective is to design, develop, and deliver foreign assistance such that it promotes effective, legitimate, transparent, and accountable security and development in partner states.

Roles and Responsibilities

The *Department of State* leads U.S. interagency policy initiatives and oversees policy and programmatic support to SSR through its bureaus, offices, and overseas missions as directed by NSPD-1, and leads integrated USG reconstruction and stabilization efforts as directed by NSPD-44. The Department of State's responsibilities also include oversight of other USG foreign policy and programming that may have an impact on the security sector.

[†] The foreign assistance framework is accessible at www.state.gov/f/c23053.htm.
[‡] See report of the Secretary-General, *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, A/62/659–S/2008/39, 23 January 2008.
[§] For more information, see the Policy Brief at www.oecd.org/dataoecd/20/47/31642508.pdf.

DoD's primary role in SSR is supporting the reform, restructuring, or re-establishment of the armed forces and the defense sector across the operational spectrum.

USAID's primary SSR role is to support governance, conflict mitigation and response, reintegration and reconciliation, and rule of law programs aimed at building civilian capacity to manage, oversee, and provide security and justice.

Effective SSR programs should draw on the capabilities existent across the USG, where appropriate. In addition to the Department of State, DoD, and USAID, other USG departments and agencies provide important capabilities in the conduct of SSR programs. In particular, the Departments of Justice (DoJ), Homeland Security, Energy, and Treasury may play substantial or leading roles in the development and execution of SSR and rule of law programs.[**] These programs should be coordinated among the departments and agencies in Washington, D.C., as well as through country teams consistent with Chief of Mission authority.

While the Department of State has lead responsibility, it, along with DoD and USAID, offer different competencies, capabilities, and approaches. Although there may be scenarios in which these respective competencies may be capable of overlapping—particularly in non-permissive environments—SSR programs benefit most from full cooperation between institutions and should be designed to capitalize on the comparative advantages of each.

Equally important, each department or agency's engagement is undertaken consistent with U.S. laws, regulations, and funding mechanisms, within the funding resources available to each agency for such purposes.[††] SSR planners should routinely consult

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[**] Within DoJ, relevant components may include the Federal Bureau of Investigations (FBI), the Drug Enforcement Agency (DEA), the U.S. Marshall Service, the Bureau of Alcohol, Tobacco and Firearms (ATF), the Federal Bureau of Prisons, as well as sections within the Criminal Division (the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Prosecutorial Development Assistance and Training (OPDAT)).

[††] For example, specific provisions contained in the Foreign Assistance Act of 1961 (FAA) prohibit training, advice, and financial support for foreign law enforcement forces, while other provisions of the FAA and other statutes authorize such activities, e.g., by providing limited exceptions to that prohibition. Similarly, neither economic assistance nor humanitarian assistance funds appropriated to USAID may be used for military purposes, and DoD military support to civilian policing programs is generally not authorized. The Leahy Law, section 620J of the Foreign Assistance Act, prohibits the provision of assistance under the Foreign Assistance Act or the Arms Export Control Act to security force units concerning which the Secretary of State has credible evidence of gross violations of human rights; a separate amendment in annual DoD appropriations acts (e.g., Section 8062 of the DoD Appropriations Act, 2009) prohibits the use of DoD appropriations to fund training for security force units concerning which the Secretary of State has credible evidence of gross violations of human rights. The Department of State is also responsible for implementation of the Arms Export Control Act (AECA) in the control of the export and temporary import of defense articles and defense services, as well as implementation of end-use monitoring of defense articles, services, and related technical data licensed for export. While under certain circumstances there may be special authorities that are available to overcome the restrictions discussed above in this footnote, in each such case it is essential that SSR planners consult with

their general counsel and budget resource managers prior to and during SSR program implementation.

Definitions and Terms

Security Sector Reform[‡‡] is the set of policies, plans, programs, and activities that a government undertakes to improve the way it provides safety, security, and justice. The overall objective is to provide these services in a way that promotes an effective and legitimate public service that is transparent, accountable to civilian authority, and responsive to the needs of the public. From a donor perspective, SSR is an umbrella term that might include integrated activities in support of: defense and armed forces reform; civilian management and oversight; justice; police; corrections; intelligence reform; national security planning and strategy support; border management; disarmament, demobilization and reintegration (DDR); and/or reduction of armed violence.

The *security sector* includes both military and civilian organizations, and personnel operating at the international, regional, national, and/or sub-national level. Security actors may include the following:

- *State Security Providers*. Military forces; civilian police; specialized police units; formed police units; presidential guards; intelligence services; coast guards; border guards; customs authorities; highway police; reserve or local security units; civil defense units; national guards and government militias, and corrections officers, among others.

- *Governmental Security Management and Oversight Bodies*. The office of the Executive (e.g., President, Prime Minister); national security advisory bodies; ministries of defense, public administration, interior, justice, and foreign affairs; the judiciary; financial management bodies (e.g., finance ministries, budget offices, comptrollers general, and financial audit and planning units); the legislature; local government authorities (e.g., governors and municipal councils); institutional professional standards authorities, auditing bodies, and official public complaints commissions, among others.

- *Civil Society*. Professional organizations; civilian review boards; policy analysis organizations (e.g., think tanks and universities); advocacy organizations; human rights commissions and ombudsmen; non-governmental organizations (NGOs); media; and other actors. In addition to monitoring security actor performance, civil society actors articulate the public demand for safety and security. In some cases, particularly where a national government's capacity may be limited, civil society and other non-state actors may also serve func-

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their general counsel prior to the exercise of these authorities. In addition, it will be necessary that all applicable policy considerations be taken into account before any of these authorities is relied upon.

[‡‡] Security sector reform is also referred to as security system reform, security sector development, and security sector transformation.

tions that provide some degree of security and justice to local communities or constituents.

- *Non-State Providers of Justice and Security*. This category encompasses a broad range of actors with widely varying degrees of legal status and legitimacy. Unaccountable non-state actors or illicit power structures may engender human rights abuses and facilitate inappropriate links between the private and public security sector and political parties, state agencies, paramilitary organizations, and organized crime. Local actors, such as informal and/or traditional justice systems or community watch groups, may conversely offer a stabilizing effect in conflict and post-conflict settings.

Security Sector Governance is the transparent, accountable, and legitimate management and oversight of security policy and practice. Fundamental to all SSR engagement is the recognition that good governance—the effective, equitable, responsive, transparent, and accountable management of public affairs and resources—and the rule of law are essential to an effective security sector. Democratic and effective security sector governance expands the concept of civilian "control" to include administration, management, fiscal responsibility, policy formulation, and service delivery.

Rule of Law is a principle under which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights law.[§§] The desired outcome of SSR programs is an effective and legitimate security sector that is firmly rooted within the rule of law.

Guiding Principles

Effective U.S. SSR programs with foreign partner nations require unity of effort and vision across all agencies, organizations, institutions, and forces contributing to the reform process. SSR is a cooperative activity, which is conducted with agencies of the USG, international organizations (IOs), non-governmental organizations (NGOs), multinational partners, and the host nation. Holistic programs that consider the contributions of all actors and the connections among organizations, sectors, and actors can increase the chances of success, minimize the impact of unforeseen developments, and ensure the most effective use of scarce U.S. resources for these purposes. The following principles should assist practitioners to design and coordinate effective, holistic SSR programs.

Support Host Nation Ownership. The principles, policies, laws, and structures that form an SSR program must be informed by the host nation's history, culture, legal framework, and institutions. As a result, the needs, priorities, and circumstances driving SSR will differ substantially from one country to another. Accounting for the basic

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[§§] For the complete definition, see *Supplemental Reference: Foreign Assistance Standardized Program Structure and Definitions*, Program Area 2.1 "Rule of Law and Human Rights," U.S. Department of State, October 15, 2007.

security concerns of the host nation population is essential for attaining buy-in and is critical to the success of SSR programs. To ensure the sustainability of reforms, assistance should be designed to meet the needs of the host nation population and to support host nation actors, processes, and priorities. To accomplish this, SSR programs generally should be developed to serve longer-term goals.

Incorporate Principles of Good Governance and Respect for Human Rights. Accountability, transparency, public participation, respect for human rights, and legitimacy must be mainstreamed in security force development. Security forces—be they military or civilian—must carry out their core functions in accordance with these principles. This is particularly important in rebuilding countries where the legacy of abuse by security personnel may have eroded public confidence in the sector overall. SSR programs should include accountability and oversight mechanisms, including through direct collaboration with civil society, to prevent abuses of power and corruption, and to build public confidence. Vetting is routinely done prior to giving provisional assistance or training to security forces. Likewise, SSR programs must incorporate an explicit focus on security sector governance. Strengthening the overall legal, policy, and budgetary frameworks should be an important component of any country's SSR agenda.

Balance Operational Support with Institutional Reform. Incentives, processes, resources, and structures must be put in place so that externally supported reforms, resources, and capacities are sustained after assistance ends. Equal emphasis should be placed on how the forces and actors that U.S. and international assistance strengthen through capability building programs will be financed, managed, monitored, deployed, and supported by partner nation governments. Training platforms and materiel assistance must be coordinated with efforts to develop host nation infrastructure, personnel and administrative support systems, logistical and planning procedures, and an adequate and sustainable resource base. Success and sustainability depend on developing the institutions and processes that support security forces as well as the human capacity to lead and manage them.

Link Security and Justice. A country's security policies and practices must be founded upon the rule of law and linked to the broader justice sector. Security sector assistance should aim to ensure that all security forces operate within the bounds of domestic and international law, and that they support wide-ranging efforts to enforce and promote the rule of law. The police in particular should operate as an integral part of the justice system and directly support other parts of the justice sector, including the courts and corrections institutions. Assistance to the police and other state security providers may need to be complemented with other efforts to strengthen these institutions, to avoid unintended consequences and to ensure that the security forces operate according to the law. Experience demonstrates, for example, that police assistance undertaken absent efforts to strengthen other parts of the justice system can lead to increased arrests without the necessary means to adjudicate cases, or defend, incarcerate, or rehabilitate suspected offenders. In addition, although the tendency may be to focus on criminal justice systems, civil justice reform may have important implications for

law and order, particularly with respect to the resolution of potential conflict drivers, such as land disputes.

Foster Transparency. Effective SSR programs should be conducted transparently and openly whenever possible. Program design should include a robust communications component to foster awareness of reform efforts among host nation officials and the population, neighboring countries, the donor community, and other actors with a potential stake in program outcomes. Likewise, the Department of State, DoD, and USAID practitioners should engage in broad consultation with other USG Executive Branch practitioner stakeholders, Congress, NGOs and IOs, international donors, and the media, to enhance program development and program execution.

Do No Harm. In complex environments, donor assistance can become a part of the conflict dynamic serving either to increase or reduce tension. As with any program activity that involves changes to the status quo, SSR planners and implementers must pay close attention to minimize adverse effects on the local population and community structures, the security sector, or the wider political, social, and economic climate in unanticipated or unintended ways. Developing a thorough understanding of the system for which change is sought, and the actual needs that exist, is a prerequisite for the success of any SSR-related activity. Practitioners should conduct a risk assessment prior to implementation and be prepared to adjust activities over the lifetime of the SSR program.

> … An effective, accountable, and civilian-controlled security sector delivers a critical public service viewed as legitimate by the population it serves. We will support the professionalization and accountability of law enforcement institutions, including border security, and internal defense and military forces. With other donor nations, we will pursue a comprehensive approach to security sector reform in order to harness the capabilities of all interagency actors involved in such reforms.
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> U.S. Department of State/
> U.S. Agency for International Development
> Strategic Plan: Fiscal Years 2007-2012

Program Implementation

Effective SSR requires coordinated assessment, planning, training, implementation, and monitoring and evaluation. The following guidelines are designed to assist with the execution of this statement, which is resource-neutral. Specific implementation guidance for USG departments and agencies will be developed in accordance with the principles outlined herein.

Assessment. Ideally, interagency analysis should be the basis for USG-wide programming decisions. Interagency SSR assessments may be initiated by the U.S. Chief

of Mission in country or by any of the contributing USG agencies. Where possible and appropriate, an interagency team comprised of relevant USG agencies and offices should conduct the assessment. A thorough assessment will combine desktop study with field work and will map institutions and actors, identify capacity strengths and gaps, and prioritize entry points for SSR programs and activities. Assessment teams should consider U.S. foreign policy objectives; partner government capabilities, requirements, and resources; the possible contribution of other members of the international community; and community and individual security needs. Wherever possible, assessment teams should consider vulnerable groups and the security and justice issues that affect them.

Planning. Coordinated interagency planning is required to ensure balanced development of the entire security sector. Imbalanced development can actually undermine the long-term success of SSR efforts. Coordination of U.S. strategic and operational objectives through integrated planning that synchronizes USG program and budget execution will help to prioritize and sequence the activities of each contributing agency into a coherent SSR strategy. Interagency planning should be conducted both in the field and at the appropriate Washington and regional headquarters level to ensure adequate resources are made available to support the effort. Although this paper applies only to the Department of State, DoD, and USAID, other departments and agencies of the USG may be engaged in security or justice activities in a given country and should be included in planning efforts. Equally important, other donors are likely to be engaged in security and justice programs, and should be consulted early in the planning process to avoid duplication of effort. Planning should also be consistent with and incorporated into existing agency planning processes and should be reviewed to ensure the availability of sufficient resources and for compliance with applicable law.

Training. Since SSR requires a multidisciplinary focus, USG departments and agencies should incorporate SSR modules into existing and new training programs for U.S. staff. Pre-deployment training for ambassadors and U.S. embassy and stabilization personnel should highlight the full spectrum of foreign assistance that is potentially available to support SSR.

Implementation. SSR strategies, plans, and programs should incorporate the guiding principles contained in this document. Given the difference in available resources and priorities, as well as missions, and related legal authorities under which each contributing USG entity operates, implementation will require careful alignment and synchronization of programs. Alignment allows participating agencies to de-conflict activities while leveraging each other's comparative advantages. The Department of State, DoD, and USAID should develop agency-specific implementation guidance in accordance with the principles outlined in this paper. U.S. embassy working groups, under the Chief of Mission's direction, should ensure that planning and execution stay on track and should support coordination with the partner government and other donors.

Monitoring and Evaluation. SSR programs should be monitored throughout implementation to ensure they deliver sustainable results while minimizing unintended negative consequences. Program evaluation at key decision points, and at the close of

specific projects, will provide important measures of effectiveness to adjust ongoing programs and to provide lessons for future SSR programs. Program evaluation should identify expected outcomes and effects.

Conclusion

Where appropriate, this document calls upon the Department of State, DoD, and USAID to draw upon the full range of diplomatic, economic, development, security and defense approaches to support SSR efforts with partner nations. This document provides guidance to foreign assistance practitioners and force planners in planning and implementing comprehensive SSR programs and assisting partner governments to provide effective, legitimate, and democratically accountable security for their citizens.

Appendix: The Department of State, DoD, and USAID Responsibilities for SSR

Department of State: The Assistant Secretary of State for the relevant regional bureau serves as the Washington lead in developing country policy, to include facilitating integrated approaches to SSR within the Department of State and other USG departments and agencies. S/he does so in consultation with the appropriate Chief(s) of Mission who will lead U.S. Mission contributions to the Washington policy process. The regional bureau-led efforts are supported by the Bureau of Political-Military Affairs through the Office of Plans, Policy and Analysis (PM/PPA), and other functional bureaus holding substantive/lead roles in the development and execution of SSR programs, including the Bureau for International Narcotics and Law Enforcement Affairs (INL); the Bureau of International Organizations (IO); the Bureau of Democracy, Human Rights and Labor (DRL); the Bureau of Diplomatic Security (DS); the Bureau of Population, Refugees, and Migration (PRM); the Office of the Coordinator for Counterterrorism (S/CT); and the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) for post-conflict and transitional conditions. Department of State and USAID foreign assistance funding decisions regarding SSR are approved by the Director of U.S. Foreign Assistance (DFA).

DoD: Within DoD, the Assistant Secretary of Defense for Global Security Affairs provides overall SSR guidance for the Under Secretary of Defense for Policy (USDP) through the Partnership Strategy office. The Assistant Secretary of Defense for Special Operations, Low-Intensity Conflict, and Interdependent Capabilities provides guidance for developing U.S. military capabilities to conduct SSR activities through the Stability Operations Capabilities Office. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs provides guidance for building partner capacity for homeland defense and defense support to civil authorities. The regional assistant secretaries play the leading DoD role in setting regional and country priorities for SSR. The Director of Strategic Plans and Policy (J-5) on the Joint Staff is responsible for coordinating SSR guidance with the geographic combatant commands, which are responsible for planning, directing, and implementing SSR activities within their areas of responsibility, and with functional combatant commands as appropriate. The military

departments and defense agencies provide forces, materiel, and other support for SSR activities and programs.

USAID: Within USAID, the Assistant Administrator for the Bureau for Democracy, Conflict and Humanitarian Assistance serves as the focal point for SSR guidance, and is supported by the Office of the Chief Operating Officer's Policy and Analysis Coordination Unit (PACU) and at the working level through the Office of Democracy and Governance (DG). USAID regional bureaus as well as a number of functional offices, including the Office of Conflict Management and Mitigation (CMM), the Office of Transition Initiatives (OTI), and the Office of Military Affairs (OMA), may have substantive/lead roles in the development and execution of SSR and rule of law programs.