

# THE ACCOUNTABILITY OF NATIONAL SECURITY FORCES TO CIVILIANS

## Overview: Oxfam's position on the accountability of national security forces to civilians

Security and development are deeply interlinked. Conflict-affected states require progress on both to achieve sustainable peace and broader human security. Over the past fifteen years, security sector reform (SSR) has received increasing prominence, as one element in building that peace and security, as well as democratic governance, in post-conflict transitions. SSR includes the reform of security forces (military, police, and intelligence), and civilian institutions to better uphold human rights and justice, and to ensure effective civilian oversight by parliaments and legislative bodies, and by communities themselves.

Oxfam's work on SSR focuses on the accountability of national security forces, such as the police and army, to civilians. Security forces can be a source of protection for populations and a tool of stability for governments, or they can be a source of instability and abuse. The accountability, professionalism and effectiveness of national security and police forces, particularly in conflict contexts and post-conflict transitions, is essential to protecting civilians from violence and crime. Poorly trained security services also pose problems to aid agencies, hindering humanitarian access, and, in the worst case, delaying development.

Security forces must be accountable to civilian authorities (including parliaments and the justice system) and the civilian population whom they are mandated to protect and serve. Effective SSR depends on the reforms being genuinely owned by the national authorities and civil society. National authorities must have both the will and capacity to manage reform, driven by demand from civil society and involving the participation of civil society organizations, women's groups, and communities themselves in defining their security needs and holding security forces to account.

## 1 Background

In many conflicts and crises, human rights offenders include members of the security forces, able to abuse civilians with impunity. In the Democratic Republic of Congo (DRC), soldiers committed 80 per cent of the abuses that civilians reported to Oxfam in a 2011 survey.<sup>1</sup>

The lack of effective and accountable forces makes communities vulnerable, and undermines humanitarian aid, development and state-building. In South Sudan in 2010, there were over 300 incidents of harassment by the Sudan's Peoples Liberation Army (SPLA) towards aid agencies, including looting, commandeering vehicles and preventing access to vulnerable communities.<sup>2</sup> In counter-insurgency conflicts, such as Afghanistan and Somalia, some donors, such as the US, tend to emphasize forces' combat training and equipment, over their accountability to civilian authority and respect for human rights. In turn, security forces, inadequately trained on human rights or gender relations, abuse and intimidate, creating new grievances, and eroding confidence in the state.<sup>3</sup>

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In the face of this, **SSR** can enhance ‘effective and accountable security for the [s]tate and its peoples without discrimination and with full respect for human rights and the rule of law’, through ‘assessment, review and implementation as well as monitoring and evaluation led by national authorities.’<sup>4</sup> To do so, however, it must be rooted in the idea of human security, with affected people at the heart of decisions – rather than the state-centred or counter-insurgency approaches that have also adopted the SSR discourse.

SSR can involve the entire spectrum of security entities, such as the armed forces, police, paramilitaries, intelligence services, executive and legislative bodies, the judiciary (including human rights commissions, corrections services, prosecutors, and public defenders), as well as rebels or militia, and private security companies. All these must be accountable to civilian authorities and the population.

Women, in particular, often bear the brunt of abuses. In DRC, many reported that their safety declined when the army were in control of their area.<sup>5</sup> In Afghanistan and Somalia, former combatants rapidly integrated into the army and police are a growing concern for women. But international norms do not highlight women’s needs for effective SSR. The five UN Security Council Resolutions on Women, Peace and Security give only passing references to SSR.<sup>6</sup>

In October 2011, a UN Security Council Presidential Statement on SSR in Africa recognised that ‘an effective, professional and accountable security sector is at the cornerstone of peace and sustainable development’, and that a strong focus on the population’s priorities enhances SSR’s legitimacy, viability and sustainability. It called for greater coordination among donors who train and fund SSR and for closer cooperation with governments and the African Union as it develops a continental SSR framework. The UN Secretary-General has been asked to submit an assessment of UN support for SSR by early 2013 with recommendations to improve it.

SSR tends to focus on the state, strengthening its security apparatus or integrating irregular armed groups into national forces; and it is of course the state’s responsibility to provide security and protection for all its citizens. But in many countries, informal or customary structures, like community elders, have an integral role in promoting security and justice – and holding the state security sector to account.

This is recognised in the idea of **community security**, which describes a wide range of activities to make communities safe from violence, arms proliferation and crime through prioritizing their security needs themselves, and setting out their responses.<sup>7</sup> Most of those activities are beyond the scope of this note. But it is vital to use this same approach – acting on the threats and solutions communities identify themselves – to influence SSR programmes, and make SSR and security forces more accountable.

Communities and civil society organisations, particularly those involving women, youth and marginalised groups, should participate in the:

- Initial analysis of threats that SSR programmes respond to;
- Designing and implementing those programmes; and
- Monitoring and evaluating their impact.

## **2. Oxfam’s Position on the Accountability of National Security Forces to Civilians**

### **2.1 Security Forces accountable to civilians, and willing and able to comply with international legal standards, including human rights and humanitarian law**

Security and justice systems, which incorporate human rights and international humanitarian law standards, create a safer environment for civilians and promote accountability by security forces. Governments, the UN and donors all have obligations to ensure their support is consistent with international humanitarian law (IHL), human rights law (IHRL), refugee law (IRL) and criminal law.

The UN, under its Human Rights Due Diligence Policy for Support to Non-UN Security Forces, cannot support units commanded by individuals against whom there are substantial allegations of grave violations and must continually assess forces' adherence to the above laws.<sup>8</sup>

According to US policy, 'accountability, transparency, public participation, respect for human rights, and legitimacy must be mainstreamed in security force development.'<sup>9</sup> The EU similarly requires that 'any development of professional security forces leads them to be both accountable to the civil authorities and capable of carrying out the operational tasks assigned to them.'<sup>10</sup> In implementing such policies, all donors should put as much emphasis on building accountability as operational capability; that has not always been done in the past.

But true accountability to communities requires more than that. It requires Community Security approaches to complement and inform formal SSR, so that communities are fully involved in identifying threats and deciding how to respond to them. Security forces must listen to the concerns and priorities of communities and, where appropriate, support them to define their needs and identify what assistance they require from the state, recognising that different communities may need different approaches. And, vitally, members of the security forces must be held to account for any crimes they commit.

## **2.2. A gender-sensitive approach that is responsive to the specific needs of girls and women**

A gender-sensitive approach is key to the effectiveness, inclusiveness and sustainability of SSR. That means ensuring that the security system is responsive and accountable to all people and that it meets their diverse security needs. It also means building gender-sensitive security institutions that are 'non-discriminatory, representative of the population and capable of effectively responding to the security needs of diverse groups',<sup>11</sup> in order to take advantage of the opportunities that post-conflict situations often open up to transform gender relations in ways that can help to address the root causes of conflict.

A gender-sensitive approach must be consistently applied, including assessing threats specific to men and women, and designing and evaluating responses to any action taken. This must include specific strategies to address sexual and gender-based violence (SGBV), including where that violence is perpetrated by members of the security forces, and vetting members of the security forces against evidence of any past SGBV. Consulting women and girls, to include their perspectives, and analysing the conditions of female members of security institutions and families associated with members of the security institutions, should also be a vital part of SSR.

Increasing the number of women in police and military services can help – in societies, for example, where it has not been culturally appropriate for women to raise security concerns with men. But both male and female members of the security forces need training in gender and security. National authorities need incentives to recruit women, such as assistance with accommodation and childcare, and must ensure women within security forces are protected from harassment and sexual assault. Female staff must be provided with training and opportunities for promotion to enable them to play a meaningful – not just symbolic – role in the security services.

## **2.3 Improving and increasing the capabilities and capacity of security forces to protect communities**

Underpaid and poorly equipped soldiers may fail to respond to attacks and some security forces receive so little government support they 'live off the backs' of the populations. In DRC, 'at least 50 percent of the PNC [national police] payroll is bogus'.<sup>12</sup> In contrast, South Sudan's army is relatively well paid compared with other jobs, yet without sufficient training and vetting, its protection capabilities are weak.

Increasing the capacity of security forces to protect civilians requires sufficient resources to ensure forces are paid and housed, properly equipped, and trained specifically on civilian protection, IHL and IHRL. National training doctrines should include benchmarks for developing civilian protection capabilities, as well as monitoring and evaluation processes, to assess the effectiveness of the training to improve the conduct of forces and their protection performance. Where there is widespread illiteracy in security forces, training must be delivered in an appropriate format (such as role playing, lectures or videos).

## **2.4 Ensuring exit-strategies of peacekeeping and other military missions are premised on the presence of accountable and capable national security forces**

In DRC, South Sudan and Chad, improving the capacity of national forces to protect civilians was a key prerequisite for drawing down international peacekeepers. In Afghanistan, international responsibility to develop national capacities has also been highlighted.<sup>13</sup> Clear benchmarks for draw-down of international forces with mandates to protect civilians must be identified for each context with sufficient monitoring to ensure that national forces are accountable and capable of protecting the local population. Community views – including the different views of women, men, boys and girls – should be key in determining whether adequate levels security have been reached.

## **2.5 Holistic context-based strategies backed up by coordinated donor support**

Poor donor coordination combined with different approaches and standards to SSR leads to confusion and undermines effectiveness and accountability. In Afghanistan, training missions run by different nations, following different training manuals, prevent standardized training across all forces. In DRC, different donors do not share the content of their training of army and police units. While donors implement different aspects of SSR based on their expertise and interest, such initiatives should complement each other rather than compete, and coordination between donors and government institutions is essential (see section 2.8).

## **2.6 Addressing in the Security Sector in Peace Agreements and Peace Processes**

The extent and manner in which peace agreements reflect SSR requirements can either propel or hinder SSR in conflict to post-conflict transitions. DRC's 2003 Sun City agreement failed to set clear SSR benchmarks with the consequences still being seen in the army and police today. In South Sudan, lack of clarity in the 2005 Comprehensive Peace Agreement on what happened to SPLA troops remaining in Sudan after South Sudan's independence has, in part, led to a reversion of conflict. Peace negotiators and mediators should ensure sufficient attention is paid to SSR in peace agreements, and sufficient monitoring and implementation of SSR is resourced.

## **2.7 Strengthening the accountability of security systems through development assistance**

The purpose of official development assistance (ODA) is to meet the development and humanitarian needs of affected countries, not the security needs of donors. Despite that, too much aid is driven by those external security needs.<sup>14</sup> The development, humanitarian and security needs of affected countries and communities are, of course, closely linked, and for that reason the OECD-DAC has identified specific types of security sector programming/projects that are eligible for ODA funding, as long as they adhere to the common principles for aid effectiveness embodied in the 2005 Paris Declaration. In practice, this means that SSR initiatives must contribute to development through, *inter alia*, strengthening institutions, embedding the rule of law, enhancing transparency and accountability, and supporting national ownership, if they are to be eligible for ODA funding.<sup>15</sup>

## 2.8 Arms Control and the Security System

SSR can help control the proliferation of arms in conflict-affected states. Both national governments and arms-selling states have a responsibility to ensure security systems are in place to track, monitor and control the flow of weapons. For example, this includes Physical Security and Stockpile Management to ensure that armed forces are:

1. Effectively controlling the distribution of arms and ammunition to their soldiers, and thereby preventing leakage and diversion into illicit markets;
2. Only acquiring arms and ammunition necessary for operational requirements and security needs; and
3. Appropriately trained in storing and disposing of arms and surplus/out-dated stocks of ammunition and munitions.

Monitoring, training or retraining civil administrators and police forces in routine policing, and training in customs and border-control, are other SSR activities related to arms control. All governments should ensure these provisions are reflected and supported in the final negotiations to conclude an Arms Trade Treaty in 2012. Improving the payment and housing of soldiers is also critical to prevent the diversion of weapons to illicit purposes.<sup>16</sup>

## 3. Recommendations

National governments, donors, the African Union and the UN must ensure their financial and technical assistance to SSR, including for Community Security, is focused on improving the accountability of security systems to civilians by supporting:

- **Strong civilian oversight and national ownership, including by civil society and communities.** The design and implementation of SSR programmes should include communities, civil society organizations, youth, women and women's groups. Monitoring and evaluation must include community perceptions and priorities.
- **Accountable security forces that protect human rights and comply with IHL and IHRL** by adopting strong vetting procedures, ending impunity, and establishing strong military and civilian justice systems, including complaints procedures for civilian harm. Vetting must include criteria on violations of SGBV and other forms of violence against women.
- **Increased protection capabilities and capacity of security forces** through effective training, monitoring and evaluation of performance in protecting civilians, in accordance with international law. This includes ensuring police forces focus on policing (keeping citizens safe from crime) rather than becoming an adjunct of the armed forces.
- **Reforms that are responsive to the specific needs of girls and women** through support for gender-sensitive police, army, and justice reform and training, and the active participation and leadership of women in these processes.
- **The inclusion of improvements in the conduct and capacity of the state security sector as pre-conditions for exit strategies** of UN-mandated peacekeeping and other missions.
- **Mechanisms for senior civilian staff to liaise with communities to understand their security concerns** and to integrate these into SSR and, where appropriate, police and military systems.
- **Holistic and coordinated approaches to SSR** that include support for the full spectrum of security and justice services, including those funded by ODA. This includes strong donor coordination to ensure consistent approaches.
- **A strong Arms Trade Treaty that includes provisions for national SSR and strengthened arms controls**, alongside other arms control mechanisms.

## Notes

- <sup>1</sup> Oxfam (2011), “‘We are entirely exploitable’: The lack of protection for civilians in eastern DRC”, Oxford: Oxfam, <http://policy-practice.oxfam.org.uk/publications/we-are-entirely-exploitable-the-lack-of-protection-for-civilians-in-eastern-drc-136977>
- <sup>2</sup> The SPLA was of course not, strictly speaking, a state security force before South Sudan’s independence in 2011. These incidents were reported to the UN Humanitarian Country Team for South Sudan.
- <sup>3</sup> Oxfam (2010) ‘Nowhere to Turn: The failure to protect civilians in Afghanistan’, Oxford: Oxfam; Oxfam (2011), ‘No Time to Lose: Promoting the Accountability of the Afghan National Security Forces’, Oxford: Oxfam; Oxfam (2012), ‘A Shift in Focus: Putting the interests of Somali people first’, Oxford: Oxfam; and internal Oxfam notes on Somalia.
- <sup>4</sup> UN Report of the Secretary-General, ‘Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform’, UN doc., A/62/659–S/2008/39, 23 Jan. 2008, page 18.
- <sup>5</sup> Oxfam (2010) ‘Women and Children First: On the frontline of the war in the Kivus: Oxfam briefing on the protection of women and children in the Kivus, DRC’, Oxford: Oxfam GB, <http://policy-practice.oxfam.org.uk/publications/women-and-children-first-on-the-frontline-of-the-war-in-the-kivus-oxfam-briefin-118172>
- <sup>6</sup> Resolution 1325 only ‘encourages’ those involved in Disarmament, Demobilisation and Reintegration (DDR) to consider the needs of female ex-combatants; 1820 requests UN agencies to protect girls and women from violence in DDR and SSR processes; and 1888 urges sexual violence to be included in criteria for vetting members of the armed forces.
- <sup>7</sup> Community Safety is a broad concept used by policymakers in many developing and developed countries. See the definition from: the Working Group on Community Security and Community-based DDR in Fragile States (2009), *Security Promotion in Fragile States: Can local meet national? Exploring the connections between community security and Disarmament, Demobilisation and Reintegration*, p i: [http://www.humansecuritygateway.com/documents/CLINGENDAEL\\_SecurityPromotionFragileStates.pdf](http://www.humansecuritygateway.com/documents/CLINGENDAEL_SecurityPromotionFragileStates.pdf)
- <sup>8</sup> The Human Rights Due Diligence policy for Support to Non-UN Security Forces (2010) applies to all UN agencies, funds, entities, and peace-keeping and political missions.
- <sup>9</sup> US Agency for International Development, US Department of Defense, and US Department of State, ‘Security Sector Reform,’ February 2009, <http://www.state.gov/documents/organization/115810.pdf>
- <sup>10</sup> Brussels, 24 May 2006. COM(2006) 253 final. Communication from the Commission to the EP and Council, titled ‘A Concept for European Community Support for Security Sector Reform’, [http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006\\_0253en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0253en01.pdf)
- <sup>11</sup> UN Report of the Secretary-General, ‘Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform’, *op. cit.*, 11.
- <sup>12</sup> Oxfam (2011), “‘We are entirely exploitable’: The lack of protection for civilians in eastern DRC”, *op.cit.*
- <sup>13</sup> Oxfam (2011), ‘No Time to Lose: Promoting the Accountability of the Afghan National Security Forces’, *op.cit.*
- <sup>14</sup> Oxfam (2011) ‘Whose Aid is it Anyway? Politicizing aid in conflicts and crises’, Oxford: Oxfam, <http://policy-practice.oxfam.org.uk/publications/whose-aid-is-it-anyway-politicizing-aid-in-conflicts-and-crises-121669>
- <sup>15</sup> OECD-DAC (2005), ‘Conflict Prevention and Peace Building: What Counts as ODA?’
- <sup>16</sup> Small Arms Survey (2008) Small Arms Survey 2008: Risk and Resilience, Geneva: small Arms Survey, <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2008/en/Small-Arms-Survey-2008-Chapter-04-EN.pdf>; <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-03-targeting-ammunition/SAS-Targeting-Ammunition-09-Chapter-4.pdf>



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