

# BUILDING INTEGRITY

## KEY ISSUES AND CONCEPTS



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The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and the core security and justice providers such as police, judiciary, intelligence agencies, border security services and the military.

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# INTRODUCTION

Building Integrity (BI) is not only of great importance but also of great value as an essential pathway towards good governance in security and defence. Building Integrity is a vital building block for any state or institutions striving towards an accountable, transparent and effective defence and security sector. Therefore, it is crucial that this concept is clearly understood and widely applied.

This collection of introductory notes on Building Integrity was conceived with the aim of assembling and defining core BI concepts on the basis of the existing literature on the subject in a short format. Building Integrity Notes are designed for a wide audience, from the general public to military and civilian personnel in the defence and security sectors. The notes aim to present information in a user-friendly and practical format and provide access to a wide range of resources for further study.

Each notes starts by defining key concepts and goes on to explaining their importance, how they affect the security sector and defence, and what actors participate in the process. The notes can be used both collectively and individually.



# NOTE 1

## BUILDING INTEGRITY



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## NOTE 1: BUILDING INTEGRITY

Integrity means meeting one's responsibilities honestly and completely. A process has integrity if it works as it is intended to and fits into the larger system of which it is part. An organisation has integrity if its activities are conducted with proper accountability and competence, without any diversion of resources to dishonest, private needs. An individual has integrity if he/she is doing their work competently, honestly and completely. Integrity is usually measured through audits and surveys.

*Source: DCAF (2015) Parliamentary Brief: Building Integrity in Defence; NATO (2015) Building Integrity Self-Assessment Questionnaire and Peer Review Process. A Diagnostic Tool for National Defence Establishments.*

### What is Building Integrity?

Building Integrity (BI) is a vital component of good governance strategies, which lie at the heart of Security Sector Reform. Security Sector Reform (SSR) is a political and technical process of reform which seeks to improve the function of the security sector. NATO is one of the main organisations leading the way in BI efforts today with their BI Programme, a capacity-building programme that provides practical tools to help nations strengthen integrity, transparency, and accountability and reduce the risk of corruption in the defence and security sectors.<sup>1</sup>



### Why is it important?

Corruption acts as a significant obstacle to development, security, and stability of modern societies. Corruption decreases trust in public institutions and undermines the effectiveness of the armed forces. Security sector corruption extorts a high price from other sectors of public life. Corruption diverts funds from the national budget, preventing investment in education, healthcare, innovation,

<sup>1</sup> NATO (2015) *Building Integrity Self-Assessment Questionnaire and Peer Review Process. A Diagnostic Tool for National Defence Establishment*, p. 5.

and development. Corruption also reduces operational effectiveness of the military and undermines national defence capacity.<sup>2</sup>

### **How does it work?**

BI programmes are, usually, a component of a wider Security Sector Reform programme. Additionally, SSR is meant to accompany a broader and more comprehensive effort – on a national level – towards good governance and countering corruption. There are a number of steps and tools for building integrity in the security sector. Successful BI programmes strive to be as comprehensive as possible, all the while, remaining realistic and setting attainable objectives adapted to a particular context.

#### **➤ Risk Assessment and Action Plan**

The first step towards BI is identifying and assessing corruption risks and developing a plan/strategy to cope with them. Tools for assessing and planning are available to governments and security sector personnel, such as NATO-DCAF *Integrity Self-Assessment Process* and CIDS-TI *Integrity Action Plan*.<sup>3</sup>

#### **➤ Comprehensive Legal Framework**

An essential component of BI is an adequate regulatory and legal framework, in addition to the existence of Codes of Conduct and Ethical Guidelines.<sup>4</sup>

#### **➤ Sound Budgeting and Financial Planning**

Great attention must be paid to budgeting and financial planning. Financial planning should be developed in line with the overall National Security Strategy and within a medium to long-term timeframe.

#### **➤ Training and Education**

Education plays a crucial role across all levels of the security sector hierarchy. Therefore, a thorough focus on training of the military and civilian personnel of the security sector in BI matters is needed. There are a number of BI programmes and courses developed by NATO, DCAF, CIDS, Defence Academy of UK, and other organisations and establishments available to military and civilian personnel.<sup>5</sup>

#### **➤ Monitoring and Oversight**

In order to guarantee the success of BI efforts over time, an oversight framework must be established. This may involve internal and external oversight mechanisms that consist of: inspectors, oversight committees, auditors and ombudsman. Parliamentarians and the government play essential roles in this process. Civil society and the media ought to have access to information and

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<sup>2</sup> DCAF (2015) *Parliamentary Brief: Building Integrity in Defence*, p. 2.

<sup>3</sup> NATO-DCAF (2009), *Integrity Self-Assessment Process. A Diagnostic Tool for National Defence Establishments*. Centre for the Integrity in the Defence Sector (CIDS)-Transparency International UK (TI) (2015) *Integrity Action Plan: A Handbook for Practitioners in Defence Establishments*.

<sup>4</sup> See for example: Royal Norwegian Ministry of Defence (2011) *Ethical guidelines for contact with business and industry in the defence sector*.

<sup>5</sup> See NATO (2015), *Building Integrity Course Catalogue*.

freedom to scrutinise the security sector, in order to establish a healthy checks-and-balances environment that discourages corruption.



**Who is involved in Building Integrity Process?**

Since Building Integrity is a holistic process, it encompasses a wide range of actors. On a national level, a BI programme is developed by the Government with the help of other concerned parties (Parliament, Ministries, Committees, etc.) and is inscribed within the National (Security) Strategy framework. The programme is implemented by the military and civilian personnel, and overseen by the Parliament, civil society, and other oversight institutions. National legislation provides the groundwork for this process. On an international level, international organisations offer training, guidance, and external oversight. Other states provide best practices and examples. Finally, international legal standards frame the overall process.

## Resources

Centre for Integrity in the Defence Sector. *Criteria for Good Governance in the Defence Sector: International Standards and Principles* (2015) <http://cids.no/wp-content/uploads/pdf/7215-Criteria-for-Good-Governance-in-the-Defence-Sector-k6.pdf>

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NATO (2012) Building Integrity Programme [http://www.nato.int/cps/en/natohq/official\\_texts\\_93045.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/official_texts_93045.htm?selectedLocale=en)

NATO (2015), *Building Integrity Course Catalogue*. Available here: <http://cids.no/?p=4666>

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## NOTE 2

# SECURITY SECTOR GOVERNANCE



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## NOTE 2: SECURITY SECTOR GOVERNANCE

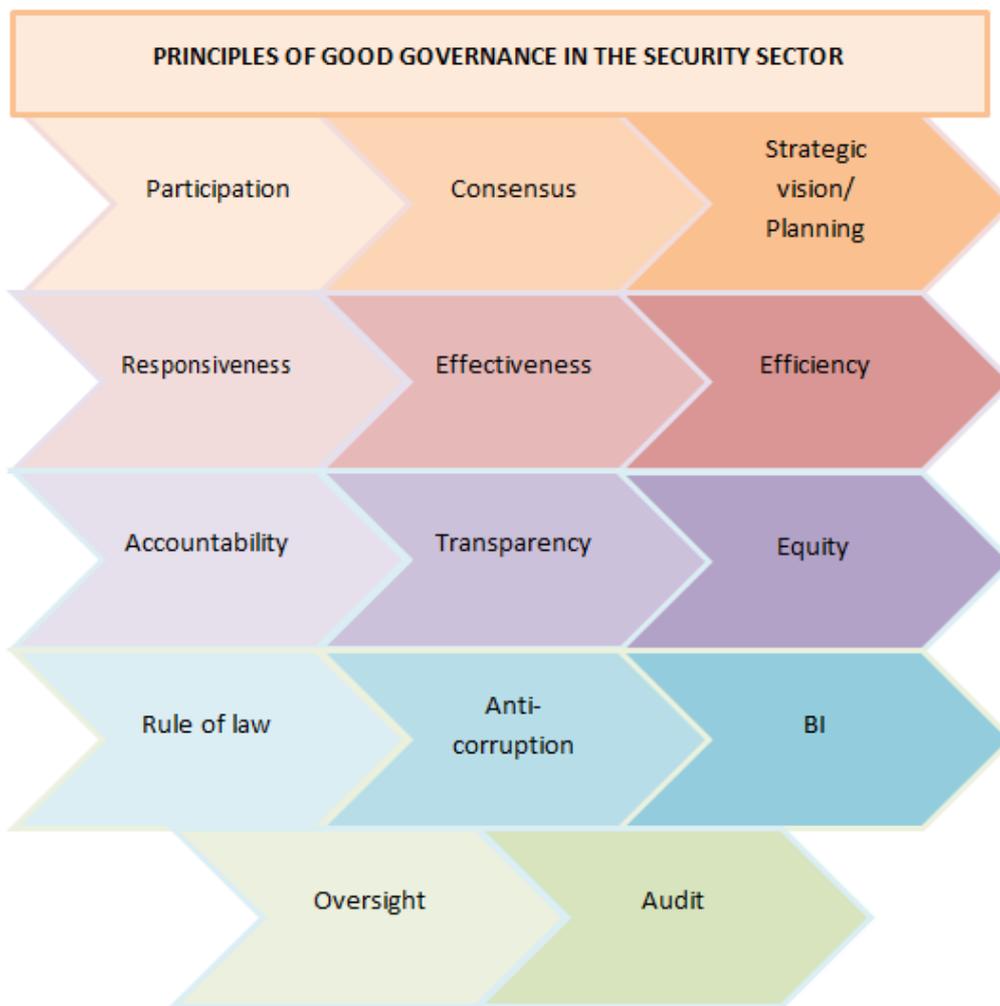
Security sector governance refers to the process by which accountable security institutions transparently supply security as a public good via transparent policies and practices. Accountability of security institutions is affected by democratic oversight performed by a range of stakeholders including democratic institutions, government, civil society, and the media. Security sector reform is the process by which security institutions are subordinated to oversight mechanisms, vetting, and lustration in order to deliver transparent and accountable public services as a public good. Security sector governance reinforces the rule of law.

*Source: DCAF(2009), Backgrounder. Security Sector Governance and Reform.*

### **What is Security Sector Governance?**

Security sector governance describes how the principles of good governance apply to public security provision. Credible oversight and management of the security sector remains vital in order to ensure democratic and economic development. The overall rationale for ensuring substantive democratic governance of the security sector is to:

- Enhance citizens' safety and public security;
- Strengthen security provision;
- Enable democratic institutions to monitor and amend security sector policies and practices and ensure compliance with international standards;
- Embed transparency and accountability mechanisms across the security sector;
- Encourage the development and maintenance of a democratic culture rooted in respect for the rule of law and human rights within security institutions;
- Provide effective checks and balances to ensure that security sector actors cannot commit abuses or human rights violations;
- Manage the security sector cost-effectively in order to avoid a financially resource-heavy security sector; and reduce the possibilities for corruption;
- Manage human and financial resources effectively, including effective disciplinary measures and career management structures, and encourage professionalism and respect for authority among security sector officials;
- Promote the security sector as representative institutions of the society at large, ensuring equitable participation of women, and minorities.



Source: DCAF (2009) Bucur-Marcu Hari, Fluri Philipp, Tagarev Todor (eds.) *Defence Management: an Introduction*.

### Why is it important?

“Ensuring democratic governance of the security sector, on the basis of the rule of law and respect for human rights, is crucial to securing the peaceful and sustainable development of States in a variety of contexts. A democratically governed security sector enhances the safety and security of individuals, and prevents abuses by the sector’s personnel”.<sup>1</sup>

A state will not be able to deliver acceptable levels of security to its population and safeguard human rights unless its security forces can operate effectively and under democratic control. To ensure that society’s rules are observed, it must have an enforcement capability that is both efficient and fair. A functional security sector is a precondition to democratisation and a factor for regional stability.<sup>2</sup>

<sup>1</sup> UN SSR Task Force (2012), *Security Sector Reform: Integrated Technical Guidance Notes*, p. 92.

<sup>2</sup> DCAF(2009), Background. *Security Sector Governance and Reform*.

**How does it work?**

Democratic governance of the security sector must ensure that security agencies and their staff meet expected standards of performance and behaviour as defined through laws, policies, practices and relevant social and cultural norms. These principles apply not only at management level, but also that of the individual staff member. In particular, security institutions should:

- Prevent abuses of power and authority (by security actors themselves or by other interest groups);
- Use resources appropriately and effectively through appropriate budgetary management;
- Be as transparent as possible, making appropriate information available to other government agencies, oversight bodies and the general public;
- Uphold human rights both by preventing abuses within the security sector itself and by preventing and investigating abuses in society as a whole;
- Address the security needs of all people for whom they are responsible, regardless of sex, ethnicity, religion, age, or income.

Effective governance of the security sector is based on sustaining security institutions that are:

- Governed internally and externally by a legal and institutional framework;
- Accountable to the authorities and to the population;
- Transparently managed according to codified standards and practices;
- Based on, and responsive to, people’s needs;
- Based on fair and equitable representation.

The United Nations underlines five fundamental stages or areas of focus in the process of establishing democratic governance in the security sector. These are:

- Strengthening the national legal framework
- Strengthening civil society’s role and capacity
- Strengthening institutions
- Strengthening management system and internal oversight<sup>3</sup>



The Centre for Integrity in the Defence Sector (CIDS) underlines that professionalism and integrity in public service are a key component of good governance. Professionalism of the civil service depends on the following factors:

- Clear separation of political and civil service positions
- Recruitment and promotion based on merit and competition
- Ensuring accountability
- Regulation of duties and rights (impartiality, integrity, conflict of interests)

<sup>3</sup> UN SSR Task Force (2012), *Security Sector Reform. Integrated Technical Guidance Notes.* p. 95.

- Effective regulation of grievance-handling
- Regulations to ensure fair performance appraisals
- Statutory and transparent salary system
- Observance of common standards<sup>4</sup>

Moreover, SSG policies ought to take into account the following areas of focus:

- Effective oversight mechanisms
- Regulation of conflict of interests
- Audit function
- The role of the ombudsman
- Human resources management
- Strategic financial planning and budget management<sup>5</sup>

### Who is involved in Security Sector Governance?

Democratic governance of the security sector comprises the active performance of individual and cooperative oversight functions by:

- Democratic Institutions
- Independent Oversight Institutions / Ombuds Institutions
- Civil Society
- Media
- Executive
- Government
- Security Sector Institutions

### Resources

Centre for Integrity in the Defence Sector. *Criteria for Good Governance in the Defence Sector: International Standards and Principles (2015)* <http://cids.no/wp-content/uploads/pdf/7215-Criteria-for-Good-Governance-in-the-Defence-Sector-k6.pdf>

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<sup>4</sup> CIDS (2015) *Guides to Good Governance: Professionalism and Integrity in the Public Service*. No 1. <http://cids.no/wp-content/uploads/pdf/cids/7250-DSS-Professionalism-and-integrity-skjerm.pdf>

<sup>5</sup> NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

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IMF (2007) Code of Good Practices on fiscal transparency <http://www.imf.org/external/np/pp/2007/eng/051507c.pdf>

NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*, Part III, Chapters 18 and 19 <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

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## NOTE 3

# SECURITY SECTOR REFORM



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## NOTE 3: SECURITY SECTOR REFORM

Security Sector Reform (SSR) aims to enhance Security Sector Governance (SSG) through the effective and efficient delivery of security under conditions of democratic oversight and control. SSR offers a framework for conceptualising which actors and factors are relevant to security in a given environment as well as methodology for optimising the use of available security resources.

*Source: DCAF (2009), Security Sector Governance and Reform Backgrounder. New series available at: <http://ssrbackgrounders.org/>*

### **What is Security Sector Reform?**

SSR is generally defined as a process of transforming the security sector to strengthen accountability, effectiveness, and respect for human rights and the rule of law. The security sector is a broad term used to describe the structures, institutions and personnel responsible for the management, provision and oversight of security in a country.<sup>1</sup> SSR strives toward improving Security Sector Governance (SSG), a term referring to the multi-stakeholder oversight process by which a security sector is internally and externally governed.

### **Good Governance in the Security Sector:**

- Security forces are capable of delivering security professionally, at a reasonable cost, and in a way that helps to ensure the rule of law
- Security sector is representative of the population as a whole. It is inclusive, adequately reflecting a country's various communities and gender sensitive
- Security forces operate transparently providing information to the public
- A country's security objectives and policies are set out in a National Security Policy and its supporting documents that define the respective tasks and responsibilities of the various components of the security sector
- Executive and civilian management authorities in charge of the security forces are capable of giving them proper direction and management
- Security forces are overseen by, and accountable to, democratically-constituted civilian authorities in charge of their activities

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<sup>1</sup> DCAF (2009), Gender and Security Sector Reform, Backgrounder. New series available at: <http://ssrbackgrounders.org/>

- The security sector is accountable to a robust judicial and legal framework
- Civil society and non-governmental actors with a role in monitoring the governance of the security sector are active and can operate independently
- Domestic security sector actors are capable of smoothly interacting with one another
- Domestic security sector actors are well integrated into regional and international security frameworks<sup>2</sup>

### Why is it important?

SSR assumes that effective and democratic security delivery is fundamental for reducing poverty and for sustainable economic, social and political development.<sup>3</sup> SSR's main objective is to attain an effective, efficient and well governed security provision system. SSR aims to ensure that the appropriate level of resources is attributed to the security services so that the rest can be duly invested into social and economic development. A functional security sector is a precondition for democratisation. A well-functioning security sector contributes towards regional stability and enhances opportunities for international cooperation.<sup>4</sup>

### How does it work?

SSR is a coordinated series of actions designed to improve the efficiency and effectiveness of a state's security sector. These actions can be comprised into the following steps or phases:

- **Review, assessment and identification** of risks and challenges over short and long-term.
- **Design, planning and consultation.** The results of the assessment are used to elaborate a strategy or an action plan.
- **Financial Planning.** Any reform must be closely considered and monitored in terms of financial requirements, establishing priorities and optimising resources.
- **Public Information.** A sustained and convincing public information effort is required if SSR is to be understood and accepted by the security establishment as well as by the population at large.
- **Implementation.** The reforms are implemented according to the established plan and time-frame.
- **Monitoring, evaluation and adjustment.** Effective SSR requires mechanisms to monitor reform implementation and outcomes and to adjust programmes in light of any changes. Monitoring is essential in order to evaluate progress and success of the reform.<sup>5</sup>

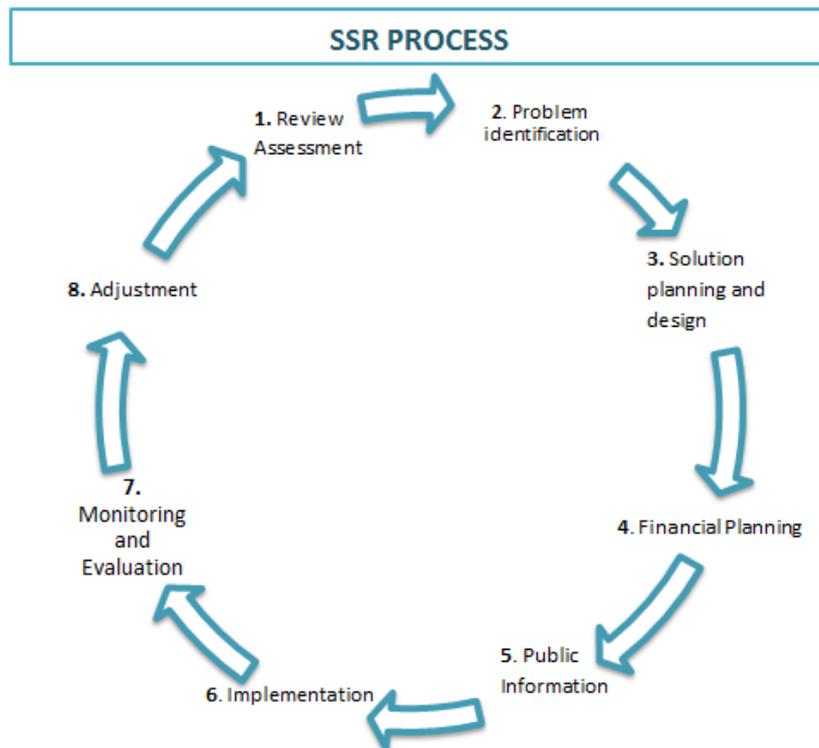
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<sup>2</sup> DCAF (2009), *Security Sector Reform and Intergovernmental Organisations*. Backgrounder. New series available at: <http://ssrbackgrounders.org/>

<sup>3</sup> DCAF (2009), *Police Reform*. Backgrounder. New series available at: <http://ssrbackgrounders.org/>

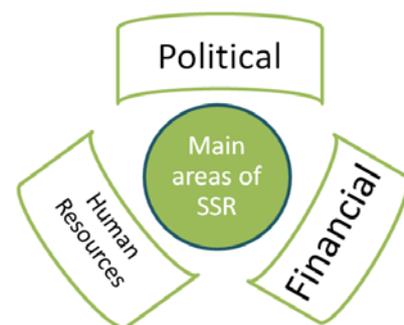
<sup>4</sup> DCAF (2009), *Security Sector Governance and Reform*. Backgrounder. New series available at: <http://ssrbackgrounders.org/>

<sup>5</sup> DCAF (2009), *Defence Reform*. Backgrounder. See also: CIDS (2015), *Integrity Action Plan*.



According to CIDS's *Integrity Action Plan*, a comprehensive SSR process will examine all of the following main areas and reform/adjust where necessary in accordance with the principles of good security sector governance:

- **Political aspects** (parliamentary oversight, public defence and security policies, access to defence budgets, inclusion of civil society in debates about Security Sector and SSR, oversight of intelligence services, oversight of arms deals, anti-corruption policy and regulations, and international standards and conventions)
- **Financial aspects** (planning and budgeting, financial management, transparency, secret budgets regulation, audit, inspector generals, acquisition, procurement, and the legal framework and regulations concerning budgets and security sector finances)
- **Human Resources** (human resources management, gender, regulations on payroll, promotions and rewards, codes of conduct, conflicts of interest, building integrity trainings, rules concerning gifts, whistle-blowing system and corresponding whistle-blower protection, ombuds institutions, prosecution and disciplinary mechanisms)<sup>6</sup>



### Who is involved?<sup>7</sup>

SSR involves a wide range of national, regional and international actors. On a national scale this includes: the executive (head of state, government, other decision-making bodies); ministry of defence and other ministries; armed forces and security agencies (police, gendarmerie, intelligence services, border guards, customs officials, private security contractors); the legislature (parliament

<sup>6</sup> CIDS (2015), *Integrity Action Plan*, p. 27.

<sup>7</sup> DCAF (2009), Defence Reform. Backgrounder. New series available at: <http://ssrbackgrounders.org/>

and relevant committees); the judicial, law enforcement and penal institutions; civil society actors (media, think tanks, civil society organisations). Regional and international organisations also play a key role in SSR by providing support and expertise.

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# NOTE 4

## CORRUPTION



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## NOTE 4: CORRUPTION

There is no universal definition of corruption. Transparency International (TI) defines corruption as “the abuse of entrusted authority (public or private) for illegitimate (private or group) gain”. This definition is widely accepted. However, it is important to bear in mind that corruption is highly contextual; therefore perceptions and understanding of what constitutes corruption vary accordingly. Centre for Integrity in the Defence Sector (CIDS) identifies corruption as practices within an institution that compromise that institution’s capacity to perform its functions in an impartial and accountable manner.

Sources: TI (2015), *Corruption: Lessons from the international mission in Afghanistan*. p 20. CIDS (2015) *Criteria for Good Governance in the Defence Sector: International Standards and Principles*. p 3. CIDS, *Integrity Action Plan*, p 10.

### What is corruption in defence and security?

Corruption within the security sector may take many forms, such as: kickbacks and bribes, awarding of non-competitive contracts or manipulations of soldier payrolls, misuse of budgets, and the use of military resources to generate off-budget profits.<sup>1</sup> The recent and rapid growth of private military and security companies, performing activities previously within the realm of the state that are outsourced in accordance with limited regulations, has further increased opportunities for corruption.<sup>2</sup> Mats R. Berdal and David M. Malone distinguish three types of corruption:

- Need-driven (petty) corruption: involves low and middle-level servicemen who are unable to satisfy their basic social needs with their low salaries.
- Greed-driven (elite) corruption: involves high ranking military and government officials, as well as private companies and middlemen/agents.



<sup>1</sup> DCAF (2015), *Parliamentary Brief: Building integrity in Defence*. Available at:

<http://www.dcaf.ch/Publications/DCAF-Parliamentary-Brief-Building-Integrity-in-Defence>

<sup>2</sup> NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence. A Compendium of Best Practices*, p. 5. <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

- Pyramidal corruption: connects high ranking government and military officials with low and middle-level servicemen via redistribution of illegal income and a flow of corrupt money from the bottom up.<sup>3</sup>

Additionally, the French Criminal Code differentiates between passive and active corruption.

- Passive corruption is a direct or indirect request or acceptance, without right, of offers, donations, gifts or advantages.
- Active corruption is direct or indirect proposal, without right, of offers, promises, donations, gifts or advantages.<sup>4</sup>

### **Why is corruption an important risk?**

Corruption hinders the development and undermines the security of modern societies. Corruption undermines public confidence in the institutions of the state. Corruption particularly impedes the progress of countries in transition, stealing much needed resources from state-building endeavours. Resources provided through corrupt practices are often transformed into economic and political influence, thus weakening democratic institutions and further expanding corruption. Defence sector often provides a fertile ground for corrupt activities due to a culture of secrecy and impunity that shields it from rigorous scrutiny.<sup>5</sup>

Furthermore, corruption corrodes efficiency and effectiveness of the armed forces. Low troop morale and inadequate equipment contribute to higher casualties on the field, which can compromise broader national security objectives. The military see their budget reduced as fewer resources are allocated to a group that is perceived to be corrupt. This triggers even more corruption as groups compete to secure their share of scarce resources, leading to a vicious cycle of corruption.

### **How does corruption affect defence the security?**

Corruption is costly. Corruption diverts scarce resources from other sectors in need, such as, health and education. Corruption also obstructs an effective functioning of the security sector. Corrupt and malfunctioning military forces lower society's esteem for state institutions. Operational effectiveness of the troops in deployments is highly compromised. Corrupt procedures concerning placements and merit attributions greatly affect troop morale. Corruption may also provide opportunities for terrorists and organised crime to acquire information, know-how, dangerous materials, weapon technologies and systems. Corruption-based links of security and defence organisations to organised crime pose immediate threats to the security of the country and its citizens. Corruption negatively impacts the armed forces credibility in international operations.<sup>6</sup>

### **Who is affected by corruption? Who can fight it?**

Main areas affected by corruption in defence and security are:

- personnel and manpower management;

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<sup>3</sup> In NATO-DCAF, (2010). *Building Integrity*, p. 151-152. See: Mats R. Berdal and David Malone, eds., *Greed and Grievance: Economic Agendas in Civil Wars*. (London 2009)

<sup>4</sup> *Ibid.*, p. 174.

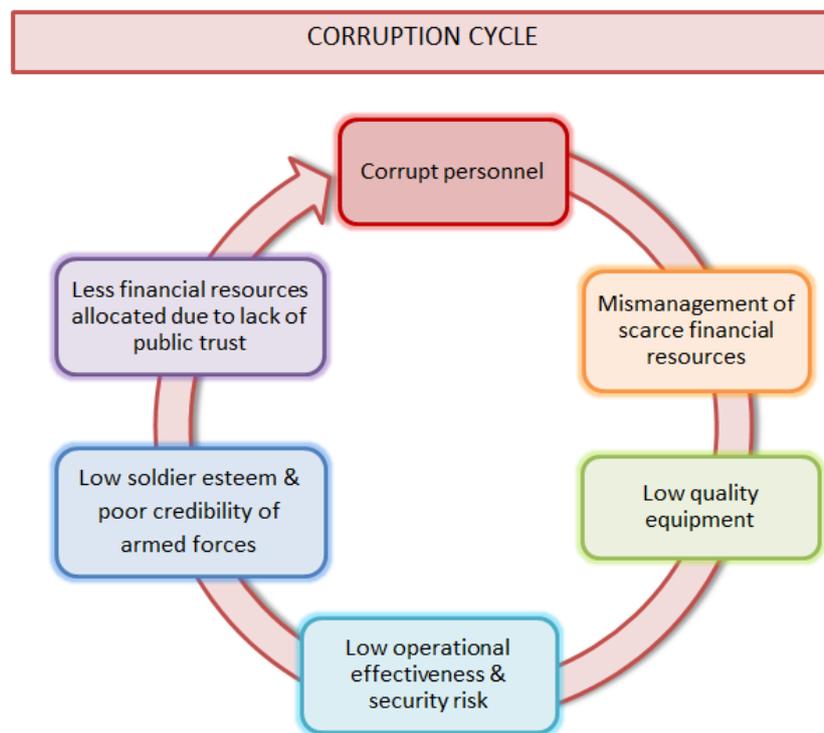
<sup>5</sup> *Ibid.*, NATO-DCAF, (2010). *Building Integrity*, p. 1-3.

<sup>6</sup> *Ibid.*, p. 3-12.

- budgeting and financial management, procurement, offset arrangements;
- outsourcing, privatisation, public-private partnerships;
- utilisation of surplus equipment and infrastructure;
- military operations, and the involvement of defence personnel and assets in economic activities<sup>7</sup>

Additionally, Transparency International (TI) identifies a political dimension of the security sector that is prone to corruption. In this sense, security policies; the nexus between defence and national assets; control of intelligence services and other planning and policy procedures, such as a National Security Strategy, can potentially become a source for corruption when conducted with no regard to legal boundaries.<sup>8</sup>

Corruption affects all levels of security and defence personnel and can take the form of: theft, extortion, bribery, and influence networks. Factors such as: lack of transparency (secrecy culture), operational urgency, lack of oversight mechanisms and absence of adequate rules and regulations can create an atmosphere prone to corrupt deviation of financial and other resources. In this context, whistle-blowers play a crucial role in signalling infractions. Oversight committees, ombuds institutions and inspectors are essential in combatting corruption. Their presence alone exercises a preventive effect. Parliament, the ministry of defence and other ministries, civil society, media and academia can all play an important role in fighting corruption. Additionally, international organisations and other states can provide guidance, best practices and international standards.<sup>9</sup>



<sup>7</sup> *Ibid.*, p. 5

<sup>8</sup> Transparency International (2011). *Building Integrity and Countering Corruption In Defence and Security: 20 Practical Reforms*. p. 10.

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## NOTE 5

# ANTI-CORRUPTION IN DEFENCE AND SECURITY



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## NOTE 5: ANTI-CORRUPTION IN DEFENCE AND SECURITY

Anti-Corruption or Counter-Corruption measures consist of three main dimensions:

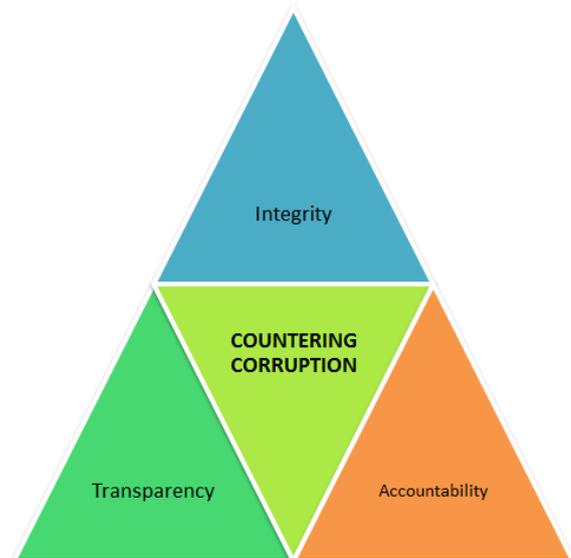
- Integrity
- Transparency
- Accountability

According to CIDS's Integrity Action Plan, counter-corruption measures include preventive actions that reduce the incentives and opportunities for corruption and other unethical behaviour to occur. They can also include pro-active enforcement of rules and regulations. That is: controlling, overseeing, and investigating suspected corrupt activities and individuals as well as prosecuting later via a legal authority.

*Source: CIDS (2015), Integrity Action Plan. p. 8.*

### What is anti/counter-corruption?

Countering corruption and Building Integrity (BI) are two sides of the same coin. While “counter-corruption” or “anti-corruption” concepts tend to be perceived in a negative light, “building integrity” suggests a more positive dimension of what is, essentially, the same process. Integrity, according to CIDS, is the quality of being guided by strong principles, or being fully operational, intact and internally consistent in the application of agreed-upon principles and standards. Building integrity measures are, therefore, designed to enhance this quality. Counter-corruption measures, as mentioned before, include both positive and negative enforcement procedures, in other words, preventive and corrective dimensions. These are also found in BI programmes.



### Why is it important?

Corruption is detrimental to the development, good governance, and social well-being of a country. Corruption in the security sector is especially grave since this sector, generally, represents a major part of a state's budget. This means that other essential sectors, such as education and health, are left with fewer, if any, much needed resources. The effects of security sector corruption can result in

insecurity, regional instability, and fuel conflicts. Counter-corruption efforts should, therefore, be undertaken on an international scale and should profit from regional and international cooperation. Moreover, successful anti-corruption programmes are built and implemented from a holistic point of view and within a broader, good governance framework. Any country aspiring to have a functional, effective, and efficient security sector ought to have a BI/counter-corruption programme in place.

**How does it work?**

There is a wide range of measures that can be put into practice in order to prevent and counter corruption. They can be coercive, voluntary, preventive, and corrective. As a first step to any BI/counter-corruption programme, a thorough assessment of risk-areas is needed. DCAF, NATO, and CIDS, among others, have issued self-assessment questionnaires, guides, tools, and a variety of other knowledge-products for that purpose. These organisations also provide guidance and training for BI and anti-corruption programmes and policies creation and implementation. Following the risk-assessment phase, an action plan, or programme should be created. This programme should be adapted to the needs and context of a particular case. However, even if BI/counter-corruption programmes should be considered on a case-by-case basis, a checklist of work areas, techniques, methods, and best practices can be of general use:

- Rule of law
- Effective legal framework
- Efficient and independent judiciary institutions
- Clear and concise regulations
- Education and training focused on BI
- Codes of Conduct and ethical guidelines
- Merit and competition-based recruitment and promotion systems
- Transparency (budgets, salaries, procurement, acquisition, disclosure of assets)
- Planning and budgeting systems in accordance with national needs and objectives (National Security Strategy)
- Integrity pacts
- Accountability (effective, proportionate and dissuasive sanctions)
- Oversight mechanisms (internal and external)
- Audit function
- Ombudsman
- Monitoring mechanisms
- Whistle-blower mechanisms and protection

**COUNTER-CORRUPTION CHECKLIST**

**Legal and institutional framework:**

- ✓ Rule of law
- ✓ Effective Legal framework
- ✓ Independent Judiciary institutions
- ✓ Clear Regulations
- ✓ Codes of Conduct
- ✓ Ethical Guide lines

**Personnel management:**

- ✓ BI Education and training
- ✓ Merit-based promotion
- ✓ Competition-based recruitment

**Financial management:**

- ✓ Transparency
- ✓ Planning and budgeting systems
- ✓ National Defence Strategy
- ✓ Integrity pacts

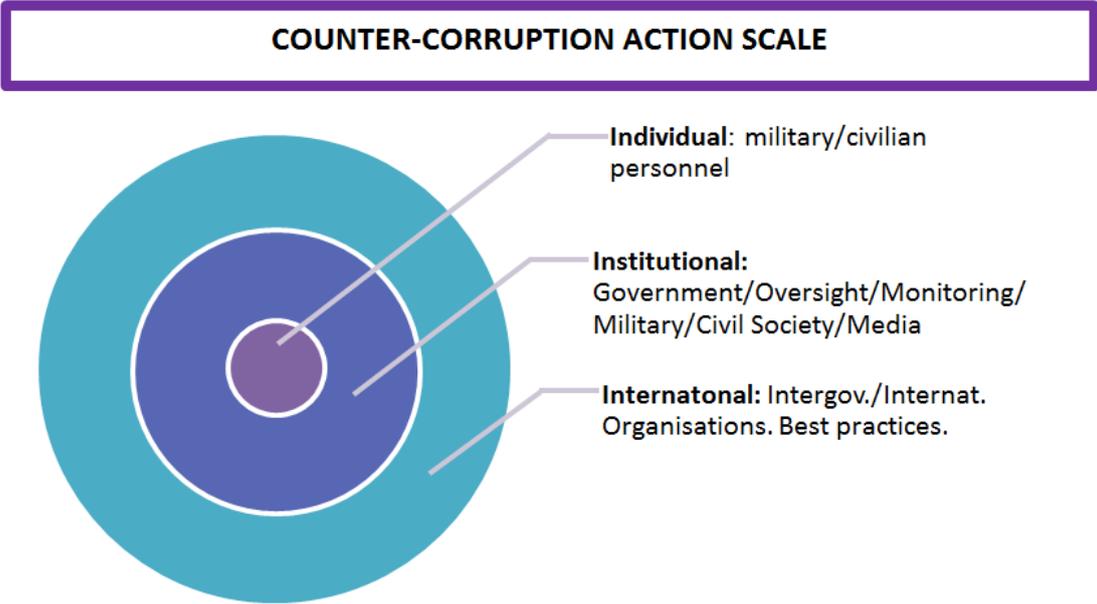
**Monitoring:**

- ✓ Accountability
- ✓ Sanction system
- ✓ Oversight
- ✓ Audit
- ✓ Ombudsman
- ✓ Whistle-blowing

**Who is involved in anti-corruption measures?**

Generally, anti-corruption measures are part of a broader good governance policy and involve a wide range of actors. Given that building integrity measures focus greatly on behavioural factors, actors involved in the process range from soldier/citizen all the way to governmental, regional, and international organisations. Individuals, such as citizens, soldiers, whistle-blowers, leaders, inspectors, and ombudsman institutions are all responsible for following codes of conduct and acting in a way that is compatible with integrity standards.

Institutions, such as Parliaments, government agencies and ministries, ombuds, audit and oversight institutions are responsible for elaborating, implementing and overseeing the fulfilment of policies, plans, programmes, laws and regulations. National bodies, such as government, military private entities involved in procurement and other procedures, the media, academia and civil society Organisations are also responsible for the implementation of integrity values, oversight and scrutiny of processes, and results. Finally, international entities, such as intergovernmental and international organisations, can provide guidance and best practices.



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## NOTE 6

# ACCOUNTABILITY IN DEFENCE AND SECURITY



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## NOTE 6: ACCOUNTABILITY IN DEFENCE AND SECURITY

According to CIDS, accountability means that people will be held responsible for their actions and for how they perform their duties. Accountability involves having control and verification systems in place, and, if necessary, the ability to arrest, prosecute and convict offenders for illegal, or corrupt behaviour. All personnel must be held accountable under the law regardless of rank, status or office.

Source: CIDS (2015), *Integrity Action Plan: a handbook for practitioners in defence establishments*. p 8.

### What is accountability?

Mark Bovens distinguishes between two concepts of accountability: accountability as a virtue and accountability as a mechanism. Accountability as a virtue refers to a set of standards for the evaluation of the behaviour of public actors. Accountability as a mechanism refers to an institutional relation in which an actor can be held to account by a forum.<sup>1</sup>

The Global Accountability Framework identifies four core dimensions that make an organisation more accountable to its stakeholders: transparency; participation (active engagement of both internal and external stakeholders in the decisions and activities that affect them); evaluation (monitoring and reviewing); and complaints and response handling.<sup>2</sup>



Accountability is a crucial element of Building Integrity (BI) initiatives and one of the key principles of Good Governance. A responsible, responsive, and democratic security sector cannot be conceived without accountable personnel, institutions, and procedures.

Accountability, much like oil in machinery, ensures a smooth functioning of the system. It is understood, of course, that such a system exists. This system should include a set of independent

<sup>1</sup> Bovens Mark (2010), "Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism". *West European Politics*, 33:5, pp 946-967. Available at:

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<sup>2</sup> *Ibid.*, p. 959.

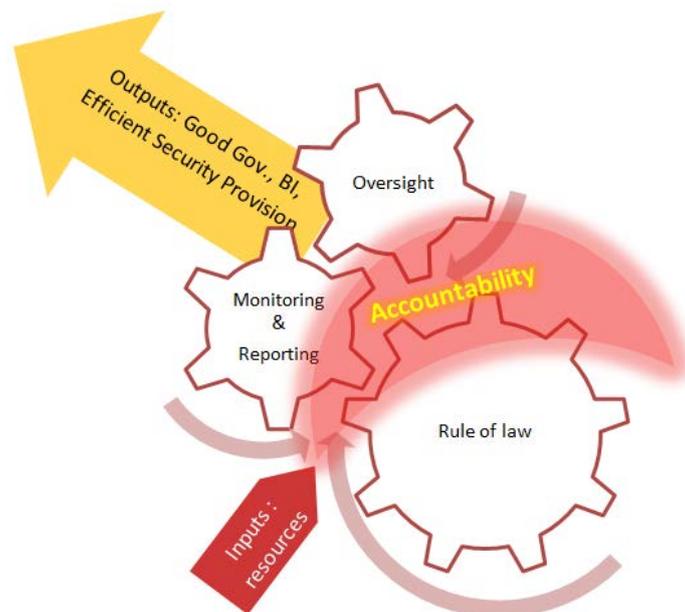
and effective judiciary institutions; prosecution and sanction mechanisms; reporting, monitoring, and oversight schemes, along with a strong and active civil society.

### Why is it important?

Accountability goes hand-in-hand with transparency as the inseparable elements of good security sector governance. Accountability as a virtue provides legitimacy to officials and organisations. Accountability as a mechanism is crucial for preventing corruption and ensuring good governance. Transparency and accountability via legal and administrative channels, such as courts, forums, auditors, ombudsmen, inspectors, and controllers also provide for checks and balances.<sup>3</sup>

### How does it work?

Decision-makers in the government, security sector, private sector, and civil society organisations are all accountable to the public, as well as to institutional stakeholders.<sup>4</sup> Accountability can take several different shapes: in the form of **information** accessible to the public, auditing and monitoring committees, and inspectors; **consultations** through parliamentarians and other representatives of the public during the decision-making process; direct **sanctions** as a consequence of certain decisions, such as penalties, fines, prosecution, etc.; and indirect **consequences** due to certain actions, such as lesser budget assignation, leadership and human resources, restructuring, negative public perception and deterioration of defence and security sector professionals' reputation.



### Who is involved in accountability?

Accountability applies to all levels of the Defence and Security sector organisations. Leadership, military, and civilian personnel are all accountable for their actions before the government, law and justice, competent auditing/monitoring institutions and above all, the public. They ought to provide access to information relevant to their monitoring and control, as well as report their activities in a

<sup>3</sup> Ibid., p. 955.

<sup>4</sup> Valeri Ratchev, « Governance, Management, Command, Leadership: setting the context for studies of defence management » in DCAF (2009), [Defence Management: an Introduction](#).

transparent and consistent manner to the authorities. They must submit to relevant trials and the resulting sanctions and penalties.

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## NOTE 7

# TRANSPARENCY IN DEFENCE AND SECURITY



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## NOTE 7: TRANSPARENCY IN DEFENCE AND SECURITY

“Transparency is a characteristic of governments, companies, organisations and individuals that are open in the clear disclosure of information, rules, plans, processes and actions”

*Transparency International*

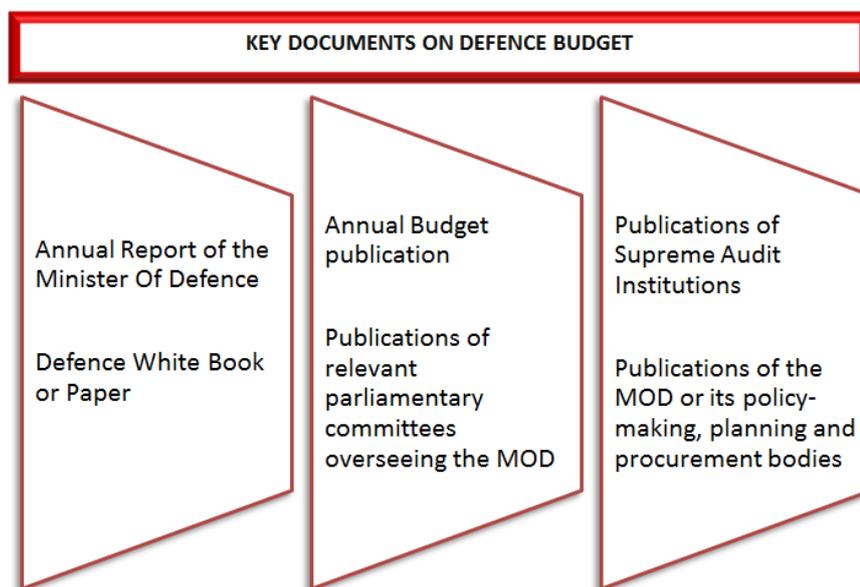
Source: cited by *Transparency and Accountability Initiative*.

### What is Transparency?

According to [Transparency and Accountability Initiative](#), public officials, civil servants, managers and directors of companies and organisations and board trustees have a duty to act visibly, predictably and understandably to promote participation and accountability.<sup>1</sup> Security Sector institutions provide security as a public good. Transparency and accountability of the security providers, both in terms of product/service and process, are of vital importance here since they directly impact the quality of that public good.

Therefore, relevant information about policy and resources should be made publicly available.<sup>2</sup> This can take the form of Annual Reports of the Ministry of Defence (MOD), White Papers on Defence and Security, Annual budget publications, etc., (see “Key Documents on Defence Budget” graphic). The publication of such papers and other

relevant information is imperative for transparency and accountability. Unfortunately, the list of official, publicly available documents which contribute to transparency produced by the security sector institutions remains quite short.



<sup>1</sup> [Transparency and Accountability Initiative](http://www.transparency-initiative.org/about/definitions). At: <http://www.transparency-initiative.org/about/definitions>

<sup>2</sup> Ivanov Tilcho, « Transparency of Defence Policy in Progress », [Information and Security. An International Journal](#). Vol. 11, 2003. pp 55-72.

## Why is it important?

Transparency, along with accountability, allows fewer opportunities for corruption.<sup>3</sup> Tilcho Ivanov, points out that transparency is the main precondition for civil control, accountability, and good governance of the security sector. There must be relevant openness, clarity, and credibility when it comes to security and defence policies. Key documents and other information prepared, or commissioned by the government, including Ministry of Defence and security agencies, should be made available to the public.<sup>4</sup> However, transparency is not the only criteria for good governance. Transparency depends on other good governance principles, such as consensus, participation, predictability, strategic planning, responsiveness, effectiveness, efficiency accountability, equity, rule of law, building integrity, oversight, and audit. These principles are mutually-dependent and, in the final sense, they indicate the development of modern civil society in a country.<sup>5</sup>

## How does it work?

[Transparency and Accountability Initiative](#) warns that making information available is not enough to achieve transparency. Information should be managed and published so that it is:

- **Relevant and accessible:** presented in a clear and comprehensible manner with enough detail and disaggregation for analysis, evaluation, and participation. Information should be adapted to different audiences.
- **Timely and accurate:** provided with sufficient time to allow analysis, evaluation, and engagement by relevant stakeholders. That means that it should be made available while planning, as well as during and after the implementation of policies and programmes. Information should be up-to-date, accurate, and complete.<sup>6</sup>

Additionally, Shamsul Haque identifies two types of mechanisms that contribute to transparency and accountability:

### 1. External Mechanisms:

- External-formal Mechanisms:
  - Legislative Instruments (legislative committees, parliamentary committees)
  - Executive means (controls exercised by authorities over public agencies)
  - Judicial processes (administrative courts and ombudsmen)
- External-informal Means:
  - Public hearings, opinion polls, interest groups and the media.

### 2. Internal Mechanisms:

- Internal-formal Mechanisms (hierarchies, official rules, codes of conduct, performance reviews).

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<sup>3</sup> 'The Importance of Integrity Building' in [Building Integrity and Reducing Corruption In Defence: a Compendium of Best Practices](#). p. 165.

<sup>4</sup> Ivanov Tilcho, « Transparency of Defence Policy. p. 57.

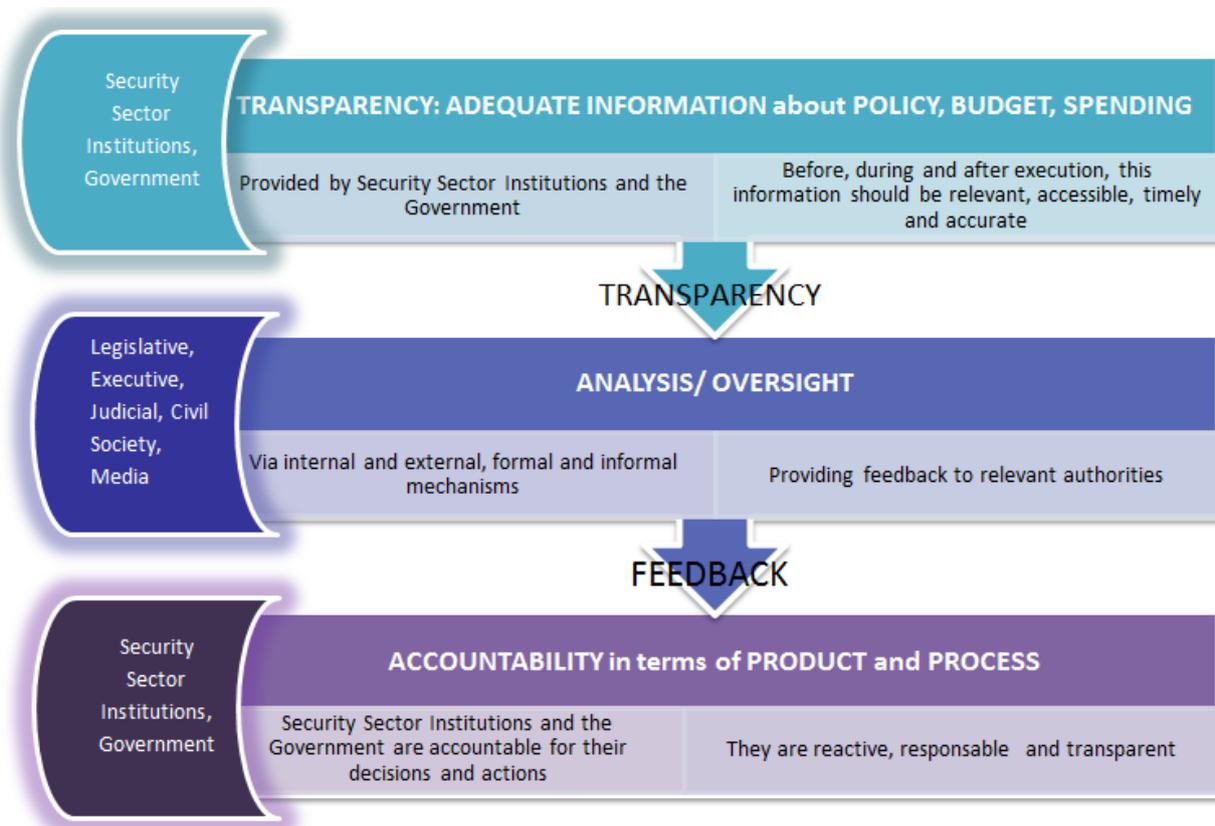
<sup>5</sup> Ibid., p. 56.

<sup>6</sup> [Transparency and Accountability Initiative](#).

- Internal-informal Means (organisational culture, professional ethics, and peer pressure).<sup>7</sup>

It is essential to insist on the need for making the process of planning, programming, budgeting, and executing transparent so that civil society has adequate information about the decisions made by security sector institutions. With that information at hand, ministers, parliamentarians, Civil Society Organisations (CSOs), and other concerned actors can duly exercise their right of holding the security and defence establishments accountable for the performance of their duties as providers of public security. This is crucial to ensure that security sector funds are being spent effectively and efficiently.

Additionally, policy/budget execution assessments, programme monitoring and evaluation schemes are necessary in order to ensure that transparency translates into accountability.



### Who is involved?

According to Tilcho Ivanov, the armed forces and security agencies must be answerable to ministers who are, in turn, answerable to elected representatives of the people. These representatives should exercise legislative oversight of security sector institutions, policy and spending. Latter and their

<sup>7</sup> M. Shamsul Haque, "Significance of Accountability under the New Approach to Public Governance" *International Review of Administrative Sciences* 66, no 4. (December 2000): 599-618. In Ivanov Tilcho, 'Transparency of Defence Policy'. p. 59.

performance should also be monitored by CSO's, NGO's, academics, media, interest groups and civil society at large.<sup>8</sup>

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<sup>8</sup> Ivanov Tilcho, 'Transparency of Defence Policy'. p. 58.

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## NOTE 8

# OVERSIGHT IN DEFENCE AND SECURITY



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## NOTE 8: OVERSIGHT IN DEFENCE AND SECURITY

Oversight is a crucial component of good security sector governance. Many actors, internal and external to the Defence and Security Sector, can play a role in overseeing security sector policies, programmes, procedures, planning, budgets, spending, and personnel. Parliamentarians, audit institutions, inspectors, military and civilian personnel, ombudsmen, special committees, media, interest groups and civil society in general all have the right and the responsibility to contribute to this process.

### What is Oversight?

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.<sup>1</sup> Additionally, military ombudsmen, who are independent from the military command structure, exercise oversight ensuring that principles and practice of good governance are observed. They address complaints about improper and abusive behaviour in the military as well as the shortcomings in military procedures for corrective action.<sup>2</sup> Moreover, non-military Ombuds institutions play a broad oversight role which includes evaluating the quality of the security provided to the citizens by the security sector, as well as the respect of Human Rights and other basic international standards and legislation by the security sector.

### Why is it important?

Oversight of the security sector is an essential trait of a solid democratic state. Oversight ensures that state resources are managed efficiently and effectively, the security sector personnel behaves with honour and integrity, mischiefs are detected and corrected, and those who commit them are held accountable. Most importantly, oversight guarantees that defence institutions act in the best interest of the nation and carry out their primary duty of providing security to the public and protecting the state from external threat without corrupt deviations. In sum, oversight is important because it is the glue that holds a democratic system together by ensuring everyone plays by the rules; respects others, the system and their own place within that system; fulfils their duty in the best possible way; and refrains from corrupt practices. Oversight is the process by which transparency translates into accountability and democratic control of the security sector.

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<sup>1</sup> DCAF-UNDP (2008), [Public Oversight of the Security Sector. A Handbook for Civil Society Organisations](#). p. 6.

<sup>2</sup> DCAF (2006), Military Ombudsmen. DCAF Backgrounder. New edition available at: <http://ssrbackgrounders.org/>

## How does it work?

Oversight encompasses ex-ante scrutiny, ongoing monitoring, and ex-post review, as well as evaluation and investigation.<sup>3</sup>

According to CIDS, parliamentary oversight is one of the key democratic means of holding the government to account for its actions. It is also the parliament's responsibility to ensure that laws are fully implemented.<sup>4</sup>

[Bonn International Center for Conversion](#) (BICC), points out that parliaments are the central element of the systems that impose civil control over the security forces. They participate in the organisational decision-making process, budgeting and producing laws and regulations relative to the organisation and behaviour of the security forces. Special committees on defence, intelligence, and police can authorise audits and oversee all aspects of security sector institutions' behaviour.<sup>5</sup>

These special committees are, generally, established to carry out oversight of the security forces, especially the armed forces and the intelligence services, due to the technical nature of security-related activities and the need to maintain an appropriate level of confidentiality on certain aspects of security policy.<sup>6</sup> In general, committees in the defence and security sector focus on matters related to size, structure, organisation, financing, and functioning of the state actors mandated to use force and civil bodies that make decisions about the use of force.

One key area of parliamentary oversight is security policy. As [Transparency International](#) (TI) describes, parliaments may scrutinise defence policy by vetoing or voting on proposed additions and amendments to it. They may also have the power to criticize and amend defence policy itself. Moreover, parliaments also act as a forum for debate.<sup>7</sup>



<sup>3</sup> Born Hans, Wills Aidan, DCAF-Ministry of Foreign Affairs of the Netherlands (2012), [Overseeing Intelligence Services: a Toolkit](#). p. 6.

<sup>4</sup> CIDS (2015) [Criteria for good governance in the defence sector. International standards and principles](#) (2015) p. 7.

<sup>5</sup> Bonn International Center for Conversion (BICC) (2002), Voice and accountability in the security sector. Paper 21. p. 52. Available at: <http://www.css.ethz.ch/en/services/digital-library/publications/publication.html/16536>

<sup>6</sup> *Ibid*

<sup>7</sup> Transparency International (2013) [Watchdogs ? The quality of legislative oversight of defence in 82 countries](#). Government Defence and-corruption index. p. 40.

Although there are no internationally-agreed standards in the field of democratic and parliamentary oversight, since security and defence fall under the scope of national sovereignty, as noted by CIDS, some regional standards do exist, such as the [OSCE Code of Conduct](#).<sup>8</sup>

When it comes to budget oversight, external auditing, which needs to be done by independent bodies is of crucial importance in the security sector. External auditing should address not only financial issues, but also assess effectiveness of public spending.<sup>9</sup> BICC notes that although many countries have auditing bodies in name and nature, their actual powers to investigate defence and police-related matters are limited. Nevertheless, they should be allowed to publicly report aggregate results. [INTOSAI](#) (International Organization of Supreme Audit Institutions) can serve as a reference and support for improving auditing capabilities.<sup>10</sup>

While oversight functions are often performed in a reactive fashion after problems have come to light, there is also a need for oversight actions to be proactive. Latter can take the form of surprise visits, inspections, and audits in order to limit, or avoid altogether, improper action on the part of defence and security institutions.<sup>11</sup>

### **Who is involved?**

Oversight of the defence sector is performed by internal and external mechanisms, such as special committees, inspectors, members of judiciary, members of parliament, independent ombuds institutions, audit institutions, specialized oversight bodies, journalists, and civil society.<sup>12</sup> The role of civil society is of special importance here. It is also vital to have channels for communicating complaints and a strong protection system for the whistle-blowers. Moreover, a well-functioning judiciary system is the foundation for the entire process.

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<sup>8</sup> OSCE, [Code of Conduct on Politico-Military aspects of security](#). December 1994.  
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## **Parliament's Role in Defence Budgeting and Procurement Oversight**

Parliament's role is to ensure that public interests are taken into account in the defence budgeting process.

### **Parliament's responsibilities include:**

- Keeping the public informed
- providing transparency about defence resources
- preventing the misuse of public funds

### **Parliament may have the power to:**

- approve the overall amount of resources available for defence and security
- transfer funds within the budget to reflect changes in priorities
- assess whether the allocated funds will cover the costs of proposed projects
- in some instances, initiate expenditure proposals itself
- Develop legislation for the defence and security sector
- Review government defence policy and security strategy
- Consult on international commitments and treaties to be ratified by parliament
- Advise on the use of force and deployment of troops abroad
- Monitor defence procurement

### **How does the parliament oversee procurement and execution of the budget?**

Parliament has a number of powers affecting defence budgeting and procurement that may be exercised in plenum, in committees, such as security and defence committees or budget and finance committees, or via the power of individual legislators.

- Debating and passing motions regarding the defence budget
- Discussing reports on budget execution
- Requesting an audit from the competent authority
- Adopting, rejecting, or amending the defence budget law
- Hearing declarations, or testimony, from the defence minister and other officials regarding budget execution
- Discussing and amending budget proposals
- Requesting reports from the executive
- Holding hearings and enquiries to ensure the transparency and efficiency of defence budget execution and to investigate charges of improper administration practices and corruption
- Collecting evidence from external sources
- Establishing a legal framework for procurement
- In some cases, approving procurement awards above a certain amount

### **What is the role of parliamentary committees in investigating corruption?**

- Holding hearing and enquiries
- Summoning military personnel, civil servants or experts to committee meetings in order to testify
- Questioning ministers and other executive representatives
- Requesting documents from the executive
- Scrutinising the transparency and efficiency of public spending
- Requesting the competent authorities to perform audits
- Examining petitions and complaints from military personnel and civilians concerning the defence and security sector
- Visiting and inspecting army bases and other premises of security services, including troops deployed abroad

*Source: DCAF Backgrounder series (2006), Parliament's role in Defence Budgeting; Parliament's Role in Defence Procurement; Parliamentary Committees on Defence and Security; Military Ombudsmen.*

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## NOTE 9

# NATIONAL SECURITY POLICY



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## NOTE 9: NATIONAL SECURITY POLICY

National security policy (NSP), also known as national security doctrine, is a framework describing how a country provides security for the state and its citizens. National security policy is a formal description of a country's understanding of its guiding principles, values, interests, goals, strategic environment, threats, risks, and challenges in view of protecting and promoting national security. Typically, national security policy is based on a country's constitution, founding documents, and legislation. The policy clarifies behaviours and responsibilities of state institutions in providing security and upholding the rule of law.

**Sources:** UN SSR Task Force (2012), *Security Sector Reform. Integrated Technical Guidance Notes* <https://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF>; DCAF (2008), *National Security Policy Backgrounder*. New edition at: <http://ssrbackrounders.org/>

### What is National Security Policy?

According to the United Nations SSR Task Force, National Security Policy (NSP) provides guidelines for a country to address security needs of the people and the state. The policy incorporates the views of the Government and other institutions, as well as needs and perceptions of the people and takes the form of a National Security Policy document. Some countries do not have a single national security policy document but a series of policy documents, such as White Papers on Defence, speeches of the authorities, and other related papers. National security policy should incorporate, or



give place to, the development of National Security and Defence Strategies. Latter identifies the formal methods that will be used to attain security and defence objectives described by National Security Policy.<sup>1</sup>

### **Why is it important?**

As stated by United Nations SSR task Force, National security policies addressing both effectiveness and accountability are essential for the legitimacy of security institutions and the protection of citizens and their rights. National security policies are closely linked to Security Sector Reform (SSR); they represent strategic entry-points for engaging in and guiding SSR efforts.<sup>2</sup> As National Security Policies are based on core national legal documents, the development of NSPs also provides an opportunity to review and improve that legal framework.

### **How does it work?**

National Security Policy documents are country- specific. However, some common traits when it comes to general content can be outlined. NSPs tend to address at least three basic themes:

- 1) The state's role in the international system
- 2) Perceived international challenges and opportunities;
- 3) The responsibilities of implementing actors in addressing these challenges and opportunities.

The first element defines the state's vision of the international system and the role that the state plays in that system. The second element assesses current and future threats and opportunities (both internal and external). The third element describes the functions and responsibilities of each implementing actor.<sup>3</sup>

In general, NSP documents do not provide specific solutions to security threats or problems. These are to be addressed in later strategic documents and management phases: Security and Defence Planning, Programming, and Implementation

In the framework of Building Integrity and Good Governance in Defence and Security Sector, the following principles for an effective and democratic NSP should be observed in its development process:

- A holistic approach to security concerns, actors, and means is the best way to cover the largest array of security and defence issues.
- Debate and consensus are essential for a legitimate and effective NSP.
- A wide range of threats should be considered, including social and economic threats, natural disasters, terrorism, etc.
- A careful assessment of current available means is needed.
- Transparency, monitoring and accountability of processes and actors are essential.
- Flexibility and preparedness are crucial in an ever changing security environment.

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<sup>1</sup> United Nations SSR Task Force, *Security Sector Reform Integrated Technical Guidance Notes*. <https://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF> 2012. p. 122-125.

<sup>2</sup> *Ibid.* p. 121.

<sup>3</sup> DCAF (2008), *National Security Policy Backgrounder*. New edition available at: <http://ssrbackgrounders.org/>

- NSP must take the international environment, actors, standards and regulations into consideration.
- International law must be respected.

### Who is involved?

A comprehensive NSP development process should encompass a wide array of actors. Although the drafting and approval stages occur at the highest authority levels, assessment, research, and formulation phases must involve expertise and input from all concerned and interested parties. From civil society organisations, academics who perform an oversight role, and security sector personnel at every level who implement and experience first-hand the dictates and effects of NSP, up to the Government, ministries, and the Parliament, who's role in overseeing the entire process is of crucial importance.

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# NOTE 10

## DEFENCE POLICY



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## NOTE 10: DEFENCE POLICY

Defence policy is part of a broader concept of National Security Policy or National Security Strategy. Defence policy encompasses defence planning and management, which are consecutive steps towards practical implementation of that policy, down to actual command and control. The lines that divide all these concepts or phases are often blurred in practice. In general, defence policy covers everything from ends to ways and means of achieving national defence objectives and is guided by codes and principles that are embedded in National Security Policy.

### **What is Defence Policy?**

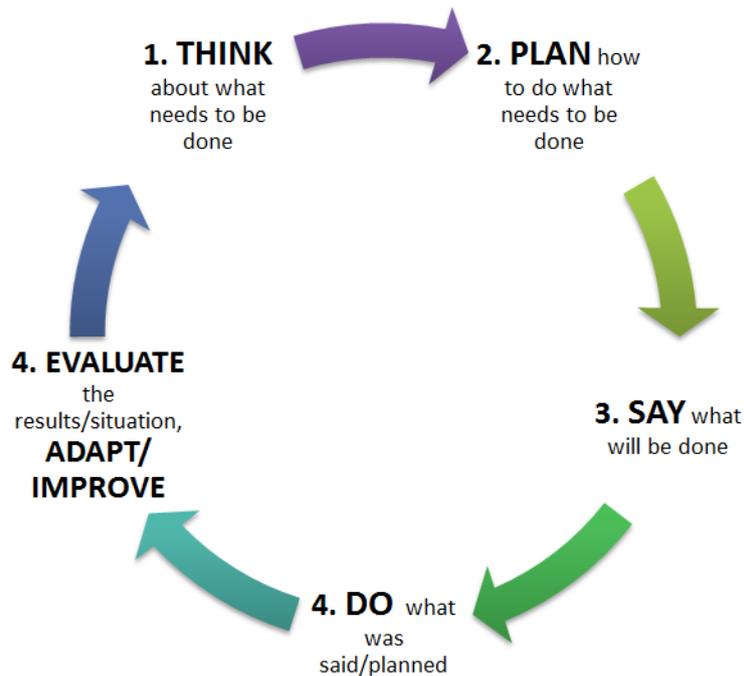
Defence policy is a series of guidelines, principles and frameworks that link theory (National Security Policy) to action (Defence Planning, Management and Implementation). Just like an instruction manual, the purpose of defence policy is to ensure things are done in a certain manner in order to attain certain objectives all the while respecting certain rules. Building Integrity measures and good governance principles are crucial in this phase.

### **Why is it important?**

Defence policy is an important step in the realisation of National Security Policy and its objectives. National defence is the core element of the national security system. This means that a functioning and effective defence sector is vital to national safety and security. Defence is also a major part of overall public spending. Therefore, ensuring budgets are spent in an efficient and responsible manner is crucial. Formulation of defence policy represents the perfect opportunity to introduce Security Sector Reforms and Building Integrity measures, which is why it is important that appropriate actors, resources and efforts are committed to this phase.

### **How does it work?**

Defence policy will dictate how things will be done in the defence sector. Therefore it is essential that it is thought through in great detail and that it fulfils its function of linking theory to practice. Defence policy should take into account the particularities of a given context and possible variations thereof; set attainable and realistic objectives that strive towards the overall national security objectives; and do so under the umbrella of national and international principles, standards and good practices. A defence policy should foresee all the steps of the policy process, with special attention being given to planning and management phases. Here is where means will be associated to ends (see Note 11 on Defence Planning). Defence policy is a public policy. Therefore, it should be made available to the wider society including civil society, auditing and monitoring organisations and other interested parties in order to ensure transparency and accountability.



#### Who is involved?

Typically, the Ministry of Defence or a similar authority issues the Defence Policy document, which can take the form of White Paper on Defence and similar, as well as, a series of statements and publications on defence by the Parliament, the Ministry of Foreign Affairs and similar. The process of policy formulation is usually initiated by the legislative authorities and will ideally include all government actors that deal with the defence sector. In order to encompass all the possible threats and factors that may affect defence policy, civil society, private groups and international organisations should also be included in the process.

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# NOTE 11

## DEFENCE PLANNING



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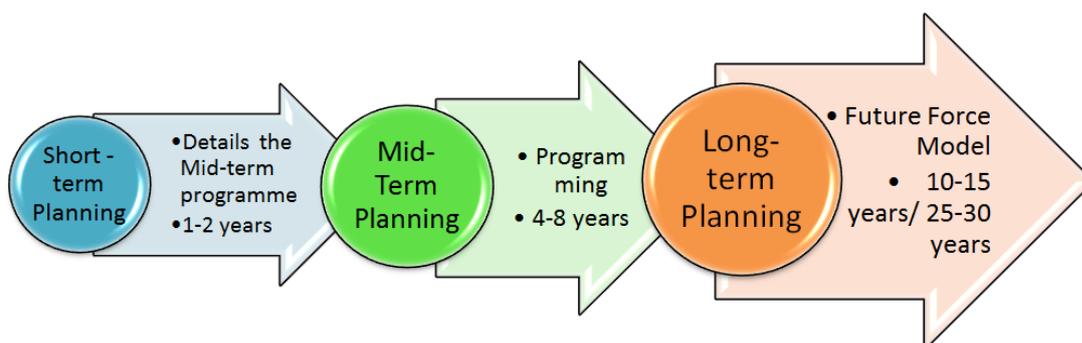
## NOTE 11: DEFENCE PLANNING

The purpose of security and defence planning, particularly long-term defence planning is to define the means, including the future force structure, which would allow defence and security sector institutions to deal effectively with likely future challenges. Security sector and defence planning is an integral component of security and defence policymaking

**Source:** Todor Tagarev et al. (eds.) *Defence Management: An Introduction*. Security and Defence Management Series No. 1. DCAF (2009) p. 48.

### What is Defence Planning?

Security and Defence Planning encompasses the planning of armaments, logistics, command, control, communications, resources, civil-military emergencies, and in some cases, nuclear planning. Force planning is considered a central process in security sector planning that synchronises all other planning disciplines.<sup>1</sup> Security and Defence Planning is done in the framework of security and defence policies and in accordance with national security objectives. Security and Defence Planning represents the process via which security objectives translate into security and defence capabilities.



### Why is it important?

Security and Defence planning is an important area for building integrity (BI) and good governance. It is crucial that defence planning is done in an accountable and transparent manner in order to avoid corruption. Spending public resources in a planned, responsible and strategic manner allows for an

<sup>1</sup> Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) [Defence Management: An Introduction](#). Security and Defence Management Series No. 1. DCAF (2009) p. 48.

effective and efficient defence capability. Planning also allows for an optimal resource-distribution, essential for the democratic and economic development of a country. Defence planning should be done in coherence with defence policy and in line with national defence and security objectives. There must be control and oversight mechanisms in place to ensure that the process of defence and security planning complies with those objectives as well as with international standards of BI and good governance in defence.

### How does it work?

In most mature defence and security management systems, it is possible to distinguish three planning horizons and their respective processes:

- Long-term planning
- Mid-term planning, often designated as programming
- Short-term planning

Long-term defence and security planning strives to foresee future defence and security requirements by analysing trends in the evolution of the security environment, including threats and challenges, the role of alliances and their policies, and security and defence strategies. Additionally, technological trends are also taken into account. On this basis, a future force model is defined by its number of manoeuvre brigades and battalions, air and naval squadrons. In this process, the main steps of transitioning towards this future force model are defined. Both future force structure and the transition to it need to be realistic and to consider financial, technological, demographic, and other important constraints. Long-term planning usually covers a period of 10 to 15 years. However, some countries choose to look further into the future, 25 to 30 years.<sup>2</sup>

The main purpose of the mid-term planning process is to guarantee that the actual security and defence management activities (reorganisation, recruitment, procurement, training, spending, etc.) serve to achieve defence and security policy objectives and build the future force and required security capabilities. The horizon of mid-term planning is usually four to eight years. A mid-term plan is often referred to as a “programme” and the process of mid-term planning, is known as “programming”. The programme has a well-developed hierarchical structure. Here, a transition from current to future force has to be determined clearly and thoroughly. A mid-term plan, especially in its first years, is designed strictly within the expected resources and defence budget forecast.<sup>3</sup>

Short-term planning serves to detail the first one or two years of the mid-term plan, often in capability component plans (plans of recruitment, education, training, procurement, construction, etc., and the respective budget). Short-term plans are designed strictly within the limits of the budget forecast. Here, all defence-management activities are coordinated and lead towards the achievement of security and defence policy objectives.<sup>4</sup>

According to United Nations SSR task force’s [Security Sector Reform Integrated Technical Guidance Notes](#), defence and security planning should outline specific changes (development/reform/transformation) required in response to the needs of, threats to, and vision

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<sup>2</sup> *Ibid.* p. 49.

<sup>3</sup> *Ibid.* p. 51.

<sup>4</sup> *Ibid.*

and objectives for national defence, articulated in the national security and defence policies/strategies. Ideally, plans should also contain clear goals and indicators, to encourage the measurement of impact and contribute to public communication campaigns outlining the progress of specific reforms.<sup>5</sup>

According to Todor Tagarev, effective security and defence policies are based on disciplined approaches to the creation of force structure/model and force development plans that share the following steps:

- ✓ Definition of security and defence objectives, missions, and ambitions
- ✓ Design and agreement on plausible scenarios, or environments, in which these missions will be carried out (often including development of adequate operational concepts and selection of “course of action”)
- ✓ Decomposition of scenario activities into tasks and definition of “mission essential task lists”
- ✓ Definition of capabilities needed to accomplish the tasks. This step includes a number of sub-steps:
  - Definition of needed types of capabilities
  - Assessment of planning risks
  - Design of a cost-effective force package that would provide capability levels needed to accomplish the tasks with acceptable risk
- ✓ Design of force structure/model appropriate for all anticipated missions and scenarios



### Who is involved?

Security and Defence planning encompasses a wide range of actors. From the executive which analyses security and defence needs and establishes national policies and priorities; the legislative which debates and approves budgets and provides a legal framework; civil and military personnel of the security sector which provide expertise, in-depth planning, and implementation; civil society, media, ombudsmen, and external and internal audit mechanisms that ensure effective oversight of the process; down to private and public companies which provide for the most basic needs of the security sector personnel on a daily basis.

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<sup>5</sup> United Nations SSR Task Force, [Security Sector Reform Integrated Technical Guidance Notes](#). 2012. p. 124.

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## NOTE 12

# DEFENCE MANAGEMENT



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## NOTE 12: DEFENCE MANAGEMENT

There is no universally agreed definition of defence management. Defence management simply refers to the idea that defence organisations need to turn defence policies into practice, and in doing so, to develop appropriate and sustainable planning mechanisms, support systems and infrastructure.

*Source: Hari Bucur-Marcu et al., Defence Management: An Introduction, DCAF (2009) Security and Defence Management Series no 1. p. 4.*

### What is Defence Management?

Teri McConville and Richard Holmes (eds.) explain that: in defence, as in any other field, management occurs at all levels of an organisation and governs the full range of organisational activity. The process begins with the formulation of policy at the highest levels of command and government, and extends to the direction and control, sometimes in fine detail, of all aspects of service life. Managers need to interpret the environment in order to plan, organise, direct, coordinate and control the efforts of their organisations.<sup>1</sup>

As an institutional process, management of defence is situated between defence policy formulation and actual command and control of the military forces. The process should address areas of action such as defence resource management, personnel management, and acquisition management.<sup>2</sup>

### Why is it important?

Defence management is important as it strives towards effectiveness and efficiency of the defence forces, ensuring they fulfil their duty of providing public security and defence against external threats in the best possible way. By ensuring resources are spent responsibly and strategically, in a manner that is consistent with the wider national security policy, defence management contributes good governance. This implies strong adherence to transparency and accountability at all organisational levels and the existence of an effective oversight system.

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<sup>1</sup> McConville Teri, Holmes Richard (eds.), *Defence Management in Uncertain Times*. Cranfield Defence Management Series Number 3. Routledge 2011.

<sup>2</sup> Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) *Defence Management: An Introduction*. Security and Defence Management Series No1. DCAF (2009) p5.

## How does it work?



Management can be examined as a process of planning, organising and staffing, directing and controlling activities within an organisation in a systematic way in order to achieve a particular common (institutional) goal. Management is both a scientific method and an art of empowering people and making an organisation more effective and efficient than it would have been without management and managers (inc. ministers, directors, commanders etc.). The four pillars of defence management cycle are: planning

- organising and staffing
- directing and leading
- monitoring and controlling<sup>3</sup>

Planning is the selection and sequential ordering of tasks that are required to achieve the desired organisational goal. Organising and staffing is the assessment and coordination of roles, tasks and duties to be performed by the personnel and distribution of the resources necessary to achieve a desired goal within a specified time-frame. This includes:

- the process of recruitment, selection, training, placement and development of staff
- directing the process of motivating, leading and influencing staff on the way towards achieving the common goal

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<sup>3</sup> *Defence Management: An Introduction* p. 24.

- monitoring and controlling in order to ensure that all units are moving towards the objective in a coordinated manner
- evaluating the effectiveness and efficiency of plans and decisions and to correcting them if necessary<sup>4</sup>

Defence management employs a vast set of working methods such as:

- operational, system and structural analyses;
- planning and programming;
- modelling and simulation;
- creation of alternatives;
- measuring performance and process improvement;
- project management;
- assessment of risks;
- other methods and techniques applicable to different aspects of formulating and implementing defence policy<sup>5</sup>

No matter what pillar is being considered, and at what stage, defence management should be conceived within a broader framework of national security policy, based on a particular context taking into account specific circumstances, and in accordance with international standards of good governance. In other words, concrete objectives based on real security needs should be established. Effective and efficient mechanisms/methods to attain these objectives should be defined and resources organised accordingly. Outputs and outcomes should be measured, monitored and evaluated in order to improve overall performance and detect/prevent deviations.




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<sup>4</sup> *Ibid.* p. 24-26.

<sup>5</sup> *Ibid.* p. 42.

## Who is involved?

Defence management considered within a wider scope of national defence and security policy is a process that involves in the first instance state authorities that are responsible for the development of that policy and definition of defence and security budget. The role of parliaments in the oversight of this planning process is of special importance (see Notes 8 and 32). The second phase of defence management relative to the actual implementation of policies and management of resources (organising, staffing, directing and leading) is handled by military and civilian personnel of the defence sector. The final phase of the defence management cycle, monitoring and controlling, involves a wide range of actors such as parliamentarians, ombuds institutions, auditors, inspectors, civil society and the media. Their objective is to monitor the process in order to ensure compliance with national and international standards of good governance, deter corrupt behaviour and provide feedback for improvement.

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## NOTE 13

# PROGRAMME-BASED FORCE DEVELOPMENT



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## NOTE 13: PROGRAMME-BASED FORCE DEVELOPMENT

Programme-based force development or programme-based defence resource management refers to the process of developing armed forces' capabilities via short-term programmes. These programmes detail how resource allocation translates into realisation of the country's security policy in the short-term. The advantage of programme-based force development is that, unlike long-term planning it is malleable, because it takes into account strict budget lines, environmental changes and focuses on improving concrete capabilities.

### What is Programme-Based Force Development?

This note details the mid and short-term phases of Security and Defence Planning, described previously (Note 11), in reference to the development of armed forces' capabilities. The role of force development programmes is to link policy requirements to budgets and to make the connection between long-term vision and short-term plans. Force development programmes are part of overall defence programmes that include, among other things, budget management plans, acquisition plans, recruitment plans, education and training plans, provision plans, and procurement plans.

### Why is it important?

A capability-oriented programme provides decision-makers with better understanding of policy implications of their resource decisions. That is, how their decisions on resource management translate into armed forces' capabilities and into national defence policy and objectives.<sup>1</sup>

Defence programmes are important management tools. In addition to their key role in the planning process, they support rigorous implementation of oversight. Receiving up-to-date information on the



<sup>1</sup> Todor Tagarev, 'Introduction to Programme-Based Force Development', *Defence Management: An Introduction*. Security and Defence Management Series No. 1. p. 85.

status of the defence programmes, senior civilian and military leaders can assess realistically the status of defence reform and transformation efforts, and if necessary, implement corrective measures. Defence programme information also facilitates oversight and audits performed by the legislature and its specialised organisations such as the national audit office.<sup>2</sup>

Programme-based defence resource management is an efficient tool to manage defence transformation, providing for transparency of decision making, democratic control and accountability. This process allows relating defence policy to money allocations, assuring “value for money” budgeting and oversight of the armed forces. It also promotes civilian participation in the development of defence policy and contributes to the effective, transparent and economically viable management of defence spending.<sup>3</sup>

### **How does it work?**

Defence programmes transform resources into capabilities. Relevant programmes have a hierarchical structure comprising programmes and sub-programmes. Countries that intend to introduce programme-based defence resource management are advised to adhere to the following key principles:

- Programmes should relate as clearly and as closely as possible spending to product (capabilities)
- Programmes should be comprehensive with no spending outside the programme allowed and transparency and accountability every step of the way
- The process of programme development must be inclusive and allow participation of all the key actors
- The programme must be objective and manageable<sup>4</sup>

Defence policy and National Security Policy serve as a guiding framework to this process, in which, needs, existing capabilities, potential threats, available and future resources are assessed in order to establish development programmes or plans.

### **Who is involved?**

Programme-based defence resource management system includes the following steps:

1. Preparation of a Programming Guidance
2. Design of programmes and programme alternatives
3. Programme review, culminating in a decision on the Defence Programme
4. Budget planning
5. Budget execution
6. Reporting
7. Auditing

The programming guidance, usually issued by the Minister of Defence, sets explicit defence objectives, main requirements, priorities, the overall budget level and preliminary budget quotas for

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<sup>2</sup> Todor Tagarev, ‘Introduction to Programme-Based Force Development’ p. 78.

<sup>3</sup> *Ibid.*, p. 92.

<sup>4</sup> *Ibid.*, p. 82.

each main programme, provides information necessary to cost defence programmes, assigns responsibilities and sets the schedule. The design of programmes is an expert activity, based on considerable specialised knowledge and experience in the respective field. Experts review the programme design and its compliance with the programming guidance. Senior leaders decide on the programmes and programme alternatives to be financed. The decision is recorded in a document, often named “Programme Decision Memorandum”, which after authorisation of the Minister of Defence, serves as an authoritative statement of both policy and budget decisions of the senior leaders of the defence establishment.<sup>5</sup>

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<sup>5</sup> *Ibid.*, p 90-92.

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## NOTE 14

# BUDGETING/RESOURCE MANAGEMENT



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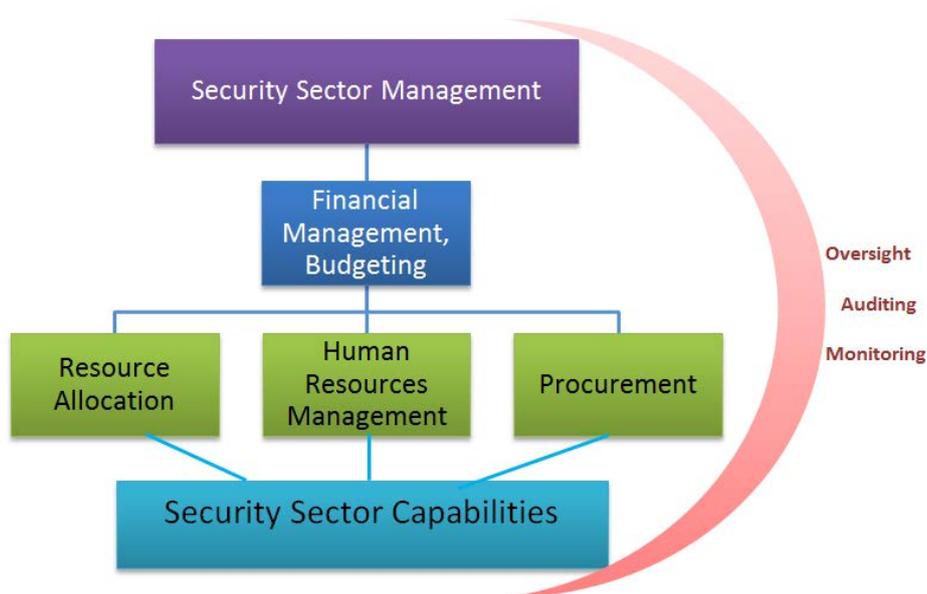


## NOTE 14: BUDGETING/RESOURCE MANAGEMENT

Security sector budgeting, also called resource management, allocation, or financial management, is embedded in the overall resource management of a country. Security sector budgeting is the process of allocating financial resources to security sector activities. As a comprehensive process, it encompasses budget planning, execution, reporting, and auditing. Transparent security sector budgeting and accountable financial management are key to ensuring the integrity of all security sector activities and reducing the potential for corruption in the security sector.

**Source:** 'Defence Budgeting and Financial Management' *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. DCAF (2010) p. 57.

### What is Budgeting/Resource Management?

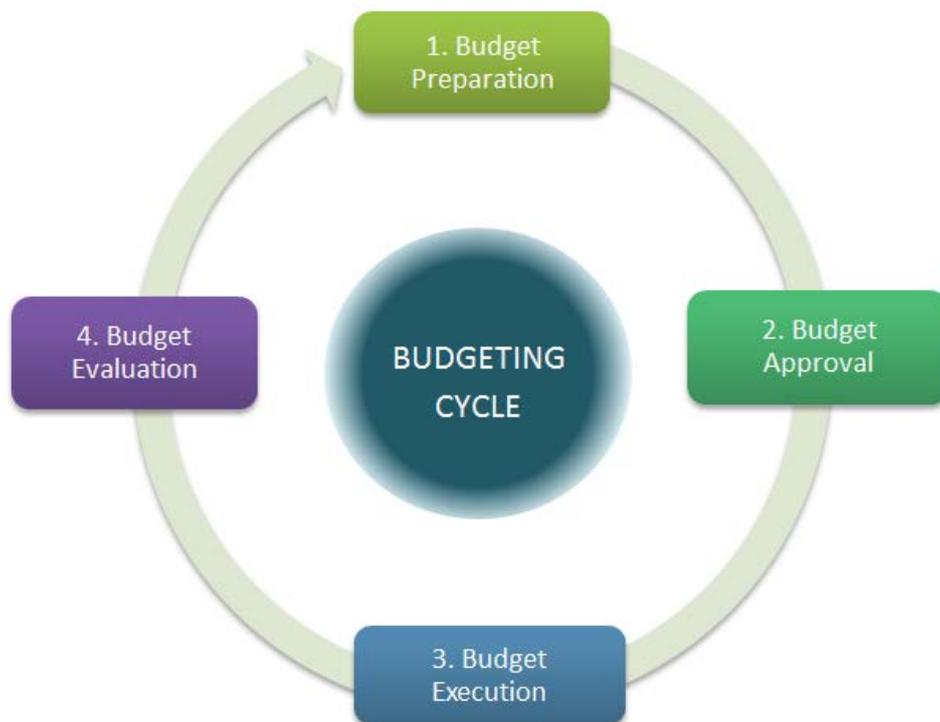


Resource management in the security sector corresponds to the final steps in the process of development and implementation of national security and defence policies. That is, the phase where financial and other resources are distributed among the different entities of the security sector, in order to spend on required capabilities and cover core defence and security needs. At this point of the process, oversight and the evaluation of results are crucial. Both serve to improve resource management and, consequentially, make the security sector more efficient.

### Why is it important?

Non-transparent financial management in the security sector, combined with the lack of accountability, is a powerful enabler of corrupt practices. Even if there are no obvious cases of corruption, poor planning, a disruption between policymaking, planning, and budgeting, and poor control of expenditures severely undermine performance in the defence sector and de-motivate both military and civilian personnel.<sup>1</sup>

### How does it work?



Security sector budgeting is an integral part of overall state budgeting. Security sector budgeting corresponds to short-term security planning and is the technical and financial aspect of security and defence programming. The budgeting cycle is usually developed on annual or bi-annual basis and within a medium-term expenditure framework. The aim of medium-term security and defence budgeting is to forecast the financial needs of the state's security providers within a medium-term timeframe of generally two to five years.<sup>2</sup>

Annual budgeting cycle can be divided into four phases: the preparation phase (policy and planning); the approval phase (parliamentary review); the execution phase (implementation); and the evaluation phase (reviewing and auditing). In the policy development and planning phase, overall state budget is debated and drafted by the executive authorities. In this process, the security and defence component of the budget is developed by the core security and justice providers. They are responsible for converting strategic plans into itemised, quantifiable budget inputs. These inputs

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<sup>1</sup> 'Defence Budgeting and Financial Management' *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. DCAF 2010. p. 57.

<sup>2</sup> Nicolas Masson, Lena Andersson, Mohammed Slah Aldin, DCAF (2013) [Strengthening Financial Oversight in the Security Sector](#). Guidebook 7.1, Toolkit: Legislating for the Security Sector. p. 15.

usually include: personnel expenditure (salaries, allowances, etc.); administrative expenses; stores including ammunition, spares and components for maintenance, construction and building material, office supplies, and fuel; equipment (vehicles, weapons, machinery, furniture); rental of land and buildings; professional and specialist services, research and development.<sup>3</sup> In the approval phase, the government's draft of the budget is submitted to the Parliament. The draft is then reviewed, scrutinised, and, eventually, amended by the parliamentary committees. Once the budgeting document is enacted into a law in the execution phase, the executive authorities and spending agencies (security and defence providers) spend the funds allocated to their operations. During the budget evaluation phase, supreme audit institutions, parliament and civil society organisations (CSOs) perform audits and evaluations of the public spending agencies, including the security and defence institutions.<sup>4</sup>

The allocation of money, people, equipment, and infrastructure to security sector activities should clearly support the attainment of security and defence objectives and implementation of national security strategy.<sup>5</sup> Some of the key principles for sound budgeting are listed in the box below.

### KEY PRINCIPLES OF SOUND BUDGETING

- **COMPREHENSIVENESS:** Budgeting requires a holistic approach. The budget must encompass all fiscal operations.
- **DISCIPLINE:** Decision-making must be based on security needs, available resources and adhere to national security policy.
- **LEGITIMACY:** Adjustments during implementation phase must respect the framework of national security policy and strive towards national security objectives.
- **FLEXIBILITY:** A degree of flexibility is required. However, this flexibility must be highly regulated.
- **PREDICTABILITY:** The budget is implemented in an orderly and predictable manner. There must be a balance between short and long-term plans and results.
- **CONTESTABILITY:** Existing policy is subject to review and evaluation and agency performance is subject to continuous improvement.
- **HONESTY:** The budget must be derived from unbiased projections of revenue and expenditure.
- **INFORMATION:** Accurate information on expenditure baseline, costs, outputs and outcomes of security sector budgeting must be available.
- **TRANSPARENCY:** Decisions and their justification should be communicated to the public.
- **ACCOUNTABILITY:** Decision-makers are responsible for the exercise of the authority provided to them.

*Source: The World Bank (1988), Public Expenditure Management Handbook. P. 1-2.*

<sup>3</sup> *Ibid.*, p. 14.

<sup>4</sup> Nicolas Masson, Lena Andersson, Mohammed Slah Aldin, DCAF (2013) [Strengthening Financial Oversight in the Security Sector](#). p. 12-13.

<sup>5</sup> *Ibid.*

## Who is involved?

Core security and defence providers and the ministries that have financial oversight functions, mainly the ministries of finance and defence participate in the preparation phase of the defence budgeting cycle (for other security and law enforcement providers the ministries of the interior (and in some cases) justice also participate in the process). The approval phase is mainly conducted by the parliament and its specialised committees. The execution, or implementation, phase involves spending agencies, that is, defence and security actors and their management and oversight bodies, such as the ministry of defence. The evaluation phase is carried out by supreme audit institutions, the parliament, civil society organisations, and other groups of interest.<sup>6</sup>

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## NOTE 15

# HUMAN RESOURCES MANAGEMENT



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## NOTE 15: HUMAN RESOURCES MANAGEMENT

Human resources management corresponds to the process of managing security sector and defence workforce, from recruiting, training and deployment all the way to release and retirement. The purpose of manpower management is to have in place the right number of people with the right mix of skills, experience, ages and rank levels necessary to sustain the required force structure.

**Source:** Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (2009), 'Manpower management' in *Defence Management: An Introduction*.

### What is Human Resources Management?

The objective of human resources management is to maintain a force structure that is adapted to the context, available resources, security and defence needs of a nation and to do so in the most efficient possible manner. This involves a certain degree of flexibility in a security environment in constant change. The first major task of manpower management, according to Jack Treddenick, is assessing current and future needs, available and future resources, peace and crisis scenarios, in order to arrive at a time-indexed portfolio of manpower requirements across the entire planning horizon, where each item, each place, is carefully defined in terms of required skills, experience, age and rank level. In other words, this process must identify exactly what places are going to have to be filled, with which kind of personnel and when. The second major task involves providing the actual people with the right mix of skills, experience, ages and rank levels to fill the required portfolio.<sup>1</sup> The selection, recruitment and promotion of candidates must be done on the basis of merit and in a fair and competitive way.

### Why is it important?

Jack Treddenick, has pointed out that manpower is the essential military resource. Only with high quality and motivated people can budgets and weapon systems be turned into the effective military capabilities that are required to provide for a nation's security. Managing it, and managing it well - getting the right people into the right jobs at the right time and motivating them to work hard and intelligently- is therefore the essence of military success. Changing security environment and defence needs require adapting force structure accordingly in order to maintain the optimum preparedness and capabilities. This makes the process of human resources management even more critical.<sup>2</sup> Additionally, corruption in manpower management is the most pervasive and corrosive to the

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<sup>1</sup> Jack Treddenick, 'Manpower management' in Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev, DCAF (2009), *Defence Management: An Introduction*. p. 128.

<sup>2</sup> Jack Treddenick, 'Manpower management' p. 125-127.

defence system as a whole since it undermines the effective use of its most vital resource-personnel.<sup>3</sup> Codes of conduct, regulations and ethical guidelines must be established and taught throughout the entire defence hierarchy. These measures must be complemented by whistleblowing, reporting mechanisms and whistle-blower protection.

### How does it work?

Manpower management system must perform two complementary functions. On the one hand, it must determine human resource requirements based on current and future defence needs and plans. On the other, it must manage and develop personnel to maximize available human resources. In this, constant efforts to attract, train, motivate, promote and retain the right people with the right set of skills for the right positions are essential.<sup>4</sup>

Manpower management must be capable of foreseeing and developing the capacity to adjust to different security needs and environments. Each country has different defence needs, different security contexts and different strategic perceptions. Therefore, each will have a unique approach to creating military capability, which will be shaped by its history, culture, level of economic development and geographical neighbourhood. Accordingly, every country will have its own approach to determining the size and composition of its armed forces.<sup>5</sup>

However, there are some factors that will determine force structure that are common to most countries, such as:

- manpower strategy must be in line with national military strategy and security objectives;
- the role of the armed forces will be determined by national security strategy, current security context and international ambitions;
- security and defence budgets and budget regulations will define the scale and form of the armed forces;
- desired capabilities and ways of obtaining them will also impact manpower management

The objective of manpower managers and planners is to come up with the optimal force configuration within a given budget line.<sup>6</sup> In order to be successful, manpower management must be completely integrated into an effective defence planning and budgeting system which rationally links resources to military strategy.<sup>7</sup>

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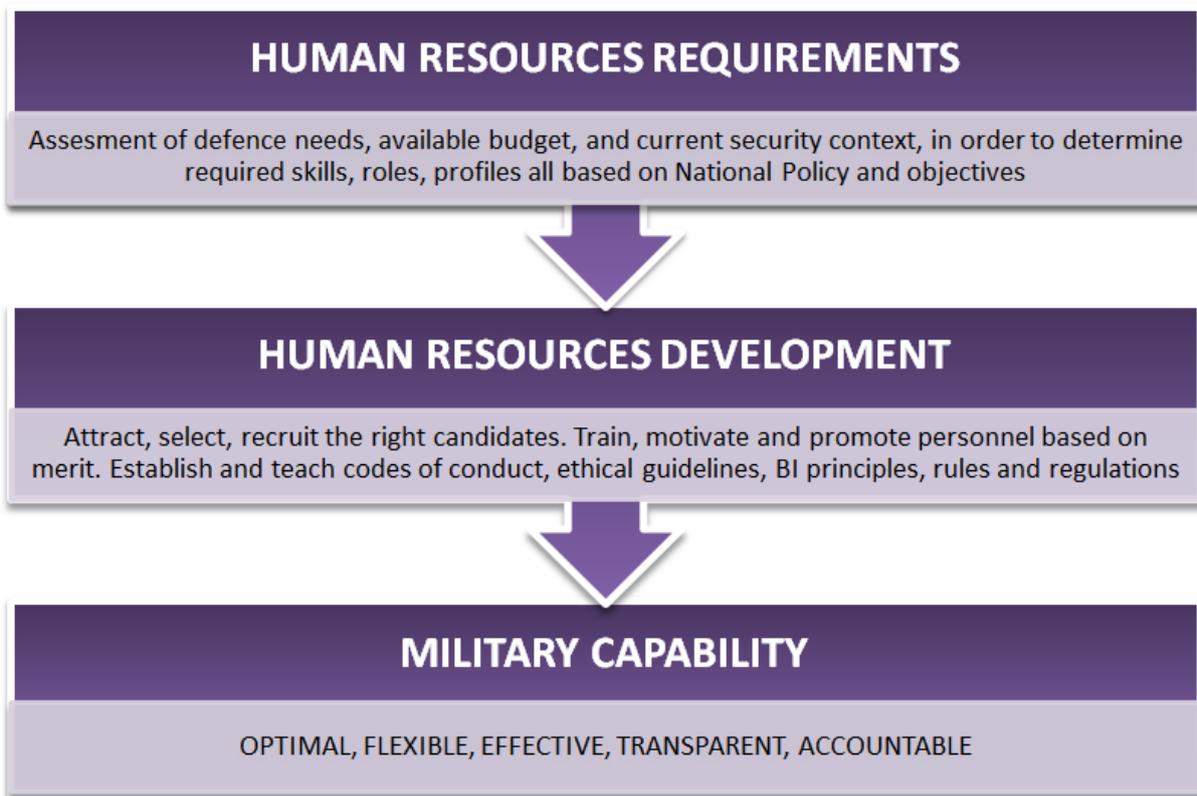
<sup>3</sup> NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. Chapter 5, p. 43.

<sup>4</sup> *Ibid.*

<sup>5</sup> Jack Treddenick, 'Manpower management' p. 131.

<sup>6</sup> *Ibid.*, p. 131-133.

<sup>7</sup> *Ibid.*, p. 152.



#### Who is involved?

Human Resources managers and planners include among other actors: Ministry of Defence, Finance and other ministries concerned with planning and budgeting; civil and military personnel charged with selecting, recruiting, training and allocating personnel. Additionally, it is important that human resources management is transparent and accountable. Therefore parliamentary oversight is of great importance and so is whistleblowing and reporting practiced by civilian and military personnel, inspectors, ombudsmen, auditors, and civil society.

#### Resources

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# NOTE 16

## ACQUISITION



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## NOTE 16: ACQUISITION

Acquisition is the process by which equipment and services sourced from external agencies are used in the building of effective military and security capability. Acquisition is a broad concept that covers the entire cycle of defence and security provision, from strategic assessment of requirements and available solutions, contracting, procurement, payments, down to evaluation of outcomes and improvement of the acquisition process.

*Source: "Acquisition Management", Anthony Lawrence in Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) Defence Management: An Introduction. Security and Defence Management Series No. 1., DCAF (2009) p 155.*

### What is Acquisition Management?

The US Naval War College defines acquisition as the task of acquiring quality products that satisfy user needs with measurable improvements to mission accomplishment and operational support, in a timely manner, and at a fair and reasonable price.<sup>1</sup>

Ultimately, acquisition management is the process of adding new or enhancing already-existing defence and security capabilities, particularly when that process involves the introduction of new technologies. Acquisition sources are defence industry suppliers from whom the required equipment and services are procured through contractual agreements. Equipment can be weapons and other military materiel and other non-military materiel such as office equipment or defence and security infrastructure. Services are non-physical items, such as consultancy, logistic support, training and education. Acquisition involves the entire life-cycle from identification of security and defence needs through to disposal. That is, it includes identifying required equipment and services, procuring them, ensuring their support throughout their useful life-cycle and providing for their eventual disposal.<sup>2</sup>

### Why is it important?

Decisions about equipment and services in defence involve substantial taxpayer funds and the added pressure of expected optimal performance. They also require strategic vision as to the lifespan and utility of acquired goods and services in a security environment that is always changing. Technological evolution is a factor of utmost importance in modern warfare. In this scenario, keeping defence and security capabilities of the state up-to-date has become more and more challenging and resource-consuming. Decisions about what equipment should be acquired, how long

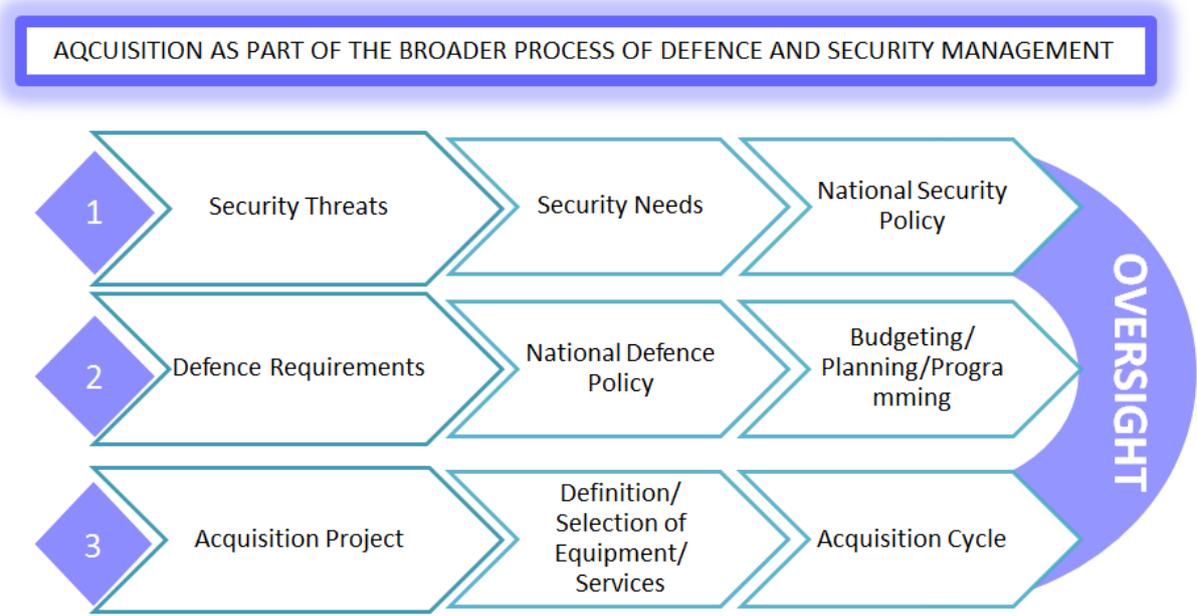
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<sup>1</sup> Source: DoD directive, cited in: US Naval War College, Commander Raymond E Sullivan Jr., (ed) *Resource Allocation: The Formal Process*. July 2002. p. 51.

<sup>2</sup> 'Acquisition Management', Anthony Lawrence in Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) [Defence Management: An Introduction](#). Security and Defence Management Series No. 1. DCAF (2009) p. 156.

it will last in terms of various life cycles, in what time frame it will be rendered obsolete by technological advances, how to maintain the material in an optimal state, at what cost, and whether the material will produce the expected outcomes; all of these factors must be taken into account during the acquisition cycle. The same principles also apply for the acquisition of services. Overall, the need to spend scarce financial resources effectively determines a process that must ultimately result in the development of the required defence capabilities.

Acquisition is a critical area of work for building integrity efforts and anti-corruption measures. In order to ensure good governance in the security sector, it is vital that external sources contracted by the security sector abide by the same principles and the entire process is transparent and accountable.



**How does it work?**

Acquisition can be broken down into three main areas of activity:

1. Deciding what to acquire
2. How to acquire it
3. The acquisition process itself<sup>3</sup>

Deciding what to acquire is probably the most important step of the process. In order to come up with a balanced and comprehensive defence and security programme, defence and security requirements should be carefully analysed and acquisition projects prioritised accordingly. A reference framework for this task can be found in policy documents. However, the guidance that these papers offer is often elementary. Therefore, extra analytical effort should be put into this planning process in order to find the best ways to match changing security requirements with optimal defence capabilities within the corresponding defence and security budget. Capability-based

<sup>3</sup> Anthony Lawrence, 'Acquisition Management', in Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) [Defence Management: An Introduction](#). p. 156.

defence and security planning is a good approach to determine what services and equipment are required to attain desired capability. Establishing a description of desired capabilities facilitates the decision on what product or service to acquire. Defence and security planners should take into account the following factors affecting capability:

- Possible defence and security policy changes
- Threat and security environment changes
- Technological development and modernisation
- Doctrine changes<sup>4</sup>



Deciding how to acquire equipment and services is usually achieved through the preparation of an acquisition strategy, a formal document that records and justifies the decisions taken. One of the objectives of an acquisition strategy is to consider a wide range of possible acquisition options and to justify the specific route that is chosen as a result. An acquisition strategy also provides a reference document for the duration of the project. Additionally, the document serves as evidence for oversight and scrutiny. Therefore, acquisition strategies should be considered living documents as they will undergo continuous evaluation and improvement.

**Some of the questions that should be considered at this stage:**

- ◆ Does new equipment need to be procured?

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<sup>4</sup> Ibid p 156-175

- ◆ Is the equipment/service available off-the-shelf, or does it need to be developed?
- ◆ What is the scope of the acquisition?
- ◆ Are the required equipment and/or services available from more than one supplier?
- ◆ Are other states interested in a similar acquisition project?
- ◆ Does the capability need to be acquired in one go?
- ◆ How will the project be structured?
- ◆ Who will manage the project?
- ◆ How will the supplier be paid?
- ◆ How will the maintenance of the equipment be organised?
- ◆ What are the risks of a particular project how will they be handled?
- ◆ Is the equipment/services provider selected on the basis of a fair and transparent competition?<sup>5</sup>

The act of acquiring equipment or services, the maintenance of equipment, and its ultimate disposal is a process lengthy and complex process that can be broken down into several stages. These stages make up a cycle known as 'the acquisition cycle'. Acquisition cycles provide a structure to manage the acquisition process from the initiation of the project through to the final disposal of project equipment or termination of project services. Thus the cycle is a management framework. Each project will have its own specific acquisition cycle, composed of small stages covering the entire lifespan of the project and allow for flexibility in handling arising challenges and adapting to changing circumstances.<sup>6</sup>

### **Who is involved?**

Acquisition involves various disciplines and skills. There are broadly four categories of stakeholders involved: decision-makers and planners, acquisition specialists, stakeholders responsible for oversight, and external agencies. Decision-makers and planners decide what equipment and services are required to cover defence and security needs. In this phase, a multitude of actors intervene, including representatives of the armed forces and security agencies who provide their expertise on technical matters. It is important to dedicate careful consideration to this planning phase as it is the perfect moment for building integrity measures. Acquisition specialists will, usually, be responsible for managing the bulk of the acquisition project: specifying the detailed requirement, contracting with suppliers, ensuring delivery of the required equipment or services, managing through-life support and arranging for final disposal. Members of the security sector senior leadership oversee and scrutinise acquisition projects. Additionally, at the programme level, there is a need for independent oversight of the overall process. Finally, external agencies are those that have the means to supply services and equipment to the security sector.<sup>7</sup>

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<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, p. 177-181.

<sup>7</sup> *Ibid.*, p. 157-159.

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# NOTE 17

## PROCUREMENT



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## NOTE 17: PROCUREMENT

Procurement is an integral part of the acquisition process. Procurement refers to the phase during which governments purchase goods and services from external suppliers. Procurement is the technical process of identifying requirements and then procuring relevant services and equipment.

**Source:** "Acquisition Management", Anthony Lawrence in Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.) *Defence Management: An Introduction. Security and Defence Management Series No. 1.*, DCAF (2009)

### What is Procurement?

Procurement is part of both the process of acquiring new defence and security capabilities and the process of maintaining existing capabilities.<sup>1</sup> In terms of equipment, this includes items intended for military use only, such as weapons systems and ammunition, as well as general commodities, such as food and other supplies. Services refer to all tasks, once performed by the military, such as logistical support, that are now contracted out to external sources.<sup>2</sup>

### Why is it important?

Procurement, as one of the final stages of acquisition process, involves the act of exchanging financial resources for equipment and services which, most of the time, implies handling large sums of money. At this point of the process it becomes ever more important that tasks are carried out with integrity so that the final result corresponds to the projected outcomes and so that scarce public resources are not mismanaged. Building integrity measures must be applied at the organisational, procedural and individual scales of procurement and acquisition. Additionally, oversight and monitoring should be exercised throughout the entire process of acquisition, which must end with an evaluation of the outcomes.

### How does it work?

Defence and security procurement is similar to any other type of government procurement: needs are assessed, competitive bids are issued, options are evaluated and a choice of suppliers is made.<sup>3</sup> However, some aspects of defence procurement are quite unique. For instance, as Tom McGuffog points out, true success in defence procurement may be measured by never having to use the most costly items of equipment in war, such as nuclear weapons. Additionally, defence equipment often

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<sup>1</sup> "Defence Procurement" in NATO-DCAF, (2010). [Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices](#). p. 72.

<sup>2</sup> DCAF (2006) *Parliament's Role in Defence Procurement*. Backgrounder.

<sup>3</sup> DCAF Backgrounder, *Parliament's role in defence procurement*. 2006.

takes a long time to develop and introduce into service, and then must cope with an ever-changing security environment for decades thereafter.<sup>4</sup> Therefore, long-term planning is required which should take into account the entire life-cost of the project, including development, testing, production and maintenance. Even so, it can be hard to predict costs and success of the project. New weapons systems often involve modern technologies, that require a high rate of investment and, as costs escalate, there is less of a margin for solving problems that arise in the long-term.<sup>5</sup>

Defence procurement and planning in general, have the added difficulty of balancing secrecy regarding technical and operational issues and transparency required for effective oversight and accountability. Furthermore, international environment, its laws, and arms control regulations must be taken into consideration as decisions about weapon systems may raise security concerns in other states.<sup>6</sup>

In order to prevent corruption in procurement, among other things, the following questions should be asked:<sup>7</sup>

- Are operational requirements based on real operational needs?
- Are technical requirements accurate and objective?
- Is the volume of purchased goods justified by real needs?
- Are unplanned purchases justified by urgent needs?
- Is single-source procurement justified?
- Are the evaluation criteria accurate and objective?
- Are conflicts of interest avoided?
- Are there proper quality assurance tests?
- Is the contract accurate and does it respect the MoD's rights?
- Is the implementation of contract correct and any changes justified?<sup>8</sup>

In order to guarantee transparency in procurement there must be:<sup>9</sup>

- Publicly available and highly visible policy documents that provide clear, consistent and credible guidelines.
- Advanced notification of potential suppliers on forthcoming acquisitions and anticipated requirements.
- Open and competitive bidding is essential.
- The use of life-cycle costs is encouraged. A life-cycle cost perspective looks at the total life-cycle cost of a project, not just the initial procurement cost.<sup>10</sup>
- Rigorous risk assessment and transparent risk management are necessary.

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<sup>4</sup> McGuffog Tom (2011), "Improving value and certainty in defence procurement", *Public Money & Management*, 31:6, 427-432. Available at:

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<sup>5</sup> DCAF (2006) *Parliament's Role in Defence Procurement*. Backgrounder.

<sup>6</sup> *Ibid.*

<sup>7</sup> For more questions see: Centre for Integrity in the Defence Sector, [Criteria for Good Governance in the Defence Sector. International Standards and Principles](#), 2015, p. 41.

<sup>8</sup> "Defence Procurement" in NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. p. 75.

<sup>9</sup> *Ibid.*, p. 76-77.

<sup>10</sup> Tysseland E. Bernt, "Life cycle cost based procurement decisions. A case study of Norwegian Defence Procurement projects" *International Journal of Project Management*, 26, 2008. 366-375.

A framework for enhancing integrity in procurement is provided by the international standard *ISO 15288*.<sup>11</sup> Procurement must be based on procedures of fairness, impartiality, transparency, efficiency and open competition.



**Who is involved?**

The armed forces, in consultation with the MoD, assess their capabilities and procurement needs; the armed forces also assist the executive with budget proposals and directly handle the procurement of small items and services.

The Ministry of Defence, with the help of the military and other executive bodies, prepares budgets and procurement proposals, negotiates with domestic and foreign actors, grants arms-production licences when required, handles tender processes, and produces annual reports. These tasks usually require the existence of a special unit focused on procurement.

National defence industries participate in procurement by producing military and security-related equipment. Academic and research institutions participate by means of R&D on new technologies. Civil society and the media scrutinise, monitor, and oversee procurement. Whistle-blowers and

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<sup>11</sup> The revised version (2015) is available at [http://www.iso.org/iso/home/store/catalogue\\_ics/catalogue\\_detail\\_ics.htm?csnumber=63711](http://www.iso.org/iso/home/store/catalogue_ics/catalogue_detail_ics.htm?csnumber=63711)

whistle blower protection mechanisms ensure that corruption is curbed. Foreign suppliers participate by providing goods and services that cannot be covered by national providers. International organisations, alliances, and other bilateral and multilateral engagements participate by imposing standards, rules, and regulations on their affiliates through membership and other mechanisms.

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## NOTE 18

# REGULATORY FRAMEWORKS



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## NOTE 18: REGULATORY FRAMEWORKS

Regulatory frameworks are legal mechanisms that exist on national and international levels. They can be mandatory and coercive (national laws and regulations, contractual obligations) or voluntary (integrity pacts, codes of conduct, arms control agreements). Together they form a legal background against which anti-corruption efforts are measured. The existence of these frameworks is a pre-requisite for fighting corruption. However, they do not suffice on their own and must be accompanied by positive incentives and other building integrity measures.

### **What are Regulatory Frameworks?**

Coercive anti-corruption measures are based on law. They are not necessarily specific to the defence sector, since national anti-corruption efforts should strive to be as broad as possible and include all areas of public spending in any case. Voluntary guidelines, however, can be defence-specific since they refer to ethical guidelines and codes of conduct within a particular corporate or military culture.

### **Why are they important?**

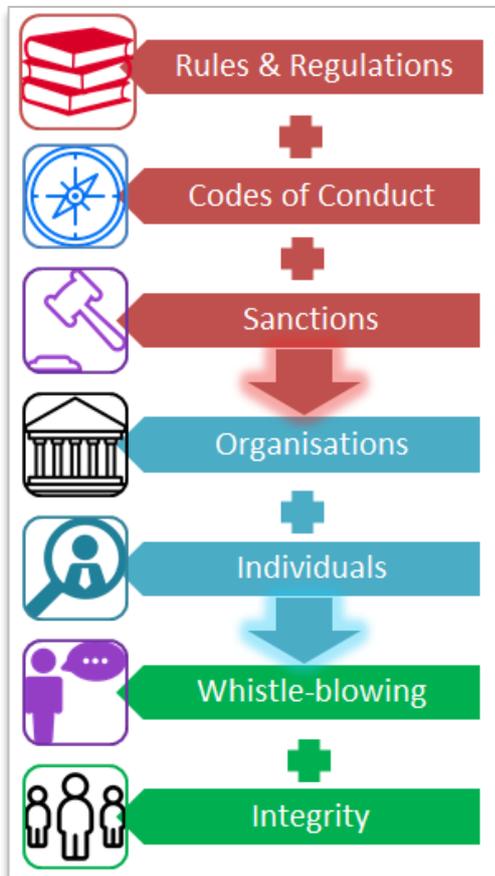
Regulatory frameworks are not enough to prevent and fight corruption on their own. However, they are a pre-requisite for any such effort. They must be accompanied by positive incentives, education and guidance. Together, building integrity measures and the corresponding regulatory frameworks constitute a system of checks and balances that can prevent and curb corruption. Corrupt practices must be sanctioned, corruption rewards confiscated, and corrupt behaviour deterred and prevented. This is done with the help of both positive (education, ethical guidelines, codes of conduct, rules and regulations) and negative measures (sanctions).

### **How do they work?**

Coercive measures rely heavily on the definition of corruption adopted by the states. Depending on what is legally considered as corruption offences, different coercive measures will be applied. Sanctions for corruption must be effective, proportionate and dissuasive. They may be monetary and include penalties involving deprivation of liberty of natural persons. Sanctions should be seen as fair and have a preventive effect. It is important that anti-corruption sanctions respect the following guidelines (outlined by Transparency International):

- Laws against corruption should comply with international human rights standards and afford a fair trial to those accused
- They should not be unduly repressive
- Sanctions must follow clear guidelines on sentencing
- Anti-corruption laws should apply both to public and the private sectors alike

- There must be regular reviews of the criminal law framework
- Criminal law should provide for the tracing, seizure, freezing and forfeiture of illicit earnings from corruption. This may require special provisions
- Corruption offences should include both the payment and the receipt of bribes<sup>1</sup>



Sanctions must deprive the individual from the rewards of the corruption offence taking into account assets that have gone through a money laundering system. This may involve some special prosecution and investigation powers that often demand international cooperation and legislative standardisation (such as a common understanding of what constitutes a corruption offence). Organisations such as Interpol, United Nations Office on Drugs and Crime, and Council of Europe, can provide valuable support when it comes to legal standards and guidelines against corruption.<sup>2</sup>

In addition to the coercive measures and sanctions, there are voluntary guidelines, codes of conduct, ethical recommendations, education and other informal regulatory frameworks that can create a culture of honour and integrity and greatly contribute to anti-corruption struggle by preventing corrupt behaviour.

In order for this system of rules and regulations to work, there must be a mechanism for flagging corrupt behaviour that guarantees protection to witnesses and

whistle-blowers. The *UN Convention Against Corruption*, in its Article 33, outlines that countries are expected to incorporate into their domestic legal systems appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning corruption offences.

### Who is involved/ to whom do they apply?

Criminal law, as stated in Council of Europe’s Criminal Law Convention on Corruption,<sup>3</sup> prosecutes offenders, regardless of whether they are on the originating or the receiving end of corruption, also if

<sup>1</sup> NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. “Regulatory Frameworks” p. 176.

<sup>2</sup> See: *United Nations Convention Against Corruption* UNODC: <https://www.unodc.org/unodc/en/treaties/CAC/>; *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, Council of Europe: <http://conventions.coe.int/Treaty/en/Treaties/Html/141.htm>; *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the financing of Terrorism*, Council of Europe: <http://conventions.coe.int/Treaty/EN/Treaties/Html/198.htm>

<sup>3</sup> *Criminal Law Convention on Corruption*, Council of Europe, 1999. Available at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/173.htm>

they facilitate corruption or the distribution of its rewards.<sup>4</sup> The Convention outlines that the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert and improper influence over the decision-making is considered as a corruption offence and should be defined as such by national legislations. This applies to individuals, companies and organisations.

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<sup>4</sup> NATO-DCAF, (2010). *Building Integrity and Reducing Corruption* p. 175.



# NOTE 19

## CODES OF CONDUCT



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## NOTE 19: CODES OF CONDUCT

Codes of Conduct are a set of rules and recommendations that can be adopted by companies, national and international organisations, private groups, and institutions. They seek to guide the behaviour of their members by establishing ideals and values, describing what is considered moral, ethical, and honourable, offering recommendations and support in the face of sensitive situations, and providing channels for communicating abuse. Their aim is to deter corruption and contribute to a more ethical environment.

### What are Codes of Conduct?

Codes of conduct in the defence and security sectors build on the specific corporate culture of the military and other security establishments. They consist of a series of directives, rules, and regulations describing what is considered as ethical behaviour of personnel, what to do when faced with a delicate situation that may result in corruption, and how to report corrupt actions of others. Codes of conduct, usually, consist of a list of articles. Although they can vary from country to country, the most common topics are:

- General principles
- Lawful Duties of the public officials/civil and military personnel/members
- Ethical use of their powers
- Conflicts of interest
- Disclosure of assets and transparency
- Acceptance of gifts
- Bribery
- Accountability
- Confidential information
- Conflicting professional/business/political activities
- Reporting
- Activities/employment after leaving public service

Codes of conduct can be adopted at an organisational, national and/or international level. Corruption often bypasses national borders. Therefore, channels for international cooperation on these matters should be established. Codes of conduct, along with other regulations, represent a perfect opportunity for that. They can insist on the importance of transparency, reporting and international legal cooperation.

## Examples:



[OSCE Code of Conduct on Politico- Military Aspects of Security](#) is a Code of Conduct applied on an international level. In the setting of the Organisation for Security and Co-operation in Europe, it outlines the duties and guiding principles of its member and participating states.<sup>1</sup>



Another Example of an international Code of Conduct is the [UN International Code of Conduct for Public Officials](#). This code's brief and structured outline can serve as foundation for developing other codes of conduct that are adapted to a particular context.<sup>2</sup>



The [Model Code of Conduct for Public Officials](#), developed by the Council of Europe in its Recommendation No. R. (2000) 10 can serve the same purpose.<sup>3</sup>



Additionally, OECD has issued a [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), which constitutes a crucial reference document when it comes to codes of conduct in the sphere of resource management in defence.<sup>4</sup>



Finally, a great national example is the Norwegian Code of conduct: [Ethical Guidelines for Contact with Business and Industry in the Defence Sector](#). Published in 2011, it is a short, clear-cut text, well-illustrated and easy to read.<sup>5</sup>

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<sup>1</sup> Available at: <http://www.osce.org/fsc/41355>

<sup>2</sup> Available at: <https://publicadministration.un.org/en/institutionbuilding>

<sup>3</sup> Available at : <http://www.coe.int/fr/web/greco/home>

<sup>4</sup> Available at : <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>

<sup>5</sup> Available at : [https://www.regjeringen.no/globalassets/upload/fd/reglement/ethical-guidelines-for-business-and-industry-in-the-defence-sector\\_2011\\_s-1001-e\\_web.pdf](https://www.regjeringen.no/globalassets/upload/fd/reglement/ethical-guidelines-for-business-and-industry-in-the-defence-sector_2011_s-1001-e_web.pdf)

## Why are they important?

Codes of Conduct and other voluntary guidelines make a real difference in the security-sector institutions because the majority of military and other serving personnel take great pride in serving their nation and the security sector establishment. Honouring the ideal of such an establishment is part of the military culture.<sup>6</sup>

Although some are less evident than others, the forms of corruption are many. In order to avoid confusion and omission, there should be a clear statement on what is expected from personnel, what is and is not acceptable, and how to avoid and deal with conflicting situations. This should be supported by a global adherence to the established standards of behaviour. Senior officers and officials set the example by promoting codes of conduct as the central component the security sector establishment.

## How do they work?

According to Transparency International (TI), the ideal guidance framework for defence officials and members of the armed forces is comprised of three core components: a legal framework with its ethical guidance, the code of conduct, and a statement of values. The legal framework is composed of an array of legal statutes, civil service acts, and disciplinary and penal codes. Since these documents are often written in a technical language, they should be accompanied by guidance notes for better understanding. The code of conduct is a set of behavioural norms and common values. It should be clear, brief and accessible to all members of the security sector establishment. The statement of values is an independent, distinct declaration which articulates an organisation's overarching ethical principles and compliments the code of conduct. The code should be widely distributed and promoted by senior officials.<sup>7</sup>

The effectiveness of these documents depends on their visibility and user-friendliness. It is absolutely crucial that they are introduced and studied at the earliest stages of the security sector career with regular refreshment and integrity training sessions provided to all security sector personnel.

Some of the key components of the Code of Conduct, as described by TI in their multi-country study, are listed below:

**BRIBERY:** Clear explanation of what is considered bribery and instructions for how to act and who to contact if offered a bribe; procedures for official reports on bribery to be investigated and procedures for notifying external prosecutors.

**GIFTS AND HOSPITALITY:** Clear definition of acceptable gifts and rules for their acceptance; practical guidance with real-life examples; clear procedures for officials when confronted with an ethical dilemma; readily identifiable chain of command; procedures for proper disposal of gifts.

**CONFLICTS OF INTEREST:** Clear guidance for officials to judge whether a conflict exists; procedures to disclose potential conflicts; procedures to resolve conflicts of interest.

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<sup>6</sup> NATO-DCAF, (2010). [\*Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices.\*](#)

<sup>7</sup> Transparency International, (2011) [\*Codes of Conduct in Defence Ministries and Armed Forces. What makes a good code of conduct? A multi-country study.\*](#)

**POST-SEPARATION REQUIREMENTS:** Obligation to request a formal permission from previous employer to accept offers of employment elsewhere (during 2-5 years); exclusion of gifts not related to official employment received from prohibited sources (for 2 years after leaving); reporting of such gifts.<sup>8</sup>



The success of the Codes of Conduct also depends on the mechanisms for reporting and consulting that are in place, the general approach to the importance of ethical behaviour within the establishment, and the importance of flagging improper behaviour. As OECD points out, effective internal controls, ethics, and compliance programmes should be in place, as well as a clearly articulated and visible policy prohibiting unethical behaviour. This must be accompanied by a strong, explicit, and visible support and commitment from senior management.<sup>9</sup>

#### Who is involved?

Codes of conduct in the security sector should be developed and implemented by the security sector establishment (Ministry of defence, armed forces, police, border guards, and other security sector agencies as well as public and private companies that work for and with the security sector establishment). They should take into account local contexts and draw on national and international best practices and standards. They should be introduced at all levels of the security sector hierarchy and be extended to all the businesses, companies, and suppliers latter deals with.

Source: Transparency International, *Building Integrity and Reducing Corruption Risk in Defence Establishments*. 2009.p. 17 Second edition available at: [http://www.transparency.org/whatwedo/publication/2012\\_handbook\\_building\\_integrity\\_english](http://www.transparency.org/whatwedo/publication/2012_handbook_building_integrity_english)

<sup>8</sup> *Ibid*, Template of Good Practice p. 6.

<sup>9</sup> See Annex II: Good practice guidance on internal controls, ethics, and compliance. In [OECD, \*Convention on Combating Bribery of Foreign Public Officials in International Business Transactions\*](#), 2011. p. 30.

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# NOTE 20

## INTEGRITY PACTS



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## NOTE 20: INTEGRITY PACTS

Integrity pacts are anti-corruption tools for governmental authorities developed by Transparency International in the 1990s with the aim of reducing corruption in public contracting. The pact is, essentially, an agreement between a government or government department (at the national, sub-national or local level) and all bidders for public contract

*Source: Water Integrity Network, Integrity Pacts Tool Sheet. Available at: <http://www.waterintegritynetwork.net/publications/> and Transparency International.*

### What are Integrity Pacts?

According to Transparency International (TI), Integrity Pacts are tools to combat corruption at the tendering and contract stage of procurement. They bind all the bidders and the government together in a contract to reduce the possibility of corruption occurring both during and after the tendering.<sup>1</sup>

A defence Integrity Pact usually contains three main features:

- A short contract in which all bidders and the procuring organisation agree to certain specified, non-bribery pledges and to enhanced disclosure rules. They also agree on sanctions, including withdrawal from the tender;
- An independent monitor, accompanied by an independent technical expert who reviews tender documents and deals with bidders concerns and complaints;
- Mechanisms to enhance public transparency of documents and processes. This also strengthens public confidence by involving the civil society.<sup>2</sup>

### Why are they important?

As TI emphasises, integrity pacts are important as they supplement weak laws by making contractual requirements aimed at preventing and avoiding corrupt practices that could otherwise compromise the security sector capacity building process and put scarce public resources to waste. They also attract more bidders, give them more confidence, and provide independent monitoring and technical scrutiny. Integrity Pacts can reduce the high cost and distorting impact of corruption on public

<sup>1</sup> TI Defence and Security. See: <http://ti-defence.org/industry-integrity/>

<sup>2</sup> NATO-DCAF, (2010). [Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices](#). p. 188.

procurement, and help create a more hospitable investment climate and harvest public support. Integrity Pacts reinforce sanctions, thereby deterring corruption.<sup>3</sup>

### How do they work?

Integrity pacts stipulate rights and obligations to the effect that neither side will: pay, offer, demand or accept bribes; collude with competitors to obtain the contract; or engage in such abuses while executing the contract. The starting point is an agreement for the implementation of the pact between the government and a civil society organisation responsible for monitoring the pact. This agreement confirms the political will to implement the pact, defines the contracting process, and describes the activities, roles, and responsibilities of each of the parties involved. Transparency is required at every stage of the process. The content of the integrity pact should be agreed upon by civil society organisations and the government.<sup>4</sup>



### TI lists some of the core components of integrity pacts as follows:

- Pledge and undertakings by bidders not to offer or accept bribes
- Pledge and undertakings by the Government, their consultants and advisers not to offer or accept bribes
- Restrictions on government officials from obtaining work at bidding firms or their partners for a certain period after the bid (at least two years)
- Disclosure of details of agents or intermediaries (bidders are required to disclose all commissions and expenses that are paid by them to other entities in relation to the contract)
- May require disclosure of payments to and from the agent
- Bidders are advised to have a Code of Conduct and a compliance programme
- Appointment of independent monitor or monitoring team with unrestricted access to all meetings and material, documents
- Publication of some or all the documents and of the results of evaluations
- Public hearings and discussions on the bid
- Bidders must agree to withdraw if there is evidence of breach of the pledge
- Further sanctions such as exclusion from bidding for future contracts
- Civil society involvement should be encouraged<sup>5</sup>

One of the main features of an integrity pact is independent monitoring. In most cases, monitors are members of civil society or experts appointed by (and reporting to) the TI Chapter and its civil society partners. The independent monitoring system aims to ensure that the pact is implemented and the obligations of the parties are fulfilled.

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<sup>3</sup> TI Defence and Security. See:

[http://archive.transparency.org/global\\_priorities/public\\_contracting/integrity\\_pacts#what\\_is](http://archive.transparency.org/global_priorities/public_contracting/integrity_pacts#what_is)

<sup>4</sup> Source: TI . Integrity Pacts. Archive. Available

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<sup>5</sup> TI – Defence, Integrity Pacts. At [https://www.transparency.org/whatwedo/tools/integrity\\_pacts/4/](https://www.transparency.org/whatwedo/tools/integrity_pacts/4/)

## Who is involved?

Integrity pacts involve and can be used by central, local or municipal government officials and agencies, private companies (the bidders) and civil society.

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## NOTE 21

# WHISTLE-BLOWING



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## NOTE 21: WHISTLE-BLOWING

Whistleblowing is the disclosure of information about perceived wrongdoing, corrupt, illegal, fraudulent, or hazardous activities committed, in or by, public, or private, sector organisations and the risk thereof, to individuals, or entities, believed to be able to effect action. The ultimate goal of whistleblowing is to protect the public interest.

Source: Transparency International (TI) 2013, *International Principles for whistle-blower legislation: Best practices for laws to protect whistle-blowers and support whistleblowing in the public interest*.

### What is Whistleblowing?

Transparency International (TI) offers a broad definition of whistleblowing as the disclosure, or reporting of wrongdoing, including, but not limited to corruption; criminal offences; breaches of legal obligation; miscarriages of justice; specific dangers to public health, safety or the environment; abuse of authority; unauthorised use of public funds or property; gross waste or mismanagement; conflict of interest; and acts to cover up any of the above.<sup>1</sup>

### Why is it important?

Whistle-blowers play an essential role in exposing corruption, fraud, mismanagement and other wrongdoing that threatens public health and safety, financial integrity, human rights, the environment, and the rule of law.<sup>2</sup>

Major bribery and corruption scandals demonstrate the damage done by the failure to report wrongdoing as soon as it is discovered. Whistleblowing is an important tool in the prevention and detection of corruption and other malpractice.<sup>3</sup>

### How does it work?

According to TI, in order to function properly, whistleblowing must be supported by:

- An effective system of legal protection of whistle-blowers against retaliation with full compensation in case of reprisals;
- Adequate mechanisms to ensure that disclosures are properly handled and thoroughly investigated;

<sup>1</sup> TI (2013), *International Principles for whistle-blower legislation: Best practices for laws to protect whistle-blowers and support whistleblowing in the public interest*.

<sup>2</sup> Ibid & TI (2010), [Whistleblowing: an effective tool in the fight against corruption](#). Policy Position 01.

<sup>3</sup> TI (2010), [Whistleblowing: an effective tool in the fight against corruption](#). Policy Position 01.

- Public awareness-raising about the benefits of whistleblowing.

Effective whistleblowing legislation and the tools to implement it are necessary in order to build integrity and prevent corruption in the security sector. The following international conventions recognise whistleblowing as an effective tool for fighting corruption:

- [The UN Convention against Corruption](#) (Art. 33)
- [The Council of Europe Civil Law Convention on Corruption](#) (Art. 9)
- [The Council of Europe Criminal Law Convention](#) (Art. 22)



Existing national whistleblowing legislation is often incomplete. There is a need for considerable efforts to develop it further. This legal framework should be clear, comprehensive and easy to use. Legislation must incorporate provisions that protect the whistle-blower, cover the public, private, and non-profit sectors and provide reliable reporting channels to communicate concerns. Legislation should cover a broad range of issues, from actual criminal offences to the potential harm of wrongdoings and other consequences.<sup>4</sup>

Both public and private employees and those outside the traditional employee-employer relationship (consultants, temporary workers, trainees, etc.) should be protected from reprisal for honestly reporting concerns. Protection should be extended to those corroborating reports and individuals closely associated with the whistle-blower, such as family members. The legislation should include the right to refuse participating in wrongdoings. Whistle-blowers should have the option to report externally to regulators, enforcement authorities and other competent oversight bodies. As a last resort, disclosures to the media should also be protected.<sup>5</sup>

A comprehensive legal framework should be accompanied by an effective enforcement system. For that, an independent public body with enough

<sup>4</sup> Ibid.

<sup>5</sup> Ibid .

autonomy should be set up, or designated, to oversee the functioning of the law and to receive and investigate complaints. Participation of key stakeholders, such as trade unions, business associations and civil society actors, should also be included in the process.<sup>6</sup>

There must be clear and easy-to-use channels of communication available for the whistle-blowers to disclose information confidentially and anonymously. These channels include: line managers, ethics committees, ombudsperson, internal hotlines, and web-based reporting tools. They must be accompanied by an effective follow-up system to ensure complaints are properly handled. It is crucial that whistle-blower policies are supported by the top management. They should be promoted throughout the organisation and awareness should be raised about the importance of whistleblowing as an effective tool for fighting corruption.<sup>7</sup>

**Who is involved?**

A whistleblowing system includes: the individuals that come forward to report a wrongdoing; entities that register and process the disclosure; entities that impose sanctions and take corrective measures; entities who protect the whistle-blower; and actors who promote and support the benefits of whistleblowing.



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<sup>6</sup> Ibid  
<sup>7</sup> Ibid

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## NOTE 22

# OFFSET ARRANGEMENTS



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## NOTE 22: OFFSET ARRANGEMENTS

Offsets are compensation practices that are required as a condition of a purchase of equipment or services from a foreign company.

Source: NATO-DCAF, (2010). [\*Building Integrity and Reducing Corruption in Defence. A Compendium of Best Practices.\*](#)

### What are offset arrangements?

According to [Transparency International](#) (TI), offset arrangements are arrangements in which the purchasing government of the importing country obliges the supplying company of the exporting country to reinvest some proportion of the contract in the importing country. This can be done through defence-related projects, for example, by sub-contracting, or through a defence-unrelated enterprise such as purchase of goods or services. The percentage of the offsets contract in relation to the original defence contract is large: often more than 100% of the value of the defence contract itself.<sup>1</sup>

TI warns that offset arrangements are often large in value and highly susceptible to corruption. Also, offsets are under much less scrutiny during their negotiation than the main arms deal itself. Additionally, in many countries there is almost no due diligence, no monitoring, no audits and no publication of offset results, benefits or performance.

TI explains that defence offsets are a counter-trade mechanism agreed between purchasing governments and supplying companies when the former acquire military equipment or related services from the latter. They are frequently used as industrial (sometimes even social and economic) policy tools aimed at improving balance-of-payments accounts and compensating the purchaser's economy (and tax payers) for a public investment that will not have an immediate direct impact on the wellbeing of the population.

### Why is it important to include offsets in security sector oversight frameworks?

According to the [European Defence Agency](#) (EDA), not only has the use of offset arrangements increased, but also their percentage in proportion to the contract. It is believed that around 130 countries are currently using offsets arrangements. TI emphasises that the impact of these arrangements remains unknown as there has been a general lack of governmental monitoring. In fact, it is impossible to determine the real economic impact of offset arrangements since there is almost no data on their performance.

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<sup>1</sup> Transparency International (2010), *Defence Offsets: Addressing the Risks of Corruption and Raising Transparency*, available at: <http://ti-defence.org/publications/defence-offsets-addressing-the-risks-of-corruption-raising-transparency/>

The World Trade Organisation's [Agreement on Government Procurement](#)<sup>2</sup>, which binds almost forty countries, prohibits offsets. However, this agreement also includes exception clauses that provide loopholes for their use. There is a similar effect when it comes to EU's legislation that prohibits the general use of offsets, with some exceptions. Therefore, additional measures such as monitoring, auditing, transparency and accountability must be adopted in order to prevent corruption and its consequences. Also, there are non-binding standards, directives and codes of conduct on procurement<sup>3</sup> and offsets (as developed, for example, by the European Defence Agency (EDA)<sup>4</sup>) that should be taken into account.

Offsets pose a number of risks to an importing country. When used as industrial policy tools in order to influence the country's economic development by supporting selected companies, they can lead to unsustainability of those companies once the support is withdrawn. Additionally, these companies may be supported by corrupt interest groups. Moreover, offset arrangements often include capital-intensive industries which are already prone to corruption. Corruption may then spread to other public sectors via offsets. Also, projects that occur under offset arrangements rather than the general government procurement procedures frequently bypass transparency and anti-corruption mechanisms.<sup>5</sup>

### **How do they work?**

As TI describes, offsets consist of packages valued to a percentage of the acquisition contract. They may take many forms, such as agreements for co-production, licensed production, subcontracting, training, technology transfer, or other investments in the purchasing country's economy. Depending on whether they are related or not to the subject of the acquisition contract, they are considered direct or indirect.

Offsets are highly opaque instruments with little to no oversight, adequate legal standards, transparency, monitoring, nor accountability. As TI explains, they are complex contracts dealing with long-term investments that offer particularly attractive opportunities for corruption.

### **Who is involved?**

The two main actors in offset arrangements are the importing countries that acquire the equipment and demand an offset package along with it and the suppliers of the equipment or service who agree to a particular offset package. There are also numerous third-party entities, such as brokers, consultants, third party offset executors, as well as the beneficiaries of offset arrangements, including local companies, research and development centres, and, sometimes, the armed forces. These myriad actors increase the risk of corruption because it is more difficult to control and oversee all the elements and activities within the offset arrangements.<sup>6</sup>

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<sup>2</sup> WTO, *Agreement on Government Procurement*, available at:

[https://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

<sup>3</sup> European Defence Agency, *The Code of Conduct on Defence Procurement*, available at: <http://eur-lex.europa.eu/legal-content/SV/TXT/?uri=URISERV:l33236>

<sup>4</sup> European Defence Agency, *Code of Conduct on Offsets*, available at: [http://www.infodefensa.com/wp-content/uploads/TheCodeofConductonOffsets\[1\].pdf](http://www.infodefensa.com/wp-content/uploads/TheCodeofConductonOffsets[1].pdf)

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

## Recommendations

In order to counter corruption risks inherent to offset arrangements, TI insists that sound policies introducing transparency, integrity and accountability to the process are needed. National governments must ensure that offset arrangements, as part of defence and security purchases, are in line with the strategic security requirements. Offsets personnel should be highly qualified, competent, experienced and bound by a sound code of conduct. TI reminds that offsets are a specialist area unsuitable for defence ministry officials and military officers without experience in that field. There should be regulations for the disclosure of conflicts of interests, oversight mechanisms such as monitoring of offset management process, and performance audits. Due diligence should be carried out prior to offset agreements in order to avoid and disclose any potential conflicts of interest and improper beneficiaries. Offset contracts should specify monitoring mechanisms and procedures and establish incentives and penalties for performance. Finally, the progress, effects, and results of offset arrangements should be published annually by the Government in order to ensure obligations are fulfilled. Where there are no strict measures to control and oversee offsets, these practices should be abandoned.

### Resources

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# NOTE 23

## AUDITING



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## NOTE 23: AUDITING

Auditing, as part of financial and legislative oversight, is crucial for good governance of the security sector. Auditing is the process of reviewing, monitoring and evaluating security sector spending. Auditing is, fundamentally, a function carried out by independent audit institutions, with democratic institutions, executive and government bodies conducting audits on statutory and other bases. Civil society organisations can also perform audits and contribute to policy debates relevant to other stakeholders including parliament. In terms of evaluating policy and practice, civil society and parliament play a vital oversight role when it comes to evaluating the performance, budgeting and spending of the security sector itself.

### **What is Auditing?**

From the budgeting phase to the acquisition and performance phases, financial oversight encompasses all the stages of security sector spending. This process includes the evaluation of budget's adequacy, monitoring how public money is being spent and evaluating the outcomes of that spending in relation to the initially set objectives. Legislative oversight aims to ensure that all public expenditure and finances comply with the laws that govern public funds. Cases of corruption and mismanagement are reported to relevant law enforcement and prosecutor authorities.

### **Why is it important?**

Effective inspection and audit systems play major roles in deterring potential corruption by providing a real chance of detection and punishment. Even in the absence of corruption they are important tools to ensure effective and efficient use of scarce resources and integrity of the defence management and decision-making systems.<sup>1</sup>

### **How does it work?**

Auditing can be based on the review of annual reports, accounts and other evidence provided by the security sector itself as part of the regular democratic process. Auditing can also include spontaneous visits and investigations. Apart from limited restrictions to protect the identities of certain sources of information and the details of some highly sensitive operations, the Auditor-General should have access to all the information required in order to perform his/her oversight duties. Transparency is a prerequisite for effective oversight and auditing of the security sector.

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<sup>1</sup> DCAF, NATO (2010), Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices, available at <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>.

The aim of auditing is to detect and prevent corruption and malpractice, ensure accountability, provide a base for recommendations, encourage improvement and contribute to security sector efficiency. In other words, auditing ensures the proper use of public funds.

### Who is involved?

In most countries, a National Audit Office is established by constitutional law as an institution that is independent from the executive, legislative and judicial branches. The national audit office should be appointed by the parliament and have a clear term of office. There should be legal and practical tools and resources at the disposal of the auditors that enable them to perform their work effectively. They should have the authority to report on any matter of expenditure. Parliaments should ensure that there are judicial sanctions in place for cases of corruption and mismanagement of public funds.<sup>2</sup>

Tasks performed by the Audit Offices include:<sup>3</sup>

- Auditing financial statements of all government departments and executive agencies
- Developing budget outlooks, analysing budget proposals, validating cost estimates, and presenting alternative budget options
- Analysing financial aspects of policies and programmes
- Handling complaints and whistle-blowing
- Assisting departments to improve their financial management
- Raising awareness on best practices

Audit Offices should perform these tasks according to the following basic principles:<sup>4</sup>

- Value for money
- Effectiveness
- Efficiency

In order to perform their tasks effectively, Audit Offices should:

- Report to the parliamentary accounts committee, which should be different from the budget committee
- Have access to classified information
- Have multi-disciplinary capacities with expertise in the security sector, defence management, and the technical, financial, and legal aspects.

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<sup>2</sup> Hans Born, Ian Leigh (2005), *Making Intelligence Accountable: Legal Standards and Practice for Oversight of Intelligence Agencies*, available at <http://www.dcaf.ch/Publications/Making-Intelligence-Accountable>.

<sup>3</sup> DCAF, NATO (2010), *Building Integrity and Reducing Corruption in Defence*. *ibid.*

<sup>4</sup> DCAF, Inter-Parliamentary Union (2003), *Parliamentary Oversight of the Security Sector*, available at <http://www.dcaf.ch/Publications/Parliamentary-Oversight-of-the-Security-Sector>

**Resources:**

DCAF, NATO (2010), *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*, available at <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

DCAF, UNDP (2008), *Public Oversight of the Security Sector. A Handbook for Civil Society Organisations*, <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>

DCAF, Inter-Parliamentary Union (2003), *Parliamentary Oversight of the Security Sector*, available at <http://www.dcaf.ch/Publications/Parliamentary-Oversight-of-the-Security-Sector>

Hans Born, Ian Leigh (2005), *Making Intelligence Accountable: Legal Standards and Practice for Oversight of Intelligence Agencies*, available at: <http://www.dcaf.ch/Publications/Making-Intelligence-Accountable>

OSCE (2016), *Handbook on Combating Corruption*, [available at http://www.osce.org/secretariat/232761](http://www.osce.org/secretariat/232761).

OSCE (2016), *Security Sector Governance and Reform: Guidelines for OSCE Staff*, [available at: http://www.osce.org/secretariat/231176](http://www.osce.org/secretariat/231176).



## NOTE 24

# MISSIONS AND OPERATIONS



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## NOTE 24: MISSIONS AND OPERATIONS

### **Missions and Operations:**

Security and defence missions and operations refer to the operational aspects of security and defence policies. Missions and operations include physical deployment of armed forces and accompanying civilian staff to the operations field under a specific mandate and with a set objective (mission). The duration of these missions and operations will be determined by their nature, mandate and goals, as well as, the available resources and the results they obtain.

### **Corruption:**

Corruption is defined by Transparency International (TI) as the abuse of entrusted power for personal gain.

### **What corruption risks in missions and operations?**

When it comes to missions and operations, corruption can affect several levels simultaneously. First of all, missions and operations typically occur in highly complex and unstable environments, often over a long period of time. These environments are, more often than not, already plagued by endemic corruption.

Second of all, certain mission personnel themselves can be prone to corruption, a vulnerability that may be further exacerbated by a corruption-conducive environment. Some missions are very large and complex, involving a mix of forces from several countries all with different backgrounds and experience. This creates a complicated organisational setting where corruption may easily go unnoticed.

Mission personnel have to be equipped, fed, protected and provided accommodation. This often involves handling large sums of money, outsourcing and the use of private contractors. All these areas represent potential opportunities for corruption.

Moreover, some missions are deployed at a very short notice with little to no prior organisation leading to hasty decisions, a lack of transparency and a lack of proper competitive procedures, all of which are serious liabilities in a procurement context.

## Why is it important?

Understanding corruption risks in missions and operations is all the more vital as limiting corruption can be a key factor determining the mission's success. As described by Transparency International (TI), corruption can significantly erode the legitimacy and efficacy of an international mission.<sup>1</sup>

As the nature of security threats changes and understanding of operational success evolves what used to be considered as a purely military exercise has now grown into a vast array of activities across all fields of expertise. Defence and security personnel are now being deployed for stability operations, peacekeeping efforts, natural disaster relief, humanitarian and development projects, security assistance missions and other tasks in the framework of bilateral and multilateral cooperation. In this context, taking a holistic approach to any mission becomes ever more important and anti-corruption measures are an indispensable part of that approach. Corruption can undermine not only mission success but the future development of a given country as well. Corruption can fuel social unrest, civil wars, and thereby regional and international insecurity.

## How to limit corruption risks in missions and operations?

### **Awareness**

The first step to implementing successful anti-corruption measures is making sure everyone involved in a mission understands the importance of these measures and the implications of letting corruption thrive. Ensuring everyone realises their own role in the overall process and the benefits of a corruption-free system is essential to keeping people actively involved in anti-corruption measures.

### **Prevention**

Anti-corruption measures should be introduced from the very beginning, in the policy and planning phases. Anti-corruption training is crucial at all levels, from policy-makers and managers, to field commanders and personnel, to locally hired staff and services. Anti-corruption trainings should take place prior and during the deployment.

### **Control**

When it comes to private sector contractors, there are a number of tools that can be employed to promote ethical behaviour and limit corruption, such as open and competitive bidding, codes of conduct, contractual obligations, monitoring and performance evaluation. *The Montreux Document on Private Military and Security Companies*, the *International Code of Conduct for Private Security Service Providers*, and the *Legislative Guidance Tool for States to Regulate Private Military and Security Companies* are good references for best practices in this area.<sup>2</sup>

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<sup>1</sup> Transparency International Defence and Security Programme (2014), *Corruption Threats & International Missions. Practical Guidance for Leaders*, available at <http://ti-defence.org/wp-content/uploads/2016/03/140930-Corruption-Threats-International-Missions.pdf>

<sup>2</sup> Government of Switzerland and the ICRC, *The Montreux Document on Private Military and Security Companies* (2008). [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf); Government of Switzerland (2010), *International Code of Conduct for Private Security Service Providers*. [http://icoca.ch/en/the\\_icoc](http://icoca.ch/en/the_icoc); DCAF (2016), *Legislative Guidance Tool for States to Regulate Private Military and*

### ***Oversight, Transparency, Accountability***

Transparency, oversight and accountability are fundamental elements that allow detecting, limiting and preventing corruption. Oversight and monitoring mechanisms should be implemented throughout the entire process: before, during and after the deployment. In order to make oversight possible, transparency is needed. Transparency involves making public the information necessary for a meaningful public debate on laws and other decisions. Transparency and oversight, allow detecting unacceptable behaviour and holding those responsible to account. This process is made easier by the existence of a legal and judicial framework to support it, which is not always the case in fragile states. Nevertheless, as TI emphasises, measures must be made in order for all personnel to be seen as accountable to the law regardless of their rank.<sup>3</sup>

### ***Commitment***

Anti-corruption is a demanding and long-term engagement. A balance must be struck between overoptimistic expectations and defeatist attitudes. No matter how complex the operational environment is, a turn towards countering corruption must be made at some point. In this context, the leadership's attitude towards the importance of anti-corruption for mission's success is crucial to keeping the commitment alive and the issue on top of the agenda.

## **Anti-Corruption Checklist for Missions and Operations**

- ✓ **International policies on anti-corruption**
- ✓ **Mission strategy including anti-corruption measures**
- ✓ **Detailed anti-corruption plans**
- ✓ **Internal culture of transparency and accountability, including for host nation personnel and private contractors**
- ✓ **Internal and external monitoring and evaluation mechanisms (before, during and after deployment)**
- ✓ **Independent oversight**
- ✓ **Internal and external reporting mechanisms**
- ✓ **Whistle-blower protection**
- ✓ **Codes of conduct, including for host nation personnel and private contractors**
- ✓ **Anti-corruption training, including for host nation personnel and prior to deployment**
- ✓ **Strong understanding of different forms of corruption**
- ✓ **Strong understanding of local context**

Security Companies. <http://www.dcaf.ch/Publications/Legislative-Guidance-Tool-for-States-to-Regulate-Private-Military-and-Security-Companies>

<sup>3</sup> Transparency International Defence and Security Programme (2014), *Corruption Threats & International Missions: Practical Guidance for Leaders*, <http://ti-defence.org/publications/corruption-threats-international-missions-practical-guidance-for-leaders/>.

- ✓ Supporting and engaged leadership
- ✓ Comprehensive approach including good governance and rule of law
- ✓ Long-term perspective
- ✓ Measures to develop local legislation for counter-corruption
- ✓ Measures to develop local judicial and prosecution mechanisms
- ✓ Measures to raise awareness within local population
- ✓ Using intelligence to detect corruption and provide due diligence
- ✓ Using anti-corruption experts
- ✓ Measures to evaluate the effectiveness of anti-corruption efforts
- ✓ Measures to share information and coordinate efforts
- ✓ Measures to develop local training capacity and mentor local anti-corruption experts

*Source: Transparency International Defence and Security Programme (2014), Corruption Threats & International Missions: Practical Guidance for Leaders.*

### Who is involved?

When it comes to anti-corruption measures, it is highly important that they are considered in a holistic way. Anti-corruption must be a cause everyone understands and adheres to from policy makers, leaders and managers to junior personnel, externally contracted service-providers, local staff, civil society and native population.

### Resources:

DCAF (2016), *Legislative Guidance Tool for States to Regulate Private Military and Security Companies*. <http://www.dcaf.ch/Publications/Legislative-Guidance-Tool-for-States-to-Regulate-Private-Military-and-Security-Companies>

DCAF (2016), *Putting Private Security Regulation into Practice: Sharing Good Practices on Procurement and Contracting*. [http://www.ppps.dcaf.ch/sites/default/files/uploads/DCAF\\_Procurement\\_v4.pdf](http://www.ppps.dcaf.ch/sites/default/files/uploads/DCAF_Procurement_v4.pdf)

Government of Switzerland (2010), *International Code of Conduct for Private Security Service Providers*. [http://icoca.ch/en/the\\_icoc](http://icoca.ch/en/the_icoc)

Government of Switzerland and the ICRC, *The Montreux Document on Private Military and Security Companies* (2008). [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf)

NATO-DCAF (2010), *Building Integrity and Reducing Corruption in Defence. A Compendium of Best Practices*. <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

Transparency International, Defence and Security Programme (2015), *Corruption Lessons from the International Mission in Afghanistan*. <http://ti-defence.org/wp-content/uploads/2016/03/150217-Corruption-Lessons-from-the-international-mission-in-Afghanistan.pdf>

Transparency International, Defence and Security Programme (2014), *Corruption Threats & International Missions: Practical Guidance for Leaders*. <http://ti-defence.org/wp-content/uploads/2016/03/140930-Corruption-Threats-International-Missions.pdf>

Transparency International, Defence and Security Programme (2013), *Corruption & Peacekeeping. Strengthening peacekeeping and the United Nations*. [http://ti-defence.org/wp-content/uploads/2016/03/2013-10\\_-Corruption-PK-report.pdf](http://ti-defence.org/wp-content/uploads/2016/03/2013-10_-Corruption-PK-report.pdf)



## NOTE 25

# BI LEGAL FRAMEWORK & INT. STANDARDS



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## NOTE 25: BUILDING INTEGRITY LEGAL FRAMEWORK & INT. STANDARDS

Building Integrity (BI) legal framework consists of a series of laws, rules, regulations and other resources that define corruption, regulate anti-corruption procedures and promote building integrity in the public sector. This legal framework includes national and international tools. The latter can take the form of Conventions, Agreements, Recommendations, and Best Practices. Some of these international standards are security sector-sector specific. All BI regulations addressed to the public sector apply to security and defence. International organisations play a vital role in the development and promotion of international BI standards.

### What Legal Framework and International Standards?

The legal framework for BI includes national and international anti-corruption legislation that may be addressed to the public sector in general or to the security sector in particular. These tools do not necessarily have the nature of a legally binding document.

#### **UN Convention Against Corruption**

The UN Convention against Corruption requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, states are legally obliged to establish offences; in other cases, in order to take into account differences in domestic law, they are required to consider doing so. The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with. Convention offences also deal with the problematic areas of private-sector corruption.<sup>1</sup>

#### **UN Convention on Transnational Organized Crime**

The United Nations Convention against Transnational Organized Crime is the main international instrument in the fight against transnational organized crime. The Convention is supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

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<sup>1</sup> Source: UN Office on Drugs and Crime, *United Nations Convention against Corruption Convention: Highlights*, available at: <https://www.unodc.org/unodc/en/treaties/CAC/convention-highlights.html#Criminalization>

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.<sup>2</sup>

 ***UN General Assembly and International Committee of the Red Cross, Montreux Document on Pertinent International Legal Obligations and Good practices for States Related to Operations of Private Military and Security Companies During Armed Conflict.***

The Montreux Document aims to recall certain existing international legal obligations of States regarding private military and security companies. The statements are drawn from various international humanitarian and human rights agreements and customary international law. This document does not create legal obligations. Each State is responsible for complying with the obligations it has undertaken pursuant to international agreements to which it is a party, subject to any reservations, understandings and declarations made, and to customary international law.<sup>3</sup>

 ***Resolution 51/59 UN General Assembly: International Code of Conduct for Public Officials***  
 ***Council of Europe Recommendation Rec (2000)10***

The main requirements to the conduct of individuals in public service are outlined in the UN Convention against Corruption. However, both UN and the Council of Europe have adopted further model codes of conduct: UN Resolution 51/59 and CoE Recommendation Rec (2000)10. These codes identify general principles of integrity for public officials and address specific issues such as conflicts of interest, the misuse of confidential information and the acceptance of gifts and hospitality. The UN Code of Conduct stipulates that public officials shall perform their duties and functions efficiently, effectively and with integrity, and shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

 ***Council of Europe Criminal Law Convention on Corruption***

The Criminal Law Convention on Corruption aims at the co-ordinated criminalisation of a large number of corrupt practices. It also provides for complementary criminal law measures and for improved international co-operation in the prosecution of corruption offences. The Convention is open to the accession of non-member States. Its implementation will be monitored by the "Group of States against Corruption - GRECO", which was launched in May 1999 with the objective of monitoring the compliance with Council of Europe's anti-corruption standards. As soon as they ratify it, States which do not already belong to GRECO will automatically become members. The Convention is wide-ranging in scope, and complements existing legal instruments.

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<sup>2</sup> Source: UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Available at: <https://www.unodc.org/unodc/treaties/CTOC/>

<sup>3</sup> The Montreux Document. Available at: [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf)

States are required to provide for effective and dissuasive sanctions and measures, including deprivation of liberty that can lead to extradition. Legal entities will also be liable for offences committed to benefit them, and will be subject to effective criminal or non-criminal sanctions, including monetary sanctions.

The Convention also incorporates provisions concerning aiding and abetting, immunity, criteria for determining the jurisdiction of states, liability of legal persons, the setting up of specialised anti-corruption bodies, protection of persons collaborating with investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds. It provides for enhanced international co-operation (mutual assistance, extradition and the provision of information) in the investigation and prosecution of corruption offences.<sup>4</sup>

### **Council of Europe Civil Law Convention on Corruption**

The Council of Europe Civil Law Convention on Corruption is the first attempt to define common international rules in the field of civil law and corruption. In particular, it requires states to provide legal remedies, including compensation for damages, for persons who have suffered damage as a result of acts of corruption.

The Convention provides for monitoring by GRECO, the Group of States against Corruption.<sup>5</sup>

### **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime**

The aim of this Convention is to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The Convention is intended to assist States in attaining a similar degree of efficiency even in the absence of full legislative harmony.

Parties undertake in particular measures:

- to criminalise the laundering of the proceeds of crime;
- to confiscate instrumentalities and proceeds (or property the value of which corresponds to such proceeds)

For the purposes of international co-operation, the Convention provides for:

- forms of investigative assistance (for example, assistance in procuring evidence, transfer of information to another State without a request, adoption of common investigative techniques, lifting of bank secrecy etc.);
- provisional measures: freezing of bank accounts, seizure of property to prevent its removal;
- measures to confiscate the proceeds of crime: enforcement by the requested State of a confiscation order made abroad, institution by the requested State, of domestic proceedings leading to confiscation at the request of another State<sup>6</sup>

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<sup>4</sup> Council of Europe, Details of Treaty No 173. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/173>

<sup>5</sup> Source: Transparency International Archive

[http://archive.transparency.org/global\\_priorities/international\\_conventions/conventions\\_instruments/coe\\_civilLaw](http://archive.transparency.org/global_priorities/international_conventions/conventions_instruments/coe_civilLaw) Civil law Convention against Corruption text available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174>

<sup>6</sup> Source: Council of Europe, Details of Treaty No 141: Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/141>

 ***Council of Europe Resolution (97) 24 on the twenty guiding principles for the fight against corruption.***

The Council of Europe's twenty guiding principles to fight corruption aim to promote a dynamic process for effectively preventing and combating corruption. Guiding principles include raising public awareness, improving investigation and prosecution procedures, promoting specialization of persons or bodies in charge of fighting corruption as well as increasing international cooperation.<sup>7</sup>

 ***Council of Europe Convention on Access to Official Documents***  
 ***Council of Europe Recommendation Rec (2002)2<sup>8</sup>***

This Convention is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. Transparency of public authorities is a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist. The right of access to official documents is also essential to the self-development of people and to the exercise of fundamental human rights. It also strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them.

This Convention lays down a right of access to official documents. Limitations on this right are only permitted in order to protect certain interests like national security, defence or privacy.

The Convention sets forth the minimum standards to be applied in the processing of requests for access to official documents (forms of and charges for access to official documents), review procedure and complementary measures and it has the flexibility required to allow national laws to build on this foundation and provide even greater access to official documents. A Group of Specialists on Access to Official Documents will monitor the implementation of this Convention by the Parties.<sup>9</sup>

 ***EU Convention on the fight against corruption involving officials of the European Communities or officials of member states of the EU.***

This European Union Convention is designed to fight corruption involving European officials or national officials of Member States of the European Union. Member State must ensure that any act of passive or active corruption by officials is a punishable criminal offence. In serious cases penalties should include deprivation of liberty and extradition. Moreover, heads of businesses are to be declared criminally liable for active corruption by a person under their authority acting on behalf of the business entity.<sup>10</sup>

 ***EU Convention on the protection of the European Communities' Financial Interests***

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<sup>7</sup> Source: OSCE Polis. Available at: [http://polis.osce.org/library/details?doc\\_id=2678& ru=%2Flibrary%2Fdetails%3Fdoc\\_id%3D2658](http://polis.osce.org/library/details?doc_id=2678& ru=%2Flibrary%2Fdetails%3Fdoc_id%3D2658) The full text of the Resolution can be found at: <https://wcd.coe.int/ViewDoc.jsp?id=593789>

<sup>8</sup> Council of Europe Recommendation Rec (2000)2 of the Committee of Ministers to Member states on access to official documents. Available at: <https://wcd.coe.int/ViewDoc.jsp?id=262135>

<sup>9</sup> Source: Council of Europe, Details of Treaty No 205. Council of Europe Convention on Access to Official Documents. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/205>

<sup>10</sup> Source: OECD, International Conventions: <http://www.oecd.org/cleangovbiz/internationalconventions.htm#europe> Full text available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l33027>

The Convention on the Protection of the European Communities' Financial Interests and its protocols are aimed at creating a common legal basis for the criminal-law protection of the European Communities' financial interests. Fraud affecting both expenditure and revenue must be punishable by effective, proportionate and dissuasive criminal penalties including custodial sentences that can give rise to extradition.<sup>11</sup>

### **European Convention on Extradition**

The European Convention on Extradition provides for the extradition between Parties of persons wanted for criminal proceedings or for the carrying out of a sentence. The Convention does not apply to political or military offences and any Party may refuse to extradite its own citizens to a foreign country.

With regard to fiscal offences (taxes, duties, customs) extradition may only be granted if the Parties have decided so in respect of any such offence or category of offences. Extradition may also be refused if the person claimed risks the death penalty under the law of the requesting State.<sup>12</sup>

### **OSCE Code of Conduct of Politico-Military Aspects of Security**

The Code of Conduct on Politico-Military Aspects of Security, adopted by the OSCE in December 1994, is one of the most innovative normative documents in the area of security. For the first time, a politically-binding multilateral instrument established a set of rules regulating the role and use of armed and other security forces both at the domestic and international levels, and both in peacetime and in times of conflict. The Code is unique in that it not only reaffirmed existing inter-state and intra-state norms, but established new ones.

The OSCE Code of Conduct on Politico-Military Aspects of Security came into effect as a politically binding document on 1 January 1995. The key objective of the Code of Conduct is to govern the role of armed forces in democratic societies. The Code of Conduct provides important guidance for structuring the domestic security sector, safeguarding the rights of armed forces personnel and taking into account legitimate security concerns of other states. The code deals with inter-state as well as intra-state norms on democratic control of the armed and security forces and with the implementation of International Humanitarian Law provisions reflecting the growing awareness of interdependency within a globalizing world and the indivisibility of security. It was also the first multilateral instrument encompassing norms and principles to regulate and control, both, at internal and international levels, the armed forces and the Security Sector at large, central areas of sovereignty and state power.<sup>13</sup>

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<sup>11</sup> Source: OECD, International Conventions:

<http://www.oecd.org/cleangovbiz/internationalconventions.htm#europe> Full text available at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31995F1127\(03\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31995F1127(03))

<sup>12</sup> Source: OECD, International Conventions:

<http://www.oecd.org/cleangovbiz/internationalconventions.htm#europe> Full text available at:

<sup>13</sup> Source: Swiss Armed Forces- OSCE, *20 Years of OSCE Code of Conduct on Politico-Military Aspects of Security*. 2014. Available at: <http://www.osce.org/cio/128961>

-  **OECD Convention on Combating Bribery of Foreign Officials in international Business Transactions, 1997**
-  **OECD Recommendation for further Combating Foreign Bribery, 2009**
-  **OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance, 2010**

The OECD Anti-Bribery Convention establishes legally binding standards to criminalise bribery of foreign public officials in international business transactions and provides for a host of related measures that make this effective. It is the first and only international anti-corruption instrument focused on the 'supply side' of the bribery transaction.<sup>14</sup>

The OECD Recommendation for further Combating Foreign Bribery, adopted in 2009, asks Member countries to encourage companies to develop and adopt adequate internal controls, ethics and compliance programmes or measures for the purpose of preventing and detecting foreign bribery. In support of this provision, the OECD issued good practice guidance on internal controls, ethics, and compliance.<sup>15</sup>

 **OECD Best Practices for Budgetary Transparency, 2002**

The "OECD Best Practices for Budget Transparency" are designed as a reference tool for governments to use in order to increase the degree of budget transparency in their respective countries.

The best practices are divided into three parts:

**Part 1** lists the principal budget reports that governments should produce and their general content.

**Part 2** describes specific disclosures to be contained in the reports, including both financial and non-financial performance information.

**Part 3** highlights practices for ensuring the quality and integrity of the reports.

The OECD best practices are based on different countries' experiences in each area and are organised around specific reports for presentational reasons. Different countries will have different reporting regimes and may have different areas of emphasis for transparency.

Since 2015, the OECD Best Practices have been embodied and updated within the Recommendation on Budgetary Governance, which provides a comprehensive, integrated set of guidance on budget formulation, management and its links with other aspects of good public governance.<sup>16</sup>

 **International Monetary Fund: Code of Good Practices on Fiscal Transparency<sup>17</sup>**

The Code identifies a set of principles and practices to help governments provide a clear picture of the structure and finances of government. It sets guidelines for states' budgeting processes. It clarifies the roles and responsibilities of financial accountability institutions as well as the requirements for openness, transparency and integrity of those in charge of budgeting of public funds.

<sup>14</sup> Source: OECD, <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>

<sup>15</sup> OECD, UNODC, World Bank. 2013, *Anti-Corruption Ethics and Compliance Handbook for Business*. Available at: <https://www.unodc.org/documents/corruption/Publications/2013/Anti-CorruptionEthicsComplianceHandbook.pdf>

<sup>16</sup> Source: OSCE Best Practices on Budget Transparency. Available at:

<http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>

<sup>17</sup> Full text available at: <https://www.imf.org/external/np/pp/2007/eng/051507c.pdf>

### **Inter-American Convention Against Corruption**

The purposes of the Convention are:

- To promote and strengthen the development by each of the States Parties of the mechanisms needed to prevent, detect, punish and eradicate corruption.
- To promote, facilitate and regulate cooperation among the States Parties to ensure the effectiveness of the measures and actions to prevent, detect, punish and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

This Convention establishes a set of preventive measures; provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment; and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation, extradition and identification, tracing, freezing, seizure and forfeiture of property or proceeds obtained, derived from or used in the commission of acts of corruption, among others.<sup>18</sup>

### **African Union Convention on Preventing and Combating Corruption**

The AU Convention on Preventing and Combating Corruption provides a comprehensive framework and covers a range of criminal offences including bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property. It calls for measures on prevention, criminalisation, regional cooperation, mutual legal assistance and recovery of assets. It covers both public sector and private sector corruption, both supply and demand side. It is unique in containing mandatory provisions with respect to private-to-private corruption and on transparency in political party funding. It has not yet attained the number of ratifications required for entry into force. Other strong points of the AU Convention are mandatory requirements of declaration of assets by designated public officials and restrictions on immunity for public officials (Art. 7) The AU Convention also gives particular attention to the need for the media to have access to information (Art. 12)

The AU Convention provides for a Follow Up Mechanism involving an Advisory Board on Corruption within the African Union which is assigned a range of functions including research and collection of information, advice to governments and regularly reporting to the Executive Council on States Parties' progress in implementing the Convention drawing on annual reports to the Board by the various countries.<sup>19</sup>

### **INTOSAI International Standards of Supreme Audit Institutions**

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<sup>18</sup> Source: Organisation of American States: [http://www.oas.org/juridico/english/corr\\_bg.htm](http://www.oas.org/juridico/english/corr_bg.htm) Full text of the Convention available at: <https://www.oas.org/juridico/english/treaties/b-58.html>

<sup>19</sup> Source: Transparency International Archive. Available at: [http://archive.transparency.org/global\\_priorities/international\\_conventions/conventions\\_instruments/au\\_convention](http://archive.transparency.org/global_priorities/international_conventions/conventions_instruments/au_convention) Full text of the Convention can be found at: [http://www.au.int/en/sites/default/files/AFRICAN\\_UNION\\_CONVENTION\\_PREVENTING\\_COMBATING\\_CORRUPTION.pdf](http://www.au.int/en/sites/default/files/AFRICAN_UNION_CONVENTION_PREVENTING_COMBATING_CORRUPTION.pdf)

International Standards of Supreme Audit Institutions (ISSAI) is a collection of professional standards and best practice guidelines for public sector auditors, officially authorised and endorsed by the International Organisation of Supreme Audit Institutions (INTOSAI). The International Standards of Supreme Audit Institutions state basic prerequisites for a proper functioning and professional conduct of Supreme Audit Institutions and outline the fundamental principles in auditing of public entities.<sup>20</sup>

### **INTOSAI Lima Declaration of Guidelines on Auditing Precepts.**

The Lima declaration, adopted in 1977, outlines standards and norms for independent auditing of governments and governments agencies. It establishes a comprehensive list of issues, goals and norms regulating the audit of public institutions. The chief aim is to call for independent government auditing.

### **INTOSAI Guidelines for Internal Control in the Public Sector.**

This document defines a recommended framework for internal control in the public sector and provides a basis against which internal control can be evaluated. The approach applies to all aspects of an organisation's operation.

The Guidelines consist of three parts:

- Definition of Internal Control and limitations on internal control effectiveness
- Components of Internal Control (Control Environment, Risk Assessment, Control Activities, Information and Communications, Monitoring)
- Roles and Responsibilities<sup>21</sup>

### **INTOSAI Code of Ethics**

With the Lima Declaration of Guidelines in Auditing Precepts as its foundation, the INTOSAI Code of Ethics should be seen as a necessary compliment, reinforcing the INTOSAI Auditing Standards issued by the INTOSAI Auditing Standards Committee in 1992. This Code of Ethics is a comprehensive statement of the values and principles which should guide daily work for auditors.

The independence, powers and responsibilities of the public sector auditor place high ethical demands on the Supreme Audit Institutions (SAI) and the staff they employ or engage for audit work. A code of ethics for auditors in the public sector should consider the ethical requirements of civil servants in general and the particular requirements of auditors, including latter's professional obligations.

Due to national differences of culture, language, and legal and social systems, it is the responsibility of each SAI to develop its own Code of Ethics, which best fits its own environment. Preferably these national Codes of Ethics should clarify the ethical concepts.

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<sup>20</sup> Source: INTOSAI, at: <http://www.intosai.org/about-us/issai.html>

<sup>21</sup> Source: INTOSAI, full text of Guidelines available at: <http://www.intosai.org/issai-executive-summaries/view/article/intosai-gov-9100-guidelines-for-internal-control-standards-for-the-public-sector.html>

The INTOSAI Code of Ethics is intended to constitute a foundation for the national Codes of Ethics. Each SAI has the responsibility to ensure that all its auditors acquaint themselves with the values and principles contained in the national Code of Ethics and act accordingly.<sup>22</sup>

### **ISO 15288 and AAP-48**

International Organization for Standardization ISO 15288 and NATO's AAP-48 are useful tools for building integrity in defence procurement. Defence establishments and parliamentary committees that see gaps in the process of defence procurement and embark on enhancing its integrity should consider the implementation of the international standard ISO 15288 and the related NATO publication AAP-48. The application of ISO 15288 and AAP-48 provides a common and integrated process framework for systems engineering and project management and allows the integration of project management disciplines and technical processes across the full life cycle and transparent interaction between participating organisations.<sup>23</sup>

### **TI Defence Integrity Pacts**

In 1990, Transparency International developed the integrity pact as a tool governments can use to combat corruption at the tendering and contract stage of procurement. TI's defence team has since adapted this tool to address the specific needs of defence procurement. The Defence Integrity Pact is a contract that binds bidders and buyers to non-bribery pledges on a specific procurement. Defence Integrity Pacts bind all bidders and the government together in a contract to reduce the possibility of corruption occurring prior to, during and after the tender. Usually they include pledges and undertakings by bidders not to offer and accept bribes, as well as pledges and undertakings by the governments including all their consultants and advisers. Bidders agree to withdraw from the tender if there is evidence of breach of the pledge, which may also involve further sanctions such as exclusion from bidding for subsequent contracts.<sup>24</sup>

### **Some examples of national legal framework for BI**

- *US Federal Acquisition Regulation*<sup>25</sup>
- *The Bribery Act 2010 UK*<sup>26</sup>
- *The Criminal Code of Australia and the Bribery of Foreign Officials*<sup>27</sup>

## **Why are they important?**

International standards and legal framework for BI establish internationally agreed upon principles for fighting corruption and ensuring good governance in the public sector, and by extension, in the

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<sup>22</sup> INTOSAI, available at: <http://www.intosai.org/issai-executive-summaries/view/article/issai-30-code-of-ethics.html>

<sup>23</sup> *Building Integrity and Reducing Corruption in Defence: a Compendium of Best Practices*, p. 77-78.

<sup>24</sup> *Building Integrity and Reducing Corruption in Defence: a Compendium of Best Practices*, p. 85. Also see: *Note 20. Anti-Corruption/ Integrity Pacts*.

<sup>25</sup> US Federal Acquisition Regulation is available at: <https://www.acquisition.gov/?q=browsefar>

<sup>26</sup> The UK Bribery Act of 2010 is available at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>

<sup>27</sup> Information about Australia's anti-corruption policies and efforts to fight foreign bribery can be found at: <http://www.ag.gov.au/CrimeAndCorruption/Foreignbribery/Pages/default.aspx>

security sector. These international standards are key as they serve as a model to help states strengthen their own legal framework in order to increase transparency, accountability and to ensure good governance in the public sector. They provide governments and members of parliament with a set of guiding principles for developing and reforming national laws, systems and processes. They provide a frame of reference for best practices. They also establish channels for international cooperation in the fight against corruption and organised crime.<sup>28</sup>

### How do they work?

As OECD points out, the majority of the above mentioned conventions are not self-executing. They require states to have appropriate legislation and measures in place to implement the conventions. The conventions establish minimum standards that implementing legislation must meet. To implement the conventions, countries must first identify where and how their legislation falls below the standards of the conventions. After identifying the shortcomings in their domestic laws, countries must then rectify those deficiencies.<sup>29</sup>

### Who is involved?

The development and implementation of BI legal framework and international standards involves many actors. This includes international organisations and experts who formulate the standards, national authorities who endorse those standards, security sector personnel who implements them, sanctioning bodies who enforce their application, as well as actors involved in the oversight of the overall process. Civil society and parliamentarians are two especially important links of this chain. Civil society raises concerns and awareness about the need to reform national legislation and adapt it to international standards. Members of parliament then take on the task of translating those needs and concerns into a compliant national legal framework.

### Resources

Council of Europe, 1999, *Criminal Law Convention on Corruption*. Available at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/173.htm>

Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the financing of Terrorism*. Available at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/198.htm>

Council of Europe, *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*. Available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/141.htm>

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<sup>28</sup> Source: DCAF (2015), *Toolkit- Legislating for the Security Sector: International Standards of Financial Oversight in the Security Sector*. Available at: <http://www.dcaf.ch/Publications/International-Standards-for-Financial-Oversight-in-the-Security-Sector>

<sup>29</sup> OECD (2008), *OECD Glossaries: Corruption: A Glossary of International Standards in Criminal Law*. <http://www.oecd.org/corruption/acn/library/41650182.pdf>

DCAF 2015, *International Standards of Financial Oversight in the Security Sector*. Toolkit- Legislating for the Security Sector. Available at: <http://www.dcaf.ch/Publications/International-Standards-for-Financial-Oversight-in-the-Security-Sector>

European Partners against Corruption, European Contact Point Network against Corruption (2011), *Anti-Corruption Authority Standards*. Available at: [http://www.epac.at/downloads/recommendations/doc\\_view/1-anti-corruption-authority-standards](http://www.epac.at/downloads/recommendations/doc_view/1-anti-corruption-authority-standards)

NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence: A Compendium of Best Practices*. Available at: <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>

OECD, UNODC, *The World Bank*, (2013), *Anti-corruption ethics and compliance Handbook for Business*. Available at: <https://www.unodc.org/documents/corruption/Publications/2013/Anti-CorruptionEthicsComplianceHandbook.pdf>

OECD (2010), *Good Practice Guidance on Internal Controls, Ethics and Compliance*. Available at: <http://www.oecd.org/daf/anti-bribery/44884389.pdf>

OECD (2208) OECD Glossaries. *Corruption: A Glossary of International Standards in Criminal Law*. Available at: <http://www.oecd.org/corruption/acn/library/41650182.pdf>

UN Office on Drugs and Crime, *United Nations Convention Against Corruption*. Available at: <https://www.unodc.org/unodc/en/treaties/CAC/>



## NOTE 26

# SECURITY SECTOR LEGISLATION



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## NOTE 26: SECURITY SECTOR LEGISLATION

National security sector legislation encompasses national legal provisions that apply to all public institutions. This includes those that mention and affect the security sector in a direct, or indirect, way as well as legislation specifically drafted for the security sector. Constitutional provisions and other general national legislation applicable to the security sector will depend on the specific national context of a given country. There is no universal model of security sector legislation, but a series of precedents in case law can be found in all jurisdictions. National security sector legislation must take into account international standards and international law, as well as any international agreements and conventions the state is subject to or a part of.

### **National Legal Framework**

Security sector legislation is always a complex body of laws, rules, and regulations specific to a particular state. However, there are standards, principles, and best practices that all national security sector legislation can follow. In order to ensure the effectiveness and efficiency of the security sector, these are the fundamental principles of democratic security sector governance that ought to be pursued:

- Democratic civilian control
- Rule of law
- Oversight
- Transparency
- Accountability
- Strategic planning
- Effectiveness
- Efficiency
- Responsiveness
- Equity
- Participation
- Pluralism
- Anti-corruption and Building Integrity
- Respect for human rights and fundamental freedoms
- Sustainability

It is important to note that having laws that comply perfectly with the democratic governance principles on paper is not enough. Implementing those laws and ensuring there are effective tools for their realisation, as well as monitoring and evaluating their effect, is as important as the laws

themselves. Another crucial component of this equation is a set of sanctioning mechanisms that judge, correct, and prevent deviations, as well as ensure the rule of law.

The institutional architecture composing the security sector, laws, policies and practices should respect good governance principles. These should be supported by necessary tools for their fulfilment and implementation. Performance should be overseen, monitored, and evaluated. It goes without saying that all security-sector-related legislation should be public knowledge.

National legislation, which is security-sector-specific, can take many different forms. It can concern a specific branch of the security sector or an activity.

### **Defence Legislation**

National defence legislation includes all legislation relative to roles, duties and responsibilities of national defence institutions, as well as rules regulating national defence procedures. This includes legislation defining the rights and duties of the armed forces; the functions and responsibilities of the ministries; the conditions under which national defence is carried out; the conditions under which all other defence operations are carried out, in and outside the national territory; financial management and administration regulations; state emergency considerations; etc. Defence legislation should comply with all relevant international standards and best practices related to good governance. This includes democratic control; anti-corruption and building integrity measures; codes of conduct; respect for human rights and fundamental freedoms; oversight, monitoring and evaluation procedures; accountability and transparency; responsiveness and efficiency.

### **Military Justice**

“Military justice is a distinct legal system that applies to members of armed forces and, in some cases, civilians. The main purpose of military justice is to preserve discipline and good order in the armed forces. Structures, rules and procedures in military justice can be substantially different from their civilian counterparts. Usually, military justice operates in a separate court system with stricter rules and procedures in order to enforce internal discipline and to ensure the operational effectiveness of the armed forces. This may lead to questions on the principle of civilian supremacy or issues of compliance with international standards, such as human rights and fair trial guarantees”

Source: DCAF (2011) [\*Legislating for the Security Sector Toolkit: Understanding Military Justice.\*](#)

Military justice should be governed by the same standards and principles of democratic security sector governance as any other part of the security sector. There is a special need to insist on the independence and integrity of the judges in any judicial system. It is also important to ensure transparency, accountability, and oversight. In general, a military judicial system should respect the following principles<sup>1</sup>:

- Military tribunals should be established by law, or constitution, and must be an integral part of the general judicial system.

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<sup>1</sup> Source: DCAF (2011) *Legislating for the Security Sector Toolkit: Principles Governing the Administration of Justice through Military Tribunals*, available at: <http://www.dcaf.ch/Publications/International-Standard-Principles-Governing-the-Administration-of-Justice-Through-Military-Tribunals>.

- Military tribunals must respect and apply international standards and procedures that guarantee a fair trial as well as international humanitarian law at all times.
- In a state of emergency or crisis human rights and fundamental freedoms must be respected.
- In times of armed conflict, humanitarian law, as well as the Geneva Convention provisions relative to the Treatment of Prisoners of War, fully apply to military courts.
- Civilians should not be tried by military courts.
- Conscientious objection to military service cases should be tried in civil courts.
- In no case should minors be placed under the jurisdiction of military courts.
- The jurisdiction of military courts should be limited to offences of a strictly military nature committed by military personnel.
- Human rights violation cases should be tried in civil courts.
- Instances that call for military secrecy should be strictly defined.
- Military prisons must comply with international standards and be accessible to domestic and international inspection bodies.
- Guarantee of habeas corpus.
- Right to a competent, independent, and impartial tribunal.
- Public hearings must be the rule.
- Guarantee of rights of defence and the right to a just and fair trial.
- The judicial proceedings of military courts should ensure that the rights of the victims of crimes, or their successors, are effectively respected.
- Recourse procedures, particularly appeals, should be brought before the civil courts.
- The fact that the person, allegedly, responsible for a violation acted on the order of a superior should not relieve him or her of criminal responsibility. Violations committed by a subordinate do not relieve his or her hierarchical superiors of their criminal responsibility either.
- Under no circumstances shall the death penalty be imposed or carried out.
- Codes of military justice should be subject to periodic systematic review, conducted in an independent and transparent manner. This is to ensure that the authority of military tribunals corresponds to strict, functional necessity without encroaching on the jurisdiction that can and should belong to ordinary civil courts.

### **Law Enforcement Legislation**

The police are a civil force responsible for the prevention and detection of crime and the maintenance of public order.<sup>2</sup> National legislation concerning the police should be based on the principles of democratic policing:

- Sensitivity to the needs of the citizens
- Democratic control
- International law enforcement standards
- Transparency and accountability

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<sup>2</sup> DCAF (2012), *Toolkit on Police Integrity*. Available at <http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>.

- Professionalism and Integrity
- Respect for Human Rights as well as civil and political rights
- Oversight

National policing legislation should include codes of conduct and codes of ethics. Legislation should specify mandates and delimitate the use of force, especially lethal force. It should also identify punishable behaviour and sanctions mechanisms and define roles and responsibilities, as well as institutionalise oversight and monitoring.

### **Intelligence Legislation**

There is a special need for legislation when it comes to the intelligence services given their special nature and the culture of secrecy surrounding them. In order to respect the rule of law and to have legitimacy, intelligence agencies must be established by law and their functions and powers must derive from a legal regime. There must be a system of legal control in place in order to ensure that exceptional powers do not overstep legally-established parameters. Oversight of the intelligence services should take place internally (within the agency itself), as well as by the executive, parliament and external and independent oversight bodies. Civil society and the media also participate in this process.

### **Oversight**

The central agency for democratic civilian oversight of the security sector is the parliament and its committees. However, civil society organisations, audit institutions, inspectors, military and civilian personnel, ombudsmen, other special committees, media, interest groups, and civil society, all have the right and responsibility to contribute to this process.

Civil society and CSOs have a vital role to play here. They evaluate and scrutinise the performance of the security sector, provide advice and expertise, analysis, recommendations, and raise awareness. They can also suggest amendments to legislation and participate in the development and review of draft legislation model.

Media are another important component of security sector oversight. They raise awareness about security sector issues and provide a channel of communication between the society and the government.

Security sector oversight can touch upon many different aspects, such as efficiency of the security sector, legislation implementation, compliance with international standards, financial oversight, and respect for human rights of the armed forces and civilians. Oversight is a broad concept and one of vital importance for good governance. Therefore, it is crucial that its role is acknowledged in national security sector legislation and that its practice be institutionalised.

## International Standards and Best Practice

A robust and efficient legal framework is the first step towards good governance of the security sector. National legislation should strive to incorporate as many international legal standards as possible and ensure there are tools and mechanisms in place for their fulfilment. This includes fundamental legislation on Human Rights and Fundamental Freedoms, International Humanitarian Law and International Criminal Law. This also includes anti-corruption legislation, oversight, monitoring and evaluation mechanisms. The approach to international legal standards must be inclusive and open. There must be a will to adopt and the tools to implement legal best practice. It is important to take into consideration the local context and circumstances while doing that. Laws cannot simply be copied and pasted. There is a need for strategic thinking and planning in order for the legislation to be effective in a particular context. Security sector legislation should incorporate, or be accompanied by, a series of corrective mechanisms which include sanctions and prohibitions as well as a well-functioning judicial system. Moreover, whistle-blower and complaints mechanisms are vital for the detection, resolution, and prevention of abuse. There are also regional and international judicial entities to which states, groups, and individuals can turn to for the protection of their rights and liberties.



### FUNDAMENTAL INTERNATIONAL LEGAL STANDARDS AFFECTING THE SECURITY SECTOR and other useful legal resources and tools:



#### HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

- [Universal Declaration of Human Rights](#) approved in December 1948 by the United Nations General Assembly.
- [Charter of the United Nations](#)
- [The International Covenant on Civil and Political Rights](#) (1966) and its Optional Protocols
  - [First Optional Protocol to the International Covenant on Civil and Political Rights \(1966\)](#)
  - [Second Optional Protocol to the International Covenant on Civil and Political Rights](#) (1989)
- [The International Covenant on Economic, Social and Cultural Rights](#) (1966)
  - [Optional Protocol to the Covenant on Economic, Social and Cultural Rights](#) (2008)
- [International Convention on the Elimination of All Forms of Racial Discrimination](#) (1965)
- [Convention on the Elimination of All Forms of Discrimination against Women](#) (1979)

- [Optional Protocol to the Convention on the Elimination of Discrimination against Women \(1999\)](#)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(1984\)](#)
  - [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(2002\)](#)
- [Convention on the Rights of the Child \(1989\)](#)
  - [Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict \(2000\)](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance \(2006\)](#)
- [International Convention against the Recruitment, Use, Financing and Training of Mercenaries](#)
- [Equal Remuneration Convention, 1951 \(No. 100\)](#)
- [Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)
- [Declaration on Race and Racial Prejudice](#)
- [Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education](#)
- [Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief](#)
- [World Conference against Racism, 2001 \(Durban Declaration and Programme of Action\)](#)
- [Declaration on the Protection of Women and Children in Emergency and Armed Conflict](#)
- [Declaration on the Elimination of Violence against Women](#)
- [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#)



## **PENAL SYSTEM**

- [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 Rules for the Protection of Juveniles Deprived of their Liberty](#)
- [Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [Safeguards guaranteeing protection of the rights of those facing the death penalty](#)



## LAW ENFORCEMENT

- [Code of Conduct for Law Enforcement Officials](#)
- [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#)



## JUSTICE

- [United Nations Standard Minimum Rules for Non-custodial Measures \(The Tokyo Rules\)](#)
- [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 \(The Riyadh Guidelines\)](#)
- [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#)
- [Basic Principles on the Independence of the Judiciary](#)
- [Basic Principles on the Role of Lawyers](#)
- [Guidelines on the Role of Prosecutors](#)
- [Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions](#)
- [Declaration on the Protection of All Persons from Enforced Disappearance](#)
- [Basic Principles and Guidelines on the Right to a Remedy and Reparation](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance](#)
- [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the Bangkok Rules\)](#)
- [Updated Set of principles for the protection and promotion of human rights through action to combat impunity](#)



## PEACE AND DEVELOPMENT

- [Declaration on the Right of Peoples to Peace](#)
- [Declaration on the Right to Development](#)
- [Principles relating to the status of national institutions \(The Paris Principles\)](#)
- [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)
- [United Nations Declaration on Human Rights Education and Training](#)



## CRIME

- [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)



## NATIONAL STATUS

- [Convention on the Reduction of Statelessness](#)
- [Convention relating to the Status of Stateless Persons](#)
- [Convention relating to the Status of Refugees](#)
- [Protocol relating to the Status of Refugees](#)
- [Declaration on the Human Rights of Individuals who are not nationals of the country in which they live](#)



## HUMANITARIAN LAW

- [Convention on the Prevention and Punishment of the Crime of Genocide](#)
- [Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity](#)
- [Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity](#)
- [Statute of the International Tribunal for the Former Yugoslavia](#)
- [Statute of the International Tribunal for Rwanda](#)
- [Rome Statute of the International Criminal Court](#)
- [Geneva Convention relative to the Treatment of Prisoners of War](#)
- [Geneva Convention relative to the Protection of Civilian Persons in Time of War](#)
- [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#)
- [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#)



## GENDER

- [OECD, Security Sector Reform and Governance: Policy and Good Practice, DCD/DAC \(2003\)30/REV3.](#)
- [OECD, DAC Guidelines and Reference Series: Security System Reform and Governance \(2005\)](#)
- [Commission of the European Communities, Communication from the Commission to the Council of European Parliament: A Concept for European Community Support for Security Sector Reform \(2006\).](#)
- [Council of the EU, Council Conclusions on Promoting Gender Equality and Gender Mainstreaming in Crisis Management \(2006\)](#)
- [United Nations Security Council \(UNSC\), Statement by the President of the United Nations Security Council \(S/PRST/2007/3\)](#)
- [UN General Assembly and UNSC, 'Securing peace and development: the role of the United Nations in supporting security sector reform', report of the Secretary-General, A/62/659–S/2008/39](#)

- [Fourth World Conference on Women, Beijing Declaration and Platform for Action A/CONF.177/20 and A/CONF.177/20/Add.1](#)
- [Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations \(S/2000/693\)](#)
- [UNSC Resolution 1325 on Women, Peace and Security \(S/RES/1325\)](#)
- [UNSC Resolution 1674, S/RES/1674 \(2006\)](#)
- [UNSC Resolution 1820 on Women, Peace and Security \(S/RES/1820\)](#)
- [UNSC 1888 on Women, Peace and Security \(S/RES/1888\)](#)
- [UNSC 1889 on Women, Peace and Security \(S/RES/1889\)](#)
- [UNSC, Women, Peace and Security, Report of the Secretary-General, \(S/2010/498\)](#)
- [UNSC, Statement by the President of the Security Council, S/PRST/2010/22](#)
- [UNSC 1960 on Women, Peace and Security \(S/RES/1960\)](#)
- [European Parliament Resolution on Participation of Women in Peaceful Conflict Resolution \(2000/2025\(INI\)\)](#)
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- [Council of the EU and European Commission, Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security](#)
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- [Inter-Parliamentary Union, Resolution on How Parliaments Can and Must Promote Effective Ways of Combating Violence Against Women in All Fields](#)



## **ANTI-CORRUPTION**

- [UN Convention Against Corruption](#)
- [UN Convention on Transnational Organized Crime](#)
- [UN General Assembly and International Committee of the Red Cross, Montreux Document on Pertinent International Legal Obligations and Good practices for States Related to Operations of Private Military and Security Companies During Armed Conflict.](#)
- [Resolution 51/59 UN General Assembly: International Code of Conduct for public officials](#)
- [Council of Europe Criminal Law Convention on Corruption](#)
- [Council of Europe Civil law Convention against Corruption](#)

- [Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime](#)
- [Council of Europe Resolution \(97\) 24 on the twenty guiding principles for the fight against corruption.](#)
- [Council of Europe Convention on access to official documents](#)
- [Council of Europe Recommendation Rec \(2002\)10](#)
- [EU Convention on the fight against corruption involving officials of the European Communities or officials of member states of the EU.](#)
- [EU Convention on the protection of the European Communities' Financial Interests](#)
- [European Convention on Extradition](#)
- [OSCE Code of Conduct of Politico-Military aspects of Security](#)
- [OECD Convention on Combating Bribery of Foreign Officials in international Business Transactions,1997](#)
- [OECD Recommendation for further Combating Foreign Bribery, 2009](#)
- [OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance, 2010](#)
- [OECD Best Practices for Budgetary Transparency, 2002](#)
- [International Monetary Fund: Code of Good Practices on Fiscal Transparency](#)
- [Inter-American Convention Against Corruption](#)
- [African Union Convention on Preventing and Combating Corruption](#)
- [INTOSAI International Standards of Supreme Audit Institutions](#)
- [INTOSAI Lima Declaration of Guidelines on Auditing Precepts.](#)
- [INTOSAI Guidelines for Internal Control in the Public Sector.](#)
- [INTOSAI Code of Ethics](#)
- [Inter-Parliamentary Union, Resolution on Cooperation and Shared Responsibility in the Global Fight Against Organized Crime, in Particular Drug Trafficking, Illegal Arms Trafficking, Trafficking in Persons and Cross-Border Terrorism.](#)



#### OTHER LEGAL INSTRUMENTS

- [The European Convention on Human Rights \(ECHR, 1950\)](#)<sup>3</sup>
- [The American Convention on Human Rights \(IACHR, 1969\)](#)
- [The African Charter on Human and Peoples' Rights \(ACHPR, 1981\)](#)
- [OECD \(2005\) Security Sector Reform and Governance: Policy and Good practice.](#)
- [OECD-DAC Handbook on Security Sector Reform: Supporting Security and Justice.](#)



#### TOOLS

- DCAF (2011) [Legislating for the Security Sector Toolkit: Understanding Military Justice.](#)
- DCAF (2011) [Legislating for the Security Sector Toolkit: Principles Governing the Administration of Justice through Military Tribunals.](#)
- DCAF (2011) [Legislating for the Security Sector Toolkit: The South African Military Discipline Supplementary Measures Act.](#)

<sup>3</sup> Available at: <http://rightsinfo.org/the-rights-in-the-european-convention/>

- DCAF (2011) [Legislating for the Security Sector Toolkit: The Colombian Military Criminal Code.](#)
- DCAF (2015), [Training Manual on Police Integrity.](#)
- DCAF (2012), [Toolkit on Police Integrity.](#)
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- DCAF (2011), [Legislating for the Security Sector Toolkit: Police Legislation Model: The Japanese Police Law and The Police Duties Execution Law.](#)
- DCAF (2011), [Legislating for the Security Sector Toolkit: Police Legislation Model: Republic of South Africa Police Service Act 68, 1995](#)
- DCAF (2009), [Legislating for the Security Sector Toolkit: International Police Standards guidebook on Democratic Policing.](#)
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- Hans Born (2015), [Parliamentary Oversight of the Security Sector.](#)
- DCAF (2015), [Financial Oversight of the Security Sector a Toolkit for Trainers.](#)
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- OECD, UNODC, [The World Bank, \(2013\), Anti-corruption ethics and compliance Handbook for Business.](#)
- OECD (2010), [Good Practice Guidance on Internal Controls, Ethics and Compliance.](#)
- OECD (2008), [OECD Glossaries. Corruption. A glossary of international standards in criminal law.](#)

- European Partners against Corruption, European contact point network against corruption (2011), [Anti-Corruption Authority Standards](#).

## Resources

DCAF, Toolkit: [Legislating for the Security Sector](#). Available at: <http://www.dcaf.ch/Series-Collections/Legislating-for-the-Security-Sector>

On Military Justice:

DCAF (2011) [Legislating for the Security Sector Toolkit: Understanding Military Justice](#).

DCAF (2011) [Legislating for the Security Sector Toolkit: Principles Governing the Administration of Justice through Military Tribunals](#).

DCAF (2011) [Legislating for the Security Sector Toolkit: The South African Military Discipline Supplementary Measures Act](#).

DCAF (2011) [Legislating for the Security Sector Toolkit: The Colombian Military Criminal Code](#).

On democratic policing legislation and good practices:

DCAF (2015), [Training Manual on Police Integrity](#).

DCAF (2012), [Toolkit on Police Integrity](#).

DCAF (2011), [Legislating for the Security Sector Toolkit: The European Code of Police Ethics](#).

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## NOTE 27

# INTERNATIONAL ORGANISATIONS



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development and  
the rule of law



## NOTE 27: INTERNATIONAL ORGANISATIONS

There is no unique definition of an international organisation. A broader meaning usually includes international governmental organisations (IGOs) and international nongovernmental organisations (NGOs). The [OECD Glossary of Statistical Terms](#) defines International Organisations as “entities established by formal political agreements between their members that have the status of international treaties; their existence is recognised by law in their member countries; they are not treated as resident institutional units of the countries in which they are located”.

International Organisations play a major role in the Security Sector Governance (SSG), Reform (SSR) and therefore Building Integrity (BI). They provide expertise and advice; raise awareness on security topics; finance capacity development trainings, programmes and projects on a multitude of vital issues such as technical skills, security sector governance, oversight, and building integrity. IOs also play a central role in the process of norm and standard–setting, as well as for ensuring accountability and promoting the rule of law. Moreover, they establish a communication channel between governments and societies, as well as between different nations, and other international entities and actors involved in the field of SSG and SSR.

International organisations’ involvement in the security sector reform field started to grow in the 1990s when they realised that development efforts, especially in conflict and post-conflict scenarios, could not be successful in insecure environments. Security governance came to be seen as a vital component of institution building, governance development and reconstruction projects. Additionally, democratic oversight of the security sector assumed a central role in the conditionality for partnership and membership for institutions, such as EU, NATO, and the Council of Europe.

Since then, the involvement of international organisations in the SSR processes has grown into a flurry of overlapping activities and projects. This is especially true in conflict and post-conflict countries where different organisations compete for donors and space. A recent mapping [study](#) conducted by [Folke Bernadotte Academy](#) illustrates this dilemma in Ukraine.<sup>1</sup> Ukraine’s example leads us to an important conclusion that cooperation and coordination between international organisations and other actors working in the field of the security sector reform is absolutely vital for building integrity and establishing effective democratic governance of the security sector.

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<sup>1</sup> Available at: <https://fba.se/en/how-we-work/research-policy-analysis-and-development/publications/international-support-to-security-sector-reform-in-ukraine/>

## UNITED NATIONS

An international organization founded in 1945, the United Nations is currently made up of 193 [Member States](#). The mission and work of the United Nations are guided by the purposes and principles contained in its [founding Charter](#).<sup>2</sup> The main organs of the UN are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the UN Secretariat. The UN system, is made up of the UN itself and many affiliated programmes, funds, and specialized agencies, all with their own membership, leadership, and budget. The programmes and funds are financed through voluntary contributions. The specialized agencies are independent international organizations funded by both voluntary and assessed contributions.

The United Nations central mission is the maintenance of international peace and security. The UN does this by working to prevent conflict; helping parties in conflict make peace; peacekeeping; and creating the conditions to allow peace to hold and flourish. The UN also promotes sustainable development, protects human rights, and works towards the development of, and respect for international law. Moreover, the Organization also coordinates humanitarian relief operations.

### **What does UN do for SSR?**

The UN and its agencies have traditionally been involved in activities in both the security and development fields, but over the last decade a concerted effort has been made to build a unified approach on security governance issues. On the development side, the key actor is the [UN Development Programme \(UNDP\)](#), which has SSR-related programmes in developing and transition countries in such areas as crisis prevention and recovery, democratic governance, and poverty reduction. On the security side, the key actor is the [UN Department of Peacekeeping and Operations \(UNDPKO\)](#), which has the lead role in peacekeeping and peace support operations. UNDPKO only becomes operational in a country when it finds itself in a conflict or post-conflict situation. UNDP, on the other hand, tends to have a long-term presence in a broad range of countries. Its programmes can be operational both prior to and after the conflict.

Within the UNDP, the [Rule of Law, Justice and Security Unit](#) located within the [Bureau for Crisis Prevention and Recovery](#) and the [Access to Justice and Rule of Law Team](#) in the [Democratic Governance Group](#) work together to ensure that there is a comprehensive “one UNDP” approach to SSR.<sup>3</sup>

[UNDPKO](#) defines its work in the security sector reform (SSR) as the task of ensuring the development of effective, efficient, affordable and accountable security institutions. [The SSR Unit in DPKO](#) serves as the focal point and technical resource capacity on SSR for the United Nations system and national and international partners. Specifically, the SSR Unit supports the rapidly expanding range of field missions involved in assisting national and regional SSR efforts, primarily at the sector-wide level of SSR.

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<sup>2</sup> Source: [United Nations](#) at [www.un.org](http://www.un.org)

<sup>3</sup> [UNDP and SSR](#). Available at: <http://www.un.org/en/peacekeeping/issues/security.shtml>

The SSR Unit also provides the secretariat for the [Inter-agency SSR Task Force](#), which is co-chaired by DPKO and UNDP. This system-wide Task Force seeks to facilitate a comprehensive and coherent approach to SSR, with the goal of enhancing the United Nations capacity to deliver more efficient and effective support to national SSR efforts.<sup>4</sup>

The Inter-Agency Security Sector Reform Task Force (IASSRTF) consisted of seven United Nations entities when it was first established in 2007: [the Department of Political Affairs](#), [the Department of Peacekeeping Operations](#), [the Office of High Commissioner for Human Rights](#), [the Peacebuilding Support Office](#), [the United Nations Development Programme](#), [the Development Fund for Women \(now part of UN Women\)](#) and [the United Nations Office on Drugs and Crime](#). Today, the membership of the IASSRTF has increased to 14, including seven new members: [the United Nations Office for Disarmament Affairs](#); [the United Nations Office for Project Services](#), [the Office of the Special Advisor on Africa](#), the Office of the Special Representative on Sexual Violence in Conflict, [the United Nations Children's Fund](#), [the United Nations Institute for Training and Research](#); and [the United Nations Population Fund](#).<sup>5</sup>

UN's SSR work revolves around supporting national authorities to:

- facilitate national SSR dialogues
- develop national security policies, strategies and plans
- strengthen oversight, management and coordination capacities
- articulate security sector legislation
- mobilize resources for SSR-related projects
- harmonize international support to SSR
- education, training and institutional building
- monitor and evaluate programmes and results
- undertake defence sector reform

Key documents:

- [UN SSR Integrated Technical Guidance Notes](#)
- [The United Nations SSR Perspective \(2012\)](#)
- [Security Council Resolution 2151 \(2014\)](#) - The maintenance of international peace and security: Security sector reform: challenges and opportunities
- Report of the Secretary-General - [Securing States and societies: strengthening the United Nations comprehensive support to security sector reform \(A/67/970-S/2013/480\)](#)
- Report of the Secretary-General - [Securing peace and development: the role of the United Nations in supporting security sector reform \(A/62/659-S/2008/39\)](#)

## EUROPEAN UNION

According to its [official web portal](#), the European Union (EU) is an economic and political partnership between [28 European countries](#).<sup>6</sup> Created after the Second World War, its goal is to encourage economic cooperation and, therefore, avoid conflict. The European Economic Community (EEC) was

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<sup>4</sup> UN (2012), [The United Nations SSR Perspective](#). Available at [http://www.un.org/en/peacekeeping/publications/ssr/ssr\\_perspective\\_2012.pdf](http://www.un.org/en/peacekeeping/publications/ssr/ssr_perspective_2012.pdf)

<sup>5</sup> Source: [UN SSR Taskforce](#)

<sup>6</sup> See: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

created in 1958. EEC initially included six countries: Belgium, Germany, France, Italy, Luxembourg and the Netherlands. In 1993, to mark its evolution from a purely economic union to a political one, the EEC adopted its current denomination of European Union (EU). The EU is based on the rule of law. Furthermore, human dignity, freedom, democracy, equality, the rule of law and respect for human rights are the fundamental values of the EU. The core founding document of the EU is the [Lisbon Treaty of 2009](#).<sup>7</sup>

### **What does the EU do for Security Sector Reform?**

The EU has been involved in a number of Security Sector Reform areas since its inception. This includes police and military operations, strengthening the rule of law, and reinforcing judicial and penitentiary systems. Initially, these activities were conducted without specific SSR policies. In 2003, the EU adopted its first [European Security Strategy](#).<sup>8</sup> In 2005, the European Council adopted the [Concept for European Security and Defence Policy support to SSR](#).<sup>9</sup> In 2006, the Commission adopted the [Concept for European Community Support to SSR](#).<sup>10</sup> These documents mark the conceptual approach of the EU to SSR. In 2016, the European Commission published its Joint Communication to the European Parliament and the Council - [Elements for an EU-wide strategic framework to support security sector reform](#).<sup>11</sup>

The European Union undertakes SSR activities on three interconnected levels: the community level, the member-state level, and in cooperation with international organisations. On the community level, activities are carried out, mainly, by the Council and the Commission. Those undertaken by the Commission are exclusively civilian, whereas the Council carries out civilian, military and mixed activities. On the member-state level, EU states both influence the EU agenda and policies on SSR and carry out activities of their own in third countries. The EU as an organisation is highly present in the SSR arena developed by International Organisations. Additionally, member-states participate through their membership and on their own initiative in numerous SSR initiatives carried out in collaboration with International Organisations. Consequently, there is a great array of overlapping SSR projects, activities and partnerships that include, are funded by, hosted and organised by the EU or involve EU member-states, etc.

The EU has played a significant role in the efforts made by OSCE, OECD, UN, NATO and the Council of Europe (CoE) to develop norms and best practices for democratic security sector governance. An important example of those efforts is the adoption of the [OSCE Code of Conduct on Politico-Military Affairs](#) of 1994.

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<sup>7</sup> Available at : <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Aai0033>

<sup>8</sup> See : [https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy\\_en](https://eeas.europa.eu/topics/common-security-and-defence-policy-csdp/5388/shaping-of-a-common-security-and-defence-policy_en)

<sup>9</sup> Council of the European Union (2005), *Concept for European Security and Defence Policy support to SSR*. Available at: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012566%202005%20REV%204>

<sup>10</sup> Commission of the European Communities (2006), *A Concept for European Community support for security sector reform*. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52006DC0253>

<sup>11</sup> Commission of the European Communities (2016), *Elements for an EU-wide strategic framework to support security sector reform*. Available at: [http://ec.europa.eu/europeaid/joint-communication-elements-eu-wide-strategic-framework-support-security-sector-reform\\_en](http://ec.europa.eu/europeaid/joint-communication-elements-eu-wide-strategic-framework-support-security-sector-reform_en)

## COUNCIL OF EUROPE

[Council of Europe](#) (CoE) is an international organisation based in Strasbourg. CoE encompasses 47 European countries and was created in 1949 to promote democracy and protect human rights and the rule of law in Europe.<sup>12</sup>

Originally, CoE's work mainly focused on human rights, rule of law, governmental accountability and other governance issues. These topics have, gradually, moved in the direction of democratic security governance since they are all, inherently, related to security and accountability. Additionally, changes occurring in the international context of the 1990s have encouraged this thematic shift towards security sector issues.

### **What does CoE do for Security Sector Reform?**

CoE's work on security governance covers various matters such as capacity-building, investigation and judicial procedures, and advisory and training tasks. Through EU membership preparation programmes the CoE strengthens the capacity of aspiring states in terms of accountability, human rights and the rule of law. CoE carries out investigations of issues such as secret detentions. CoE also plays a policy advisory role and organises training activities for security sector personnel. An important area of CoE's work involves setting the standards for the security sector. Additionally, CoE ensures the accountability of its member states in their security sector practices and plays an important judicial role when it comes to human rights abuses.

Key CoE documents on SSR:

- [Resolution on oversight of the intelligence sector](#), 1999
- [Recommendation of the Committee of Ministers to Member States on the European Code of Police Ethics](#) 2001
- Council of Europe: Committee of Ministers, [Guidelines on human rights and the fight against terrorism](#), 11 July 2002.
- Council of Europe, Parliamentary Assembly, '[Democratic oversight of the security sector in member states](#)', [Recommendation 1713](#) 2005.
- Council of Europe: Committee of Ministers, [Recommendation CM/Rec\(2010\)4 of the Committee of Ministers to member states on human rights of members of the armed forces](#), 24 February 2010.

## EUROPEAN COURT OF HUMAN RIGHTS (ECtHR)

The [Council of Europe](#) defines the [European Court of Human Rights](#) (ECtHR) as an international court set up in 1959 which rules on individual, or state, applications alleging violations of the civil and political rights set out in the [European Convention on Human Rights](#).<sup>13</sup>

The European Convention on Human Rights is an international treaty under which the member States of the Council of Europe promise to secure fundamental civil and political rights, not only to

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<sup>12</sup> Source: Council of Europe. Available at: <http://www.coe.int/en/web/portal/home>

<sup>13</sup> [Council of Europe](#) See: [http://www.coe.int/t/democracy/migration/bodies/echr\\_en.asp](http://www.coe.int/t/democracy/migration/bodies/echr_en.asp)

their own citizens but also to everyone within their jurisdiction. The Convention, which was signed on 4 November 1950 in Rome, entered into force in 1953.<sup>14</sup>

According to the [simplified version of the convention](#) and its protocols prepared by the ECtHR the European Union Convention on Human Rights reinforces the following rights contained in the [Universal Declaration of Human Rights](#).<sup>15</sup>

*Article 1 - Obligation to respect human rights*

*Article 2 - Right to life*

*Article 3 - Prohibition of torture*

*Article 4 - Prohibition of slavery and forced labour*

*Article 5 - Right to liberty and security*

*Article 6 - Right to a fair trial*

*Article 7 - No punishment without law*

*Article 8 - Right to respect for private and family life*

*Article 9 - Freedom of thought, conscience and religion*

*Article 10 - Freedom of expression*

*Article 11 - Freedom of assembly and association*

*Article 12 - Right to marry*

*Article 13 - Right to an effective judicial remedy*

*Article 14 - Prohibition of discrimination*

*Article 15 - Derogation in time of emergency*

*Article 16 - Restrictions on political activity of foreigners*

*Article 17 - Prohibition of abuse of rights*

*Article 18 - Limitation on use of restrictions of rights*

*Articles 19 to 51- explain how the European Court of Human Rights works.*

*Article 34 - If your rights contained in the Convention have been violated in one of the member states, you should first appeal to all competent national authorities. If that does not work, then you may appeal directly to the European Court of Human Rights in Strasbourg.*

*Article 52 - If the Secretary General of the Council of Europe requests it, a government must explain how its national law protects the rights of this Convention.*

### **Protocols to the Convention**

*Article 1 of Protocol No. 1 - Protection of property*

*Article 2 of Protocol No. 1 - Right to education*

*Article 3 of Protocol No. 1 - Right to free elections*

*Article 2 of Protocol No. 4 - Freedom of movement*

*Article 1 of Protocol No. 6 - Abolition of the death penalty*

*Article 2 of Protocol No. 7 - Right of appeal in criminal matters*

*Article 3 of Protocol No. 7 - Compensation for wrongful conviction*

*Article 1 of Protocol No. 12 - General prohibition of discrimination*

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<sup>14</sup> ECtHR See: <http://www.echr.coe.int/Pages/home.aspx?p=court&c>

<sup>15</sup> Simplified Convention available at: [http://www.echr.coe.int/Documents/Simplified\\_Conv\\_ENG.pdf](http://www.echr.coe.int/Documents/Simplified_Conv_ENG.pdf) ; Universal Declaration of Human Rights. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

## What does ECtHR do for Security Sector Reform and Governance?

The European Court of Human Rights' main security governance role is dispensing justice in cases of human rights abuses at the hands of security sector personnel where national courts have – or would – not become involved, or in instances where options for appealing their decisions were exhausted.<sup>16</sup>

In 2015, according to the court's [Facts and Figures](#) publication, a fourth of the violations handled by the ECtHR concerned Article 6 (right to a fair hearing).<sup>17</sup> Almost 23% of them concerned the prohibition of torture and inhuman or degrading treatment (Article 3), and 15% concerned the right to liberty and security (Article 5). All in all, 30% of the violations constituted a serious breach of the Convention (concerning the right to life or the prohibition of torture and inhuman or degrading treatment).



Following the formulation of the 2005 OECD DAC Guidelines, the OECD Handbook on Security System Reform: Supporting Security and Justice<sup>18</sup> closed the gap between policy and practice in donor's approaches to security sector reform.

The Handbook largely follows the external assistance programme cycle and contains valuable tools to help encourage a dialogue on security and justice issues and to support a security system reform (SSR) process through the assessment, design and implementation phases. The Handbook also provides new guidance on monitoring, review and evaluation of SSR programmes, and highlights how to ensure greater coherence across the different actors and departments engaged in SSR.



The [Organization for Security and Co-operation in Europe \(OSCE\)](#) is an intergovernmental organization comprised of 57 participating States.<sup>19</sup> According to the [OSCE factsheet](#), it constitutes a forum for political dialogue on a wide range of security issues and a platform for joint action to improve the lives of individuals and communities.<sup>20</sup> The OSCE's approach to security encompasses the politico-military, economic and environmental, and human dimensions. The OSCE helps bridge differences and build trust between states by co-operating on conflict prevention, crisis management and post-conflict rehabilitation. OSCE addresses arms control, terrorism, good governance, energy security, human trafficking, democratization, media freedom and national minorities' issues.

## What does OSCE do for SSR?

The Organisation for Security and Co-operation in Europe (OSCE) is currently engaged in activities addressing various aspects of security sector reform (SSR). The OSCE's pioneering [Code of Conduct](#)

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<sup>16</sup> Source: The European Court of Human Rights

<sup>17</sup> Available at: [http://www.echr.coe.int/Documents/Facts\\_Figures\\_2015\\_ENG.pdf](http://www.echr.coe.int/Documents/Facts_Figures_2015_ENG.pdf)

<sup>18</sup> OECD (2008), *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, available at: <http://www.oecd.org/dac/governance-peace/conflictfragilityandresilience/oecdhandbookonsecuritysystemreformssupportingsecurityandjustice.htm>

<sup>19</sup> Source: OSCE. See: <http://www.osce.org/>

<sup>20</sup> Available at: <http://www.osce.org/whatistheosce/factsheet>

[on Politico-Military Relations](#) set the agenda for the good governance of the security sector.<sup>21</sup> The growth of OSCE involvement and interest in SSR ultimately led to the OSCE publication of the [Security Sector Governance and Reform Guidelines for OSCE staff](#).<sup>22</sup>

Adopted in 1994 as a politically-binding instrument, the ‘OSCE Code of Conduct on Politico-Military Aspects of Security’ remains the main OSCE statement on SSR. The code not only calls for the democratic control of the military but other security forces including paramilitary, police and intelligence services too. The democratic control of the security sector is thus considered to be an essential element for stability and security.

## **WORLD BANK**

According to its official web portal, the [World Bank](#) is constituted by the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).<sup>23</sup> The latter are part of the World Bank Group, which overall includes five organizations:

- [The International Bank for Reconstruction and Development](#)

The International Bank for Reconstruction and Development (IBRD) lends to governments of middle-income and creditworthy low-income countries.

- [The International Development Association](#)

The International Development Association (IDA) provides interest-free loans and grants to governments of the poorest countries.

- [The International Finance Corporation](#)

The International Finance Corporation (IFC) is a global development institution that focuses exclusively on the private sector.

- [The Multilateral Investment Guarantee Agency](#)

The Multilateral Investment Guarantee Agency (MIGA) was created in 1988 to promote foreign direct investment in developing countries. MIGA offers political risk insurance (guarantees) to investors and lenders.

- [The International Centre for Settlement of Investment Disputes](#)

The International Centre for Settlement of Investment Disputes (ICSID) provides international facilities for conciliation and arbitration of investment disputes.

The World Bank group was created in 1944. The group holds an observer status at the [OECD Development Assistance Committee \(DAC\)](#).<sup>24</sup> The aim of the World Bank group is to support development and reduce poverty. In this vein, the World Bank provides low-interest loans, zero to low-interest credits, and grants to developing countries. Some of their projects are co-financed with

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<sup>21</sup> Available at: <http://www.osce.org/fsc/41355>

<sup>22</sup> Available at: <http://www.osce.org/secretariat/231176>

<sup>23</sup> Source: World Bank, at: <http://www.worldbank.org/en/about/what-we-do/brief/ibrd>

<sup>24</sup> See: <http://www.oecd.org/dac/developmentassistancecommitteedac.htm>

governments, multilateral institutions, commercial banks, export credit agencies, private sector investors, and trust fund partnerships with bilateral and multilateral donors. Moreover, the World Bank also provides policy advice, research, analysis, and technical assistance to developing countries, as well as capacity development, forums, and conferences on key development issues.

### **What does the World Bank do for Security Sector Governance and Reform?**

Historically, the World Bank's involvement in Security Sector Governance was limited. Same as other development agencies, its approach to reducing poverty and fostering development did not include security issues until the 1990s. Additionally, the World Bank's mandate prevented it from engaging in security-related issues. Peace-building and reconstruction efforts in conflict-affected countries later demonstrated the importance of democratic security sector governance, as a precondition for development. Consequently, the World Bank has become progressively involved in supporting SSR in developing and conflict-affected countries. Currently, the World Bank group is mainly working on the following thematic areas related to Security Sector Governance and Reform:

- Defence Spending and Procurement
- Anti-Corruption
- Justice Reform
- Disarmament, Demobilisation and Reintegration (DDR)
- Transparency
- Accountability
- Oversight
- Emergency Response Policy

### **TRANSPARENCY INTERNATIONAL**

[Transparency International](#) (TI), an independent international organisation, was created in 1993 with the aim of fighting corruption.<sup>25</sup> TI's mission is to "stop corruption and promote transparency, accountability and integrity at all levels and across all sectors of society". TI's fundamental values are: "transparency, accountability, integrity, solidarity, courage, justice and democracy". The organisation has more than 100 national divisions worldwide and an international secretariat based in Berlin who work with governments, businesses and civil society to tackle corruption.<sup>26</sup> In line with its fundamental principles and mission, TI's resources, funding and spending are made public.<sup>27</sup>

Since 1993, TI's main achievements are putting the fight against corruption on the global agenda and raising awareness on the importance of transparency, accountability, and integrity. Its work has given rise to a coalition of organisations and individuals engaged in the promotion of corruption-free governments and businesses. TI's work also resulted in the creation of copious outstanding

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<sup>25</sup> Source: Transparency International, at: <http://www.transparency.org/>

<sup>26</sup> TI's Strategy for 2020 is available at:

[http://www.transparency.org/whoweare/organisation/strategy\\_2020/1/](http://www.transparency.org/whoweare/organisation/strategy_2020/1/)

TI's Code of Conduct is available at:

[http://www.transparency.org/files/content/ouraccountability/TIS\\_CodeOfConduct\\_3\\_8\\_2011.pdf](http://www.transparency.org/files/content/ouraccountability/TIS_CodeOfConduct_3_8_2011.pdf)

<sup>27</sup> See at: [http://www.transparency.org/whoweare/accountability/funding\\_and\\_financials](http://www.transparency.org/whoweare/accountability/funding_and_financials)

knowledge products and other prominent tools and resources that constitute an essential reference point for anyone.

Key Transparency International achievements and tools:

- [Corruption Perceptions Index](#)
- [Global Corruption Barometer](#)
- Contribution to the [OECD Anti-Bribery Convention](#), monitoring the convention's implementation and publishing of [yearly progress report](#).<sup>28</sup>
- Active participation in the drafting of the [UN Convention against Corruption](#).<sup>29</sup>
- Co-developing a common anti-bribery code, the [Business Principles for Countering Bribery](#).
- Co-designing [RESIST](#) (Resisting Extortions and Solicitations in International Transactions).
- [Anti-Corruption Glossary](#)
- [Transparency International Publications](#)

### **What does Transparency International do for Security Sector Governance (SSG) and Reform (SSR)?**

TI is involved in SSG and SSR through research, trainings, policy advice and analysis, standard setting, as well as capacity-building activities. '[Defence and Security](#)' is one of the [18 topics](#) that organise TI's work.<sup>30</sup> TI has developed the [Government Defence Anti-Corruption Index](#) which assesses and scores governments and defence companies in 82 countries on the codes and processes they have in place to prevent corruption in their establishments.

Since 2004, [Transparency International's Defence and Security Programme \(TI-DSP\)](#) has supported defence and security reform in countries by working with governments to identify their corruption risks and develop mechanisms to prevent corruption from occurring. TI also helps to curb corruption by facilitating leadership workshops, roundtables, and "building integrity" courses for military and defence ministry personnel. TI also works with international organisations to influence policy, such as the [UN Arms Trade Treaty \(ATT\)](#).

TI works with defence companies to foster stronger global ethical standards for the industry. In October 2012, TI released [Defence Companies Anti-Corruption Index \(CI\)](#), a tool that examines corruption prevention policies of 129 of the biggest defence companies around the world. It also includes [recommendations](#).<sup>31</sup>

According to TI, these are some of the crucial steps towards tackling corruption:

- Raise awareness about the subject and include it in public discussions.

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<sup>28</sup> Yearly Progress Report Available at:

[http://www.transparency.org/whatwedo/publication/progress\\_report\\_2011\\_enforcement\\_of\\_the\\_oecd\\_anti\\_bribery\\_convention](http://www.transparency.org/whatwedo/publication/progress_report_2011_enforcement_of_the_oecd_anti_bribery_convention)

<sup>29</sup> See Transparency International's work on the UN Convention against Corruption, at:

[http://www.transparency.org/whatwedo/activity/our\\_work\\_on\\_conventions](http://www.transparency.org/whatwedo/activity/our_work_on_conventions)

<sup>30</sup> See: <https://www.transparency.org/topic/>

<sup>31</sup> See TI's work on Defence and Security, at:

[http://www.transparency.org/whatwedo/activity/our\\_work\\_on\\_defence\\_and\\_security](http://www.transparency.org/whatwedo/activity/our_work_on_defence_and_security)

- Tackling corruption risks, which starts and ends with people within an organisation changing their behaviour
- Train agents for change both in the defence and security sector and civil society
- Monitor and measure anti-corruption efforts

Key TI Tools and Resources:

- [GATEWAY](#)<sup>32</sup>
- [Transparency International's Defence and Security Programme](#)<sup>33</sup>
- [Defence Integrity Pacts](#)<sup>34</sup>
- [Public Procurement Due Diligence Tool](#)<sup>35</sup>
- [UN Arms Trade Treaty \(ATT\)](#)
- [Building Integrity and Countering Corruption in Defence & Security: 20 Practical Reforms.](#)
- [Codes of Conduct for Defence Ministries and Armed Forces](#)
- [Defence Companies Anti-Corruption Index](#)
- [Government Defence Anti-Corruption Index](#)
- [Raising the Bar](#)<sup>36</sup>
- [TI Tools Section](#)<sup>37</sup>



The [North Atlantic Treaty Organisation](#) (NATO) is a political and military alliance created in 1949 with the aim of safeguarding the freedom and security of its members through political and military means.<sup>38</sup> NATO promotes democratic values and encourages consultation and cooperation on defence and security issues to build trust and, in the long run, prevent conflict.

Since 2001, DCAF has been actively engaged with NATO on a number of cooperative security governance programmes. Building on its broader activities in the areas of democratic governance, including defence/law enforcement/intelligence reform, human rights, rule of law and development programming, DCAF has sustained cooperation platforms with NATO in the areas of security sector reform, democratic governance and – most recently – gender aspects of security governance.

### What does NATO do for SSR?

NATO's role in SSR has been driven by the process of preparing countries for membership and, once they are members, integrating them into Alliance structures. NATO has made democratic governance of the security sector one of the main concerns of its approach to enlargement (see: [NATO 2010, Strategic Concept for the Defence and Security of the members of the North Atlantic Treaty](#)

<sup>32</sup> Available at: <http://gateway.transparency.org/>

<sup>33</sup> See: <http://ti-defence.org/>

<sup>34</sup> Available at: [https://www.transparency.org/whatwedo/tools/integrity\\_pacts/3/](https://www.transparency.org/whatwedo/tools/integrity_pacts/3/)

<sup>35</sup> Available at: <http://gateway.transparency.org/tools/detail/24>

<sup>36</sup> Available at : <http://companies.defenceindex.org/good-practice/>

<sup>37</sup> At : <http://www.transparency.org/whatwedo/tools/>

<sup>38</sup> Source: NATO <http://www.nato.int/nato-welcome/index.html>

[Organisation](#)).<sup>39</sup> NATO has also developed a series of programmes designed to strengthen the effectiveness and accountability of institutions concerned with defence. Additionally programmes such as the [Partnership Action Plan on Defence Institution Building \(PAP-DIB\)](#) and those for fighting terrorism have also addressed SSR issues. SSR issues are also included in NATO's work in peace support operations. Moreover, NATO has become increasingly involved in the reform of security forces in post conflict and conflict settings.<sup>40</sup>

Within the framework of its Building Integrity (BI) Programme, NATO promotes the principles of integrity, transparency and accountability in accordance with international norms and practices.<sup>41</sup>

According to NATO, The BI Programme provides Allies and partner countries with tailored support to reduce the risk of corruption in the defence and related security sector and to promote good governance principles and practices in their defence establishments. The programme operates through a NATO Trust Fund led by six nations – Belgium, Bulgaria, Norway, Poland, Switzerland and the United Kingdom. The BI Programme supports the implementation of United Nations Security Council Resolution 1325 and related Resolutions on Women, Peace and Security.<sup>42</sup>

## Resources

[Council of Europe](http://www.coe.int/en/web/portal/home) <http://www.coe.int/en/web/portal/home>

[European Court of Human Rights](http://www.echr.coe.int/Pages/home.aspx?p=home) <http://www.echr.coe.int/Pages/home.aspx?p=home>

[European Union \(EU\) official web portal](https://europa.eu/european-union/index_en) [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

Måns Hanssen (Folke Bernadotte Academy 2016), [International Support to Security Sector Reform in Ukraine. A mapping study of SSR projects.](https://fba.se/en/how-we-work/research-policy-analysis-and-development/publications/international-support-to-security-sector-reform-in-ukraine/) <https://fba.se/en/how-we-work/research-policy-analysis-and-development/publications/international-support-to-security-sector-reform-in-ukraine/>

[NATO](http://www.nato.int/cps/en/natolive/topics_68368.htm) [http://www.nato.int/cps/en/natolive/topics\\_68368.htm](http://www.nato.int/cps/en/natolive/topics_68368.htm)

[NATO Partnership for Peace Programme](http://www.nato.int/cps/en/natolive/topics_50349.htm)

(PFP) [http://www.nato.int/cps/en/natolive/topics\\_50349.htm](http://www.nato.int/cps/en/natolive/topics_50349.htm)

[NATO Building Integrity](https://buildingintegrity.hq.nato.int/Default.aspx) <https://buildingintegrity.hq.nato.int/Default.aspx>

OSCE, *Security Sector Governance and Reform Guidelines for OSCE Staff*,

<http://www.osce.org/secretariat/231176>

OECD (2008), *OECD DAC Handbook on Security System Reform: Supporting Security and*

*Justice*, [http://www.oecd.org/dac/governance-](http://www.oecd.org/dac/governance-peace/conflictfragilityandresilience/oecdhandbookonsecuritysystemreformssupportingsecurityandjustice.htm)

[peace/conflictfragilityandresilience/oecdhandbookonsecuritysystemreformssupportingsecurityandjustice.htm](http://www.oecd.org/dac/governance-peace/conflictfragilityandresilience/oecdhandbookonsecuritysystemreformssupportingsecurityandjustice.htm)

The [World Bank](http://www.worldbank.org/en/about/what-we-do/brief/ibrd) <http://www.worldbank.org/en/about/what-we-do/brief/ibrd>

[United Nations](http://www.un.org/en/sections/about-un/overview/index.html) <http://www.un.org/en/sections/about-un/overview/index.html>

[UNDP and SSR.](https://unssr.unlb.org/TaskForceMembers/UNDP.aspx) <https://unssr.unlb.org/TaskForceMembers/UNDP.aspx>

[United Nations SSR Website.](https://unssr.unlb.org/Default.aspx) <https://unssr.unlb.org/Default.aspx>

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<sup>39</sup> Available at: [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_publications/20120214\\_strategic-concept-2010-eng.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf)

<sup>40</sup> David M. Law (ed.), [Intergovernmental Organisations and Security Sector Reform](#). DCAF (2007)

<sup>41</sup> Source: NATO BI [http://www.nato.int/cps/en/natolive/topics\\_68368.htm](http://www.nato.int/cps/en/natolive/topics_68368.htm)

<sup>42</sup> For more information on NATO BI Programme see: <https://buildingintegrity.hq.nato.int/Default.aspx>

[UNDPKO on SSR. http://www.un.org/en/peacekeeping/issues/security.shtml](http://www.un.org/en/peacekeeping/issues/security.shtml)

UN (2012), [The United Nations SSR](#)

[Perspective. http://www.un.org/en/peacekeeping/publications/ssr/ssr\\_perspective\\_2012.pdf](http://www.un.org/en/peacekeeping/publications/ssr/ssr_perspective_2012.pdf)



# NOTE 28

## SECURITY SECTOR



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## NOTE 28: SECURITY SECTOR

**Security Sector** includes all security sector institutions and structures whose duty it is to protect the society from crime, disorder and violence. This includes: the armed forces and their civilian staff, law enforcement agencies (community police, investigations, border management services, penitentiary services), and intelligence services, as well as their civilian staff, educational and training establishments and corresponding logistic services. The objective is that the security sector is responsive to public needs and provides security as a public good. The security sector may also be argued to include regulated private entities with highly specified and limited roles related to protection of property and theft prevention.



The objective of the security sector is to provide security as a public good. The security sector is, therefore, subject to the same laws, rules and regulations as any other public service. Via transparent and accountable policies and practices, the goal of each security provider is to provide effective services in an efficient format. The key means for society and stakeholders to ensure that goal is achieved is by participating with democratic institutions, independent oversight agencies, government and the security sector itself, in democratic governance of the security sector. Democratic Security Sector Governance, essentially, means that the security sector is under democratic civilian control; that it aims to protect human rights, respect the rule of law and is accountable for its actions and performance.

## Democratic Security Sector Governance

**Democratic Security Sector Governance (SSG):** concerns the relationship between the state, as a provider of a public service, and the civil society as a receiver of that public service. This relationship must be built on trust and dialogue. The relationship must be participatory, consensus-oriented, accountable, transparent, responsive, effective, efficient, equitable, inclusive, and also respect the rule of law.

## Security Sector Reform

**Security Sector Reform (SSR):** is defined by the United Nations as a process of assessment, review, and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the state and its peoples without discrimination and with full respect for human rights and the rule of law.<sup>1</sup>

## Defence

**Defence** forces are often the most well-known security sector component. As with other security providers, the aim of defence forces is to supply security as a public good. Defence is provided by the armed forces and military personnel to the people. In open conflicts, the defence sector responds to an external aggression, or other coercive threats against a nation or its territory. In the current international setting, defence plays more of a deterrence role. The word “defence” can also be used to describe armed forces and military personnel as a section of the broader security sector. The word may, similarly, refer simply to defence policy in general.

Armed forces are institutions established by the state for the primary purpose of national defence against external threats and internal conflicts. They may be professional, conscription-based, or include a combination of professional uniformed staff, professional civilian staff, and/or uniformed non-professional conscripts. In some instances, other professional security forces may be called upon to assist the regular military forces. The specific composition of the armed forces depends on their legal definition in each country. The armed forces must be under democratic civilian control and the rule of law. They must protect and respect human rights.<sup>2</sup>

Defence policy is a formal description of how defence and security ought to be provided. A defence policy is usually based on a country’s constitution and other legislative tools and is country-specific. Defence policy typically covers the main guiding principles of defence and security provision; national values; national interests; strategic goals; strategic environment; as well as threats, risks, and challenges for national security.<sup>3</sup>

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<sup>1</sup> UNDPKO SSR Unit (2012), The United Nations SSR Perspective, available at: [http://www.un.org/en/peacekeeping/publications/ssr/ssr\\_perspective\\_2012.pdf](http://www.un.org/en/peacekeeping/publications/ssr/ssr_perspective_2012.pdf).

<sup>2</sup> DCAF (2015), The Armed Forces, DCAF SSR Backgrounder, available at: <http://www.dcaf.ch/Publications/The-Armed-Forces-Roles-and-responsibilities-in-good-security-sector-governance>.

<sup>3</sup> UN SSR Task Force (2012), *Security Sector Reform: Integrated Technical Guidance Notes*, available at: <https://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF>; DCAF (2015), *National Security Policy SSR Backgrounder*, available at: <http://www.dcaf.ch/Publications/National-Security-Policies-Formulating-national-security-policies-for-good-security-sector-governance>.

Some countries do not have one national security policy document but a series of national security policy documents, such as White Papers on Defence, speeches of the authorities, and other related papers. National security policy should incorporate, or give place to, the development of national security and defence strategies. The latter identify the formal methods that will be used to attain security and defence objectives described by national security policy.<sup>4</sup>

## Resources

DCAF (2015), *The Armed Forces*, DCAF SSR Backgrounder, available at: <http://www.dcaf.ch/Publications/The-Armed-Forces-Roles-and-responsibilities-in-good-security-sector-governance>.

UNDPKO SSR Unit (2012), *The United Nations SSR Perspective*, available at: [http://www.un.org/en/peacekeeping/publications/ssr/ssr\\_perspective\\_2012.pdf](http://www.un.org/en/peacekeeping/publications/ssr/ssr_perspective_2012.pdf).

UN SSR Task Force (2012), *Security Sector Reform: Integrated Technical Guidance Notes*, available at: <https://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF>

DCAF (2015), *National Security Policy*, DCAF SSR Backgrounder, available at: <http://www.dcaf.ch/Publications/National-Security-Policies-Formulating-national-security-policies-for-good-security-sector-governance>.

[New editions of the DCAF SSR Backgrounder Series are Available at: http://ssrbackrounders.org/](http://ssrbackrounders.org/)

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<sup>4</sup> UN SSR Task Force (2012), *Security Sector Reform: Integrated Technical Guidance Notes*, pp. 122-125, available at: <https://unssr.unlb.org/Portals/UNSSR/UN%20Integrated%20Technical%20Guidance%20Notes%20on%20SSR.PDF>.



# NOTE 29

## INTELLIGENCE



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## NOTE 29: INTELLIGENCE

Intelligence, or intelligence services, comprises state agencies that collect, analyse, and disseminate information related to threats to national security. This tasks a wide variety of organisations, such as military intelligence, police intelligence, foreign and domestic intelligence. Intelligence also includes those agencies tasked with the investigations of terrorist financing and the prevention of money laundering at national and international levels

Source: DCAF (2012) [Overseeing Intelligence Services: A Toolkit](#). p.6

### **What are intelligence services?**

The intelligence services of democratic nations serve a key function in identifying many types of transnational threats. Domestic, foreign, and counter-intelligence services should be managed and resourced separately to prevent their instrumentalisation by narrow, vested political interests. Whilst information-sharing can be regulated, the political management of each agency should have the objective of ensuring the maintenance of public and human security within any given jurisdiction. A collection of international and regional best practices reflects the consensus on ensuring the accountability of intelligence agencies and their non-interference in domestic and international politics.

### **Foreign**

Foreign intelligence services should be separate from domestic services and perform a monitoring role to identify security threats to the general population emanating from beyond a country's borders. Foreign services also have an information-sharing role to perform with a variety of international partners. International sources of insecurity monitored by foreign intelligence services include organised crime and terrorist networks.

### **Domestic**

Domestic intelligence services have a monitoring and analytical role to perform against a variety of threats that may often have international links, including organised crime and terrorist networks. Whilst not serving a law enforcement function, the information generated by the work of domestic intelligence services should positively inform political decision-making. Military intelligence should also be analytical and a separate component of the defence ministry with no link to other intelligence services.

Certain intelligence services can be distinguished from other government agencies by the special powers they possess – subject to clear authorisation processes – to collect information, such as the

power to intercept communications, conduct covert surveillance, use informants, and enter private property.<sup>1</sup>

Given the special nature and powers of the intelligence services they must be subject to oversight in order to ensure they are accountable, comply with the established policies, norms and regulations, respect human rights and international standards, and use public funds in an accountable fashion.

### **Why is it important to oversee intelligence?**

Oversight encompasses *ex-ante* scrutiny, ongoing monitoring, and *ex-post* review, as well as evaluation and investigation. Oversight is performed by managers within the intelligence services, executive officials, members of the judiciary and parliament, independent ombuds institutions, audit institutions, specialized oversight bodies, journalists, and members of civil society.<sup>2</sup>

The main purpose of oversight is to hold intelligence services accountable for their policies and actions in terms of legality, propriety, effectiveness, and efficiency. Effective intelligence oversight requires not only coordinated activity by several state bodies, but also the active review of governmental conduct by members of civil society and the media.<sup>3</sup>

One of the fundamental principles of democratic governance is the accountability of state institutions to the electorate. Furthermore, since intelligence services make use of public funds, the public has a right to know whether those funds are being used in a proper, legal, and efficient manner.<sup>4</sup>

### **How does it work?**

The most common mechanisms to monitor intelligence services are parliamentary committees and expert oversight bodies. Intelligence agencies, as any other government agency, are obliged to respect the rule of law and act as a servant of the public. Since intelligence services play a vital role in protecting national security and because their resources are limited, it is important that those resources are used effectively and efficiently. Therefore, oversight is crucial to ensure those resources are deployed in a manner that achieves the priorities set for them by the executive while obtaining the most value for the taxpayer money spent.<sup>5</sup>

### **Recommendations and best practices in intelligence oversight**

Every state needs to ensure its intelligence services act in a manner consistent with its international legal obligations, including those outlined in the [UN Charter](#) and the [International Covenant on Civil and Political Rights](#). Depending on the service's mandate, international agreements regarding the use of police powers may also be applicable. Additionally, there are a series of common standards and best practices that contribute to effective intelligence oversight.<sup>6</sup>

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<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. p. 7.

<sup>4</sup> Ibid. p. 17.

<sup>5</sup> Ibid. p. 18.

<sup>6</sup> See United Nations, 'Compilation of Good Practices on Intelligence Oversight,' [available at: http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight](http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight)

## Recommendations<sup>7</sup>:

- There should be both internal and external oversight bodies for an oversight system to be effective. These bodies are: senior service management, the executive, the judiciary, parliamentary committees, expert bodies, ombuds institutions, supreme audit institutions, civil society, and the media.
- The mandates of the intelligence oversight system should cover the propriety, legality, effectiveness, and efficiency of the entire intelligence community. They should define both powers and methods that can be used to conduct oversight. The mandate should be defined in a formal, detailed manner and be a part of a comprehensive legislative framework on intelligence oversight.
- At least one body in the intelligence oversight system should be civilian, independent, and external to both the intelligence services and the executive.
- The concept of the intelligence service should be defined in a functional manner. Meaning, any state organization whose primary tasks are the collection, analysis, and dissemination of national security information is an intelligence service.
- Oversight should be an ex-ante, ongoing, and ex-post activity. Oversight should take place before a decision has been made, while it is being implemented, and after it has been implemented.
- The effectiveness of the intelligence oversight system should be assessed regularly by independent bodies.
- Intelligence oversight bodies should communicate regularly with foreign counterparts in order to identify and share good practices.
- Any legislation establishing an intelligence oversight system should include the following elements:
  - A legislative committee with guaranteed access to persons, places, and records
  - An independent body for complaints
  - One or more expert oversight bodies
- Secrecy should be an exception. Transparency and access to information are crucial for democratic governance.
- Legislation on access to information should not be defined or drafted by the intelligence services.
- Intelligence services must provide to the parliament all the information necessary in order for them to fulfil their oversight role. The parliamentary oversight committee should be provided with further detailed and sensitive information on a confidential basis.
- Oversight personnel must be provided with free access to intelligence services premises and information.
- Oversight bodies should publish periodic and meaningful reports on their websites, as well as present them to the parliament. These reports should include specific recommendations. Implementation of latter should be monitored leading to follow-up reports.
- Members of parliamentary intelligence oversight committee should be trained on how to protect classified information they have access to.

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<sup>7</sup> DCAF (2012) [Overseeing Intelligence Services: A Toolkit](http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit). p. 20, pp. 42-43, 64, 83-84, 100, 121-122, 142-145, 174-175, 193-196. Text available at: <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>

- Intelligence oversight bodies should be transparent, consistent and accountable, with high standards of professionalism.
- Legal framework should include effective mechanisms to monitor the use of covert, intrusive methods of information-collection through parliamentary committees and expert oversight bodies. The framework should also clearly define those methods and specify proper grounds for their use.
- The conditions of personal data use and storage should be clearly defined by the legislative mandate of the intelligence service. Compliance with that mandate should be monitored by independent oversight bodies.
- Intelligence services should develop internal guidelines on information sharing. They should also develop domestic and international information-sharing agreements.
- Financial oversight best practices:
  - Intelligence budgets should be comprehensive
  - They should be disclosed to the public as much as possible
  - Intelligence services should comply with laws regulating internal financial controls and audit mechanisms of public agencies
  - Audit institutions and Parliaments should have access to all the information necessary to oversee intelligence services finances. They should also have the necessary tools and resources to fulfil their oversight task. Financial oversight findings should be communicated to the public
- There should be mechanisms in place to handle both insider and public complaints. These should include guarantees for non-retaliation. Complaint-handling bodies should be independent of the government.

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## NOTE 30

# BUILDING INTEGRITY & LAW ENFORCEMENT



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## NOTE 30: BUILDING INTEGRITY & LAW ENFORCEMENT

Law enforcement is the task of ensuring the provision of security for citizens going about their daily lives, in accordance with a nation's legal framework, mainly through deterrence and prevention, but also by appropriate interventions to stop violations of the law. Law enforcement is carried out mainly by police, which is defined as a civil force responsible for prevention and detection of crime and maintenance of public order. The term 'police' therefore includes all law enforcement agencies: national, local, and specific services that exercise police powers, for example, community police, detective and investigations branches of the police. The police are an integral part of the criminal justice chain that links together state security and justice provision

Source: DCAF (2015), *'The Police'*, [DCAF SSR Backgrounder series](#).

### **What is Effective Law Enforcement?**

In the context of good Security Sector Governance (SSG), effective law enforcement means that police organisations and personnel have the capacity to provide state and human security within a framework of democratic civilian control, and respect for the rule of law and human rights.<sup>1</sup>

### **Why is democratic oversight important for effective law enforcement?**

It is a widely accepted norm that the public should have control over their government and public services including the police. This is vital for ensuring that public services respond to the needs of the public and police do not engage in activities harmful to the interests of the public (such as corruption). In democratic countries, the public, primarily, controls the police (and other government agencies) indirectly, through their elected representatives. However, the public can also have direct contact with the police via a variety of platforms including community policing boards. The other essential component of democratic governance is oversight and monitoring. By establishing, appointing, and reviewing the work of police oversight bodies, parliaments create a link between the public and the police. External monitoring and oversight are crucial for fostering transparency and accountability and thus boosting public trust in law enforcement institutions and the state itself.

Another important issue is to ensure the integrity of employees in the law enforcement sector. Widespread corruption among police and other law enforcement providers has been a feature of many policing systems: as police play a crucial role in public safety and have frequent interaction with citizens, the 'corruption curse' can become an endemic feature of daily life. In the eyes of the public, if police cannot be trusted, there is no other obvious agency to which the public can turn to uphold the law and maintain public order. Moreover, police corruption gives a bad example for

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<sup>1</sup>DCAF (2015), *The Police*, DCAF SSR Backgrounders, available at <http://www.dcaf.ch/Publications/The-Police-Roles-and-responsibilities-in-good-security-sector-governance>

society. To encourage respect for the law, the state must ensure that those who are responsible for implementing the laws are positive role models.<sup>2</sup>

Additionally, a significant portion of police activity occurs out of sight and is, therefore, less transparent. This is rendered even more dangerous by frequent contact with criminal sections of society including drug and human traffickers. Thus, the law enforcement sector has a high corruption risk due to all these characteristics. Thus, special attention must be paid to building integrity efforts within the police force.

### **How do external control and oversight work?**

External oversight and control institutions function in parallel to internal control systems. External mechanisms are dependent on effective internal control mechanisms to maintain standards of professionalism and transparency. Internal controls include vetting during the recruitment process, supervision by line managers, investigation of alleged cases of corruption by internal anti-corruption bodies, disciplinary measures against corrupt police officers, monitoring corruption risks, and promoting a police culture that is intolerant to corruption. The main objectives of oversight and external controls are to ensure that internal controls exist, to monitor these internal controls, to provide a mechanism for complaints about police corruption, to deal with those complaints that are not, or cannot, be handled by the police services themselves.<sup>3</sup>

### **What measures enhance Integrity in Law Enforcement?**

- ***Legal methods for BI in police***

Sanctions for corrupt and unethical behaviour must be taken seriously and widely publicised, at the very least within the police establishment itself. Naming and shaming is also a useful tool to ensure a common understanding that corrupt behaviour is unacceptable and that will be addressed. In order to guarantee effective sanctioning of offenders, the monitoring and enforcement system must be strong and a comprehensive legal framework in place. Legislation must define in detail which practices are considered corrupt, unethical, and inappropriate.

- ***Administrative measures to build integrity in law enforcement agencies***

Administrative measures to build integrity within the police force can be undertaken at the recruitment phase and also via personnel rotation. Law enforcement personnel should be recruited and promoted by means of competitive examinations and appointments should be made on the basis of qualifications and suitability for the position. Clearly pre-defined criteria for appointing police officers, such as minimum educational standards, should be outlined. Aptitude tests should measure both physical skills and psychological skills, especially when it comes to judging candidates' attitudes towards violence, inappropriate behaviour, and his/her capacity to decide on a suitable course of action in a crisis situation.<sup>4</sup>

Rotating police personnel from one department to another as a way of reducing opportunities for the development of overly comfortable relationships with fellow workers is another way of reducing

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<sup>2</sup> DCAF (2012), [Toolkit on Police Integrity](http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity), available at: <http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

corruption risks. However, rotation can affect police efficiency by lessening institutional memory and decreasing the advantages of experience. Thus, a cautious and practical approach is required. Special attention must be paid to departments that deal with highly profitable long-term criminal activities. Such departments are more likely to develop unethical behaviour due to a lengthy exposure to corruption opportunities and the perception of easily available and significant short-term rewards.<sup>5</sup>

Some experts have argued that salaries for personnel should be determined in legislation and paid according to grade and seniority rather than quality and quantity of work actually performed. Salaries must be paid regularly, in full and take into account working conditions in order to prevent unethical behaviour on the grounds of unjust remuneration. Additionally, the system, as a whole, should be monitored by strong control mechanisms and institutions.<sup>6</sup>

State support given to the police will also impact levels of loyalty and ethical behaviour. State support can include both positive (such as recognition and appreciation) and negative reinforcement mechanisms (fair and effective sanctions).

Improving the gender balance within the police workforce may also contribute to prevent corruption since as evidence exists that units of the same sex are more prone to establishing informal corruption networks. Therefore, networks of corrupt collaboration are harder to form and less likely to expand.

Codes of conduct are a very important tool to curb corruption and build integrity in law enforcement. They should be visible and accessible. They should also be supported and promoted by senior personnel.

- ***Educational methods***

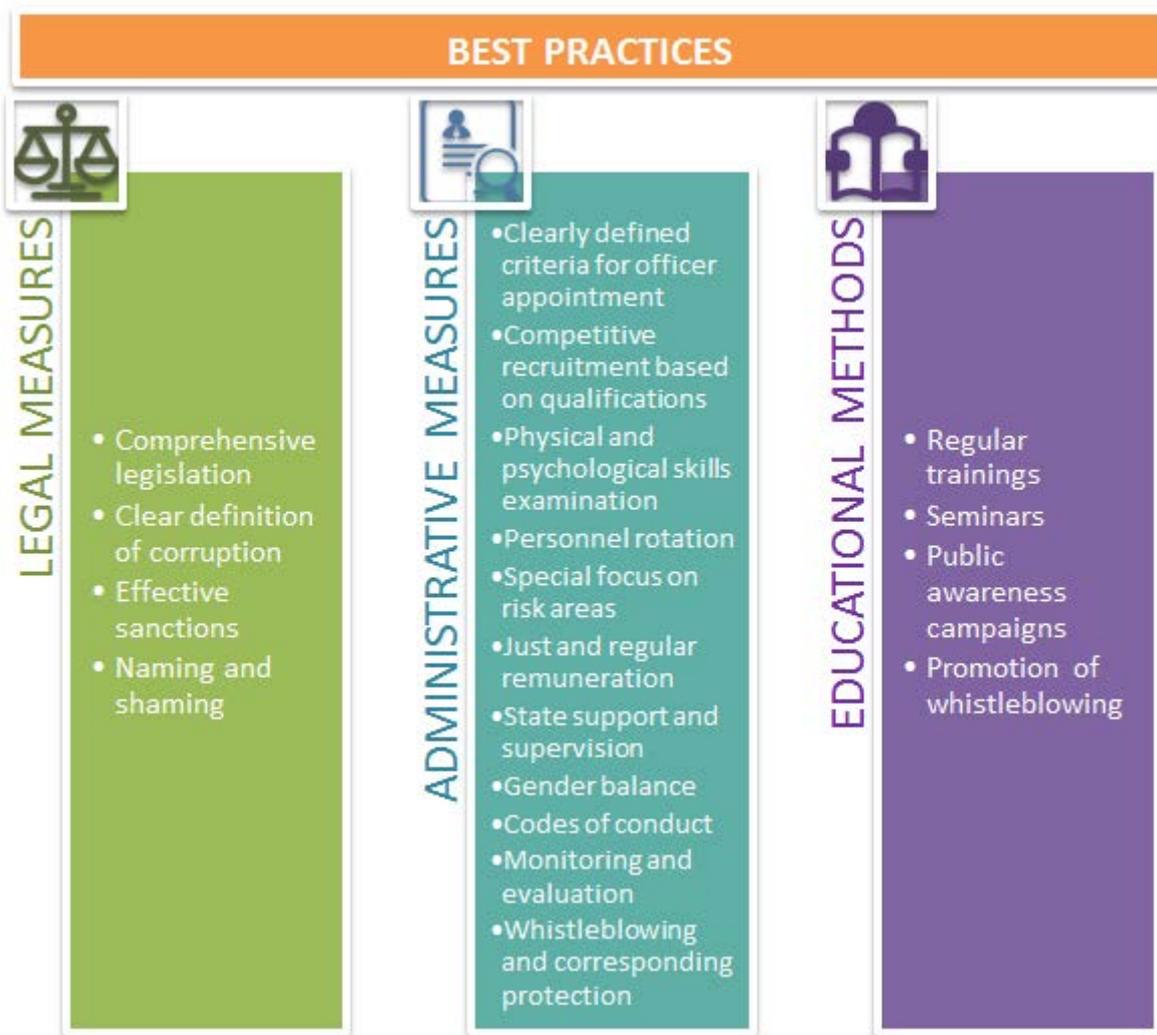
Integrity is something that should be taught and promoted on a regular basis within the police force. This can be done via seminars and trainings. Presentations should raise awareness about the importance of integrity and the risks of corruption, explain and promote codes of conduct, and constitute a forum where concepts are explained and knowledge is constantly updated. As corruption is a complex and changing concept, current awareness needs to be defined and revised continuously. Occasionally activities that may not have previously been considered corrupt may become unacceptable. It is therefore crucial to keep this information on best and worst practices up to date. Moreover, it is important to explain not only the devastating effects of corruption on public safety, general wellbeing, and state development; but also the individual implications of engaging in corrupt practices and sanctions that offenders will face. It is imperative to make the case that the rewards of corruption are not worth the risks undertaken to obtain them.

Additionally, public-awareness campaigns organised by the state are a powerful educational tool. They should aim to explain what corruption is and why it is unacceptable. Moreover, they are a great opportunity to present to the public the best channels for communicating known, or suspected, cases of corruption to the authorities.

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<sup>5</sup> Ibid.

<sup>6</sup> Centre for Integrity in the Defence Sector (2015), Guides to Good Governance, No 1. *Professionalism and Integrity in the Public Service*, p. 10., available at: <http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity>.



### Who is involved?

Several different institutions and stakeholder groups are involved in the external oversight and democratic control of police services: the executive, the parliament, the judiciary, specialised police oversight and anti-corruption bodies, ad hoc inquiries, civil society, and the media.

Building integrity measures within the police force is a matter concerning, first and foremost, the police personnel itself. Internal control and supervision entities play a crucial role by enforcing codes of conduct and sanctioning inappropriate behaviour. National governments via anti-corruption commissions, for example, are responsible for the oversight of corruption in the state sector, in general, and in the police force, in particular, as the ultimate authority and primary funder of police services. International organisations play a variety of roles in the struggle against police corruption, such as providing common definition of corruption, best practices, expertise, trainings, and advice, as well as imposing sanctions. Civil society, media, and other non-state actors can contribute considerably to reducing police corruption by informing the public and raising awareness, as well as by establishing channels of communication between the public, the authorities, and the police. Whistleblower protections can be absolutely vital in ensuring a means for staff to come forward and report wrongdoing.

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## NOTE 31

# THE ROLE OF GOVERNMENT



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## NOTE 31: THE ROLE OF GOVERNMENT

The elected government of any nation has the responsibility to ensure the management of the security sector is in line with democratic best practices and the provision of security as a public good. Governments also bear the political responsibility for the activities of the security sector. As a result, governments need detailed and extensive plans and management structures to ensure security policies and practices are transparent and accountable.

### GOVERNMENT

Governments must ensure that the legal framework for the activities of each security sector institution is exhaustive. The legal framework for ministries, directorates and security institutions needs to be developed in line with international good practice and ensure consistency with the rule of law. Legislation needs to clearly define the roles and responsibilities of each security institution, specify the authorisation procedures for administrative and operational activities, identify the applicability of internal rules and procedures, ensure instruments exist for other stakeholders to engage and monitor security institutions, identify the constitutional basis for each components' activities, and ensure security institutions' employees are accountable for their actions before the law. Additionally, legal frameworks need to incorporate and facilitate access to information for the general public and democratic institutions.

- **MINISTRY OF DEFENCE**

With a primary focus on defence policy, ministries of defence need to perform a variety of roles in order to implement security policies in a transparent and accountable manner. Given the resource-intensive nature of procurement in defence, ministries of defence need to be able to procure services transparently without any interference by corrupt vested interests. Overall, the defence sector requires robust internal management systems to ensure the effective delivery of services, and prevent corruption and the waste of limited financial and human resources.

#### **Human Resources Management**

Transparent and effective human resources management provides a robust means for enhancing professionalism among security sector personnel, civilian management and civilian staff. Encouraging effective human resources management by defence ministries and relevant directorates includes the development of transparent salary, promotion and professional development policies; the creation of comprehensive databases for personnel management; the establishment of merit-based recruitment and performance evaluation systems; and the development of an effective salary

payment system.<sup>1</sup> Efforts should be made to increase the participation of women in the security sector, as well as facilitate their retention and promotion.

### **Financial Resources Management**

Financial resource management is based on the premise that the defence sector is subject to the same principles of public sector management as other sectors. Budgetary policies need to be transparent in order to ensure they are affordable and complement other government priorities and strategies. Financial resources management should be supported through the development of transparent and accountable procurement systems; the development of efficient auditing systems; and enhancing financial planning and management not only within ministries, but also within the management units of security sector institutions themselves.<sup>2</sup>

### **Anti-Corruption and Building Integrity**

A key issue uniting approaches to human and financial resources management is the need for a strong anti-corruption framework. Transparency and corruption challenges in the defence sphere often affect not only transition states but also established democracies. Building Integrity programming provides a variety of best practices and anti-corruption measures.<sup>3</sup>

### **Institutional and Programme Management**

Within the defence ministry, administrative and programme management enhances accountability and encourages adherence to professional rules and regulations. Effective institutional management at the level of management units, directorates and ministries should be encouraged through policy and planning cycles that reflect national priorities and available resources; developing mechanisms for dealing with the abuse of power; and setting up anti-corruption mechanisms and disciplinary measures. Internal accountability mechanisms should be established and enforced.

### **Rules and Procedures**

Defence ministries need to ensure that each component of the military has a clear set of enforceable rules and procedures to govern its personnel's behaviour. Whilst all security personnel remain subject to the jurisdiction of criminal and civil courts, internal regulations provide a way for the management to enforce discipline internally for misdemeanours or failure to adhere to (as per military law) internal regulations.

### **Codes of Conduct**

Defence ministries need to ensure that each component of the military adheres to codes of conduct formulated at national and international levels. A variety of codes of conduct have an impact on the work of security sector institutions, covering issues such as integrity and anti-corruption; codes of ethics for law enforcement and intelligence personnel. Whilst codes of conduct are not a substitute for the enforcement of rules, procedures, or civil and criminal law, they can engender greater transparency and accountability, as well as a highly developed understanding of and sensitivity to the

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<sup>1</sup> Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev, [Defence Management: An Introduction](#), (Sofia: Procon, 2009)

<sup>2</sup> See, for example, UNDP and World Bank, *Security Sector Expenditure Review Sourcebook*, (forthcoming 2017).

<sup>3</sup> See Todor Tagarev (ed.), [Building Integrity and Reducing Corruption in Defence](#), (Sofia: Procon, 2010) and Mark Pyman, Anne-Christine Wegener, [Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms](#), (Transparency International DSP: 2011)

obligations and duties of a professional working in the security field. In this way they must also be clear and understandable for the general public, as well.

- **MINISTRY OF FINANCE**

With the task of ensuring the sufficient provision of funds for provision of public security, finance ministries can positively impact the delivery of public security by ensuring the effective management of funds earmarked for security providers.

Once governments and democratic institutions have established budget lines for security providers, finance ministries can ensure that a variety of financial management and anti-corruption systems are in place to ensure transparent and effective use of scarce financial resources.

Finance ministries may also have responsibilities within the realm of security provision: customs are often incorporated into a border service framework and provide a law enforcement service.

- **MINISTRY OF INTERIOR**

Ministries of Interior carry the responsibility for a broad range of law enforcement services from community police through to investigations, border management and penitentiary management. Large ministries of this type often face a variety of management challenges. Interior ministries must furthermore align their service providers with the needs of the criminal justice system.

#### **Internal Management of Law Enforcement Institutions**

All law enforcement institutions require robust internal management systems to ensure the effective delivery of services, prevent corruption and the waste of limited financial and human resources.

#### **Human Resources Management**

Transparent and effective human resources management provides a robust means for enhancing professionalism among law enforcement personnel, including their civilian management and civilian staff. Encouraging effective human resources management by the ministry and its directorates includes the development of transparent salary, promotion, and professional development policies; the creation of comprehensive databases for personnel management; the establishment of merit-based recruitment and performance evaluation systems; and the development of an effective salary payment system. Efforts should be made to increase the participation of women in the security sector, as well as facilitate their retention and promotion.

#### **Financial Resources Management**

Financial resources management is based on the premise that the law enforcement sector is subject to the same principles of public sector management as other sectors. Budget policies need to be transparent in order to ensure they are affordable, and to ensure they complement other government priorities and strategies. Financial resources management should be supported through the development of transparent and accountable procurement systems; the development of efficient auditing systems; and enhancing financial planning and management not only within ministries but also within the management units of security sector institutions themselves.

### **Anti-Corruption and Building Integrity**

A key issue uniting approaches to human and financial resources management is the need for a strong anti-corruption framework. Transparency and corruption challenges in the defence sphere often affect not only transition states but also established democracies. Building Integrity programming provides a variety of best practices and anti-corruption measures.<sup>4</sup>

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Within the interior ministry, administrative and programme management enhances accountability and encourages adherence to professional rules and regulations. For effective institutional management at the level of management units, directorates and ministries should be encouraged through policy and planning cycles that reflect national priorities and available resources; developing mechanisms for dealing with abuse of power; and setting up anti-corruption mechanisms and disciplinary measures. Internal accountability mechanisms should be established and enforced.

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Interior ministries need to ensure that each law enforcement agency has a clear set of enforceable rules and procedures to govern its personnel's behaviour. Whilst all security personnel remain subject to the jurisdiction of criminal and civil courts, internal regulations provide a way for the management to enforce discipline internally for misdemeanours or failure to adhere to internal regulations.

### **Codes of Conduct**

Interior ministries need to ensure that each law enforcement agency adheres to codes of conduct formulated at national and international levels. A variety of codes of conduct have an impact on the work of security sector institutions, covering issues such as integrity and anti-corruption; codes of ethics for law enforcement and intelligence personnel. Whilst codes of conduct are not a substitute for the enforcement of rules, procedures, or civil and criminal law, they can engender greater transparency and accountability, as well as a highly developed understanding of and sensitivity to the obligations and duties of a professional working in the security field. Codes of conduct must also be clear and understandable for the general public.

- **MINISTRY OF FOREIGN AFFAIRS**

Ministries of Foreign Affairs can positively influence the delivery of transparent and accountable security policies in a variety of ways.

In transition or post-conflict states, the ministry will often be the focal point for coordination between international donors and international organisations running development and technical assistance programmes. In this context, the Ministry can play a vital role in ensuring that reform assistance packages are coordinated, do not duplicate each other, and develop the capacity of democratic institutions as well as government institutions and security sector agencies.

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<sup>4</sup> See Pierre Aepli (ed.), [Toolkit on Police Integrity](#), DCAF, 2012.

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## NOTE 32

# PARLIAMENTARY OVERSIGHT



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## NOTE 32: PARLIAMENTARY OVERSIGHT

Parliamentary oversight of the security sector refers to the role the democratically-elected branch of the legislature plays in oversight and monitoring of security sector policies and practices. More broadly, parliamentary oversight is a critical component of legislative governance of the security sector.

### What is Parliamentary Oversight?

The role of parliamentarians and parliamentary committees is multi-faceted:

- determining the legal framework for security policy and practice;
- monitoring, debating and shaping policy and practice in plenary sessions and in specialised committees, including not only those dealing with defence, law enforcement and intelligence oversight, but also human rights, audit, budget and finance committees;
- approving, developing or rejecting policy, laws and budgets; and involvement in the appointment processes for senior posts within the security institutions to minimize any political interference

Such activities presume a sustained degree of motivation and focused activity by interested parliamentarians. The authority of parliamentarians on security sector oversight issues derives from the credibility of their oversight activities and their ability to monitor and engage with the public, government and security institutions on oversight issues.

Conducting any or all of these oversight activities can serve as a catalyst for change in the security sector: once parliamentarians publicly or privately highlight a particular oversight challenge, it is usually assigned a higher priority by government, institutions and the security sector itself.

Maintaining a comprehensive legislative framework for oversight and management of security institutions is of critical importance. Such frameworks must be compatible with international obligations and universal human rights. Scrutiny of draft legislation, amendments to and the adoption, or rejection, of such laws are parliament's fundamental responsibility. Without such consistent law-making activity the level of national oversight will become less effective overall.

The oversight capacity of Parliaments to monitor security sector agencies, security policies and security practices is a vital component of democratic governance of the security sector. Parliaments hold a crucial responsibility for shaping public policy and law making, via scrutiny of policies, practices, budgets, and appointments. Their representation of a plurality of the political spectrum beyond a majoritarian party allows parliaments and its committees to play a central democratic governance role.

Oversight, according to the [European Parliament](#), involves verifying compliance by security sector actors with general policy and established laws and regulations governing their operation, as well as scrutinising effectiveness and efficiency of security sector institutions. Oversight and democratic control are exercised at two levels. First, the security sector is subjected to its own internal control and oversight exercised by the executive branch including the government, ministries, armed forces commands, police and intelligence chiefs. Second, external control and oversight is exercised by the parliament, the judiciary, independent bodies, civil society and international institutions.<sup>1</sup>

### **Why is it important?**

The European Parliament outlines that in order them to be effective, security institutions must be politically accountable to the legitimate authorities of the state and to the democratically-elected representatives of the people through parliamentary oversight. In formulating national security policies and priorities, the parliament represents the views of the electorate. In exercising its role of oversight, parliament verifies that special powers, such as the use of force, are applied in compliance with national and international law. Correspondingly, budget approval is one of parliament's most important means to exert democratic control over the executive.<sup>2</sup>

### **How does it work?**

As the European Parliament explains, the Parliament exercises its powers of oversight at various stages, either alone or in conjunction with the executive. The Parliament examines, modifies and endorses the general policies governing the security sector, as proposed by the executive. The Parliament can determine both the level and the content of security sector expenditure. The Parliament will, on its own initiative, verify the ongoing operation of the security sector, by examining whether security sector activities comply with the general policies, agreed budget and other relevant legal provisions. In this process, special committees constitute a valuable source of expertise and a useful communication tool. Parliaments also grant clearing for security sector policies pursued by the executive, with or without prior hearings on the matter. Parliaments may discuss and evaluate the conduct of military operations after their conclusion. Additionally, parliament can also directly associate itself with certain decisions, giving it a measure of control over, for example, the appointment of senior officials; declaring war or a state of emergency, the ratification of treaties, procurement of arms, and the deployment of troops abroad.<sup>3</sup>

### **Best Practices:**

According to the European Parliament, best practices in parliamentary oversight derive from a set of four common principles governing the democratic control of the security sector, in general, and the role of parliament in particular:

- Checks and balances between the institutions of government.
- Transparency
- Responsiveness to the needs of the electorate

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<sup>1</sup> Office for Promotion of Parliamentary Oversight, European Parliament (2013), *Parliamentary Oversight of the Security Sector*, p. 14., available at: <http://www.dcaf.ch/Publications/Parliamentary-Oversight-of-the-Security-Sector7>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

- Accountability<sup>4</sup>

### **Principles of democratic and parliamentary oversight:<sup>5</sup>**

- ✓ The state is the only actor in society that has the legitimate monopoly of the use of force;
- ✓ The security services are accountable to the legitimate democratic authorities;
- ✓ The parliament is sovereign and holds the executive accountable for the development, implementation, and review of the security and defence policies;
- ✓ The parliament has a unique constitutional role in authorising and scrutinising defence and security expenditures;
- ✓ The parliament plays a crucial role with regard to declaring and lifting a state of emergency or the state of war;
- ✓ Principles of good governance and the rule of law apply to all branches of government and, therefore, to the security sector as well;
- ✓ Security sector personnel are individually accountable to judicial courts for violations of national and international laws (regarding civil or criminal misconduct)
- ✓ Security Sector organisations are politically neutral.

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<sup>4</sup> Ibid.

<sup>5</sup> DCAF and Inter-Parliamentary Union (2003), [Parliamentary Oversight of the Security Sector. Principles, Mechanism and Practices. Handbook for Parliamentarians](#) No 5.

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## NOTE 33

# OMBUDS INSTITUTIONS



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## NOTE 33: OMBUDS INSTITUTIONS

Ombudsman, also referred to as Ombudspersons and/or Ombuds Institutions, can perform highly segmented monitoring, oversight, arbitration, and investigation roles across the defence, law enforcement and in the intelligence sector. In some nations, an Inspector General within a security sector agency performs a similar function, but national ombuds institutions can perform a significant role in facilitating human rights observance by security providers. Overall, any nation with an ombuds institution focused on human rights issues will face the challenge of monitoring the security sector and its agencies in one form or another.

### What is an Ombuds Institution?

An ombudsman is defined by the International Bar Association as:

an office provided for by the constitution or by action of the legislature or parliament and headed by an independent high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports.<sup>1</sup>

Thus, ombuds institutions must have, at a minimum, the following characteristics:

- Independence
- Impartiality and Fairness
- Credible review process
- Confidentiality

Ombuds institutions may have highly specific focus areas from banking to human rights or other issues. In terms of the security sector, human rights ombuds institutions, specialised police complaints and armed forces ombuds institutions are those dealing most often with security governance issues.

### How does it work?

The objective of the ombudsman is to protect the people against violation of rights, abuse of powers, error, negligence, unfair decisions, and maladministration. By doing so, the ombudsman contributes to improving public administration and making the government more transparent and accountable. A military ombudsman safeguards the rights of military personnel and encourages democratic and civil control of the armed forces. The ombudsman has the power to oversee the performance of the government and the ministries and, as a result, issue recommendations. Ombudsman should make

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<sup>1</sup> In Dean M. Gottehrer (2009), 'Fundamental Elements of an Effective Ombudsman Institution'.

oversight results public knowledge. Most commonly, the ombudsman institutions fulfil their mandates by:<sup>2</sup>

- Receiving and investigating complaints from individuals, legal entities, or groups
- Monitoring the general situation of human rights within a country
- Educating the general public and government officials about human rights
- Developing, or improving, national legislation for the protection of human rights<sup>3</sup>
- Investigating
- Issuing reports and recommendations

### **What should an effective Ombuds Institution look like?**

The creation of an ombudsman institution should be an inclusive, multi-stakeholder process that considers the interest and needs of all relevant parties. Ombuds institutions should be established on a firm legal foundation.

An essential function of the ombuds institutions is to receive and investigate complaints and to identify areas of public administration that are in need of improvement, or greater accountability. Investigations aim to resolve issues independently and impartially and to prevent their recurrence. Issuing reports and recommendations to the legislature and to the public at large is a key function of ombuds institutions. It is important that ombuds institutions are given appropriate power and resources in order to carry out their functions. Since effective monitoring is essential to ensuring that recommendations are properly and promptly implemented, ombuds institutions should set up comprehensive monitoring and information-gathering processes.

When it comes to ombuds institutions for the armed forces or police, they must acquire specialised knowledge required to perform their functions effectively with regard to relevant security sector components. This may require setting up dedicated, specialised bodies with a specific mandate to deal with complaints related to the armed forces.

For example, ombuds institutions for the armed forces should be independent from the government and the bodies that they are mandated to oversee. They should obtain and manage their funds independently from any institution over which they have jurisdiction.

Ombuds institutions should have the freedom to decide which matters and priorities to pursue and the freedom to investigate them to their conclusion. Ombuds institutions should be able to choose their method of work. Access to information is crucial for the work of ombuds institutions, a matter that should be guaranteed by law. To perform their work effectively, ombuds institutions should have the ability to address the public and the media. Ombuds institutions should possess powers which impose legal requirements on relevant persons to appear before them or to provide them with specific information when requested to do so. They should also have the ability to communicate any lack of cooperation in their public report. Public reports are an important way of ensuring

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<sup>2</sup> DCAF-UNDP (2007), *Monitoring and investigating the Security Sector*, p. 17., available at: <http://www.dcaf.ch/Publications/Monitoring-and-Investigating-the-Security-Sector>.

<sup>3</sup> Universal Declaration Of Human Rights available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217(III))

compliance with recommendations and drawing attention to issues that may not otherwise be open to much public or media scrutiny.

Additionally, there should be no limitation placed on the category of persons and organisations who can file a complaint with the ombuds institutions as long as those complaints fall under the mandate of the ombudsman. Ombudsman should offer their services free of charge and facilitate wide access to those services. A wide range of communication channels for filing complaints should be offered such as e-mail, post, and a dedicated hotline. Regular feedback on the status of complaints and investigations should be provided to all interested parties. A decision to reject a complaint should be accompanied by help, advice, and referral to alternative means of recourse.

Ombuds institutions should protect complainants from reprisals. An information management plan should be prepared covering confidentiality and including a communication policy.

Overall, an effective Ombuds Institution needs to have the capability and power to execute its mandate. This capability should be clearly established by legislation. An effective institution also needs to be financially and institutionally independent. Developing collaborative relationships with other oversight institutions and civil society is crucial, as well as raising awareness and educating the public about security sector governance.

## Resources

Born Hans, Wills Aidan, DCAF-Ministry of Foreign Affairs of the Netherlands (2012), *Overseeing Intelligence Services: A Toolkit*, available at: <http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit>

Centre for Integrity in the Defence Sector: *Guides to Good Governance*, available at: [http://cids.no/?page\\_id=4596](http://cids.no/?page_id=4596)

Centre for Integrity in the Defence Sector (2015), *Criteria for good governance in the defence sector. International standards and principles*, available at: <http://cids.no/wp-content/uploads/pdf/7215-Criteria-for-Good-Governance-in-the-Defence-Sector-k6.pdf>

DCAF-UNDP (2007), *Monitoring and investigating the Security Sector*, available at: <http://www.dcaf.ch/Publications/Monitoring-and-Investigating-the-Security-Sector>

DCAF (2009), *Security Sector Governance and Reform*, DCAF Backgrounder Series.

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DCAF – UNDP (2008) *Public Oversight of the Security Sector: A Handbook for Civil Society Organisations*, <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>.

NATO-DCAF, (2010). *Building Integrity and Reducing Corruption in Defence. A Compendium of Best Practices*, available at: <http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence>.

OSCE (1994), *OSCE Code of Conduct on Politico- Military Aspects of Security*, available at: <http://www.osce.org/fsc/41355>

Transparency International (2013) *Watchdogs ? The quality of legislative oversight of defence in 82 countries*. Government Defence and Corruption Index, available at: <http://ti-defence.org/publications/watchdogs-the-quality-of-legislative-oversight-of-defence-in-82-countries/>

Transparency International (2012). *Building Integrity and Countering Corruption In Defence and Security. 20 Practical Reforms*, available at: [http://www.transparency.org/whatwedo/publication/2012\\_handbook\\_building\\_integrity\\_english](http://www.transparency.org/whatwedo/publication/2012_handbook_building_integrity_english)

UN SSR Task Force (2012), *Security Sector Reform: Integrated Technical Guidance Notes*. <http://unssr.unlb.org/LinkClick.aspx?fileticket=XM6t1lKwBaA%3D&tabid=145&mid=438>

New editions of the DCAF SSR Backgrounder Series are Available at: <http://ssrbackgrounders.org/>

# NOTE 34

## CIVIL SOCIETY



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## NOTE 34: CIVIL SOCIETY

- **Society:** all citizens, individuals, people
- **Civil Society Organisation:** citizens organised around a common goal
- **Civil Society:** all civil society organisations, including media and individual active citizens

Civil society plays a crucial role in democratic Security Sector Governance (SSG). This includes all civil society organisations (CSOs), including the media and individual active citizens. Civil society contributes to communication, information, education, and representation. Civil society also provides expertise, human resources, and carries out oversight.

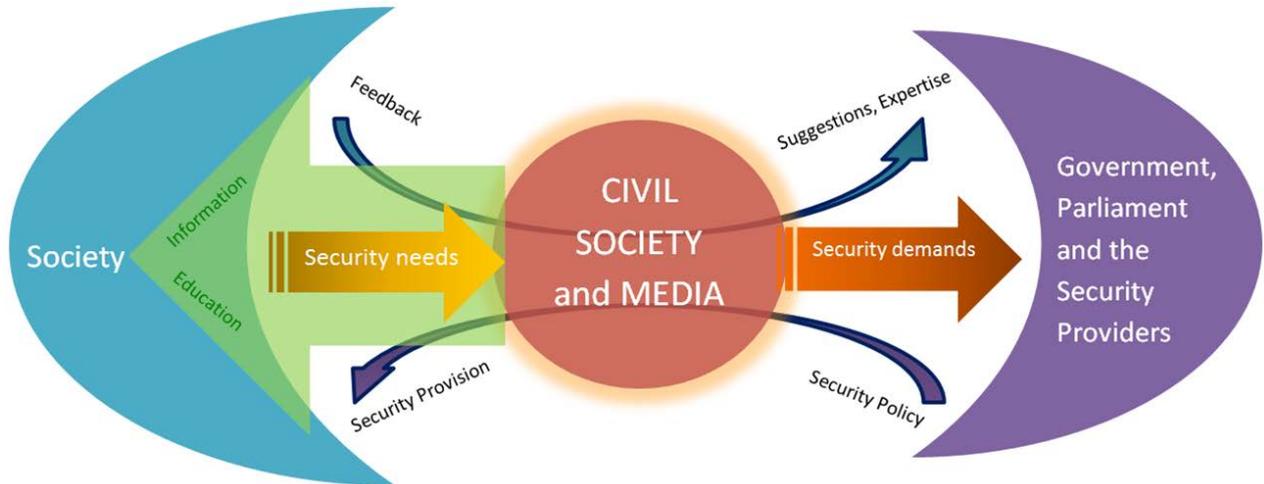
### Why is an active civil society important?

Civil society plays a crucial role in SSG. Civil society contributes to ensuring the security sector and the government's policies and practices are transparent, accountable, and, therefore, democratic. CSOs provide ways for individuals to participate in public life beyond the periodic opportunity to vote. In order to fulfil its role successfully, civil society needs space, tools, partnerships, capacity, credibility, and strategic vision.

Civil society is at the heart of the democratic security sector governance:

- As a channel for communication. Civil society translates society's security needs into security demands and communicates them to democratic institutions, the government and the security sector itself. Civil society also translates and communicates, back to the authorities, society's feedback on the performance of the security sector.
- CSOs and the media provide information to the public and raise-awareness about the importance of security sector governance issues.
- CSOs can, in parallel, educate the public, other civil society organisations, and security sector personnel on relevant issues.
- Civil society can – and should - be representative of society with a unique access to local groups and minorities. Therefore, they can play a valuable role in communicating the needs and interests of these groups to their elected representatives and governments.
- CSOs are a source of expertise and knowledge. They can provide technical input to policy-making and implementation, and analyse the potential effects of a given policy.

- Civil society and the media play an important oversight role. They evaluate and monitor the security sector's policies and performance.
- Civil society also provides a source of skilled professionals that governments can use to reflect on security policy and practice.



#### How can civil society contribute to good security sector governance?

- CSOs can carry out policy-relevant research. However, they must do so professionally, competently, and independently.
- Advocacy serves as a means to exercise influence and is closely related to awareness-raising and lobbying. Advocacy requires establishing a dialogue and engaging on an ongoing basis with members of parliament and government officials. Advocacy may include activities, such as public education, research, networking, public mobilisation, agenda setting, policy design, implementation, and monitoring. Through awareness-raising, CSOs can encourage public debate and focus public attention on issues that would otherwise be ignored.
- Awareness-raising and advocacy are key tools for educating citizens about their rights vis-à-vis the security sector and how it should work. Another fundamental skill that CSOs must have is the ability to train their staff, peers, citizens, security sector personnel, and the staff of democratic institutions.
- One of the most important tasks civil society must carry out is oversee and monitor the performance of the security sector. CSOs should evaluate the quality and effects of security policies, as well as the level of respect for human rights and the rule of law in and by the security sector. Monitoring contributes to greater accountability of the security sector and, therefore, to good governance.
- Civil society provides a valuable pool of knowledge, advice, and experience for governments, particularly when it comes to legal assistance and budget analysis.
- In order to have a real impact on SSG and fulfil its role successfully, civil society needs to acquire tools and build capacity. Therefore, CSOs should focus on strengthening their skills, knowledge, and practices not only for policy analysis, advocacy, and monitoring, but for internal management, fund-raising, and outreach, as well. Capacity-building should be a top priority for civil society.

- Another crucial component of the equation is credibility. By acquiring capacity, creating networks and ensuring one's own integrity, transparency, and accountability, CSOs can gain credibility and expand their area of influence.
- To that effect, it is important to reach out to other CSOs and international organisations in order to establish partnerships and networks of cooperation, as well as coordinate efforts in a strategic manner.

### **Key Partnerships**

To be effective, civil society needs to establish partnerships.

- The key partnership is between the state and civil society, a relationship which must be built on trust and dialogue. The success of security sector reform depends on this partnership. This partnership should be developed through an inclusive and participatory approach bringing citizens and CSOs into the decision-making process.
- A partnership between civil society, the parliament, its committees and the ombudsman is absolutely crucial to good security sector governance. Specialised CSOs are well-placed to provide legislative assistance to parliamentarians.
- CSOs should establish partnerships with other CSOs, especially international and regional organisations who have more reach at the international scale. International alliances provide a crucial platform for bringing international attention to important issues. They also contribute to improving organisational credibility. The ability to construct effective alliances with the international community, in terms of funding, training, information, human resources, and solidary networks, is a core skill for any CSO to develop. Moreover, CSOs working on the same issue, or in the same region, must coordinate their efforts.
- Media and CSOs should support each other in their efforts of informing the public about the security sector. CSOs need information provided by journalists in order to carry out research, address issues, raise awareness, and suggest recommendations. CSOs also need media to advertise their publications and findings. Media, on the other hand, need for CSOs to provide support and protection for journalists addressing sensitive and difficult issues. Media also need CSOs to provide them with knowledge and expertise. It is a mutually beneficial alliance.

### **Key Qualities**

Not only do civil society organisations need tools and partnerships to operate, but they also need certain key qualities in order to be effective:

- They should think and act strategically in order to maximise the impact and sustainability of their activities.
- They should develop skills to monitor and evaluate their own work; which is a precondition for determining the effectiveness and efficiency of their work. Positive results should be shared as best practices and monitoring ensures a continuous effort of performance improvement. Monitoring and evaluation contribute to the group's transparency and promote accountability and integrity.
- CSOs should strive to be independent.

- They must actively seek to acquire expertise and engage, effectively, with relevant actors in order to build capacity.
- They must develop networks of cooperation with other actors involved in their field of work.
- They should strive to achieve organisational credibility, which will enable them to enhance their capacities.

### **Civil Society and Building Integrity**

Building Integrity and anti-corruption initiatives are a vital part of democratic security sector governance and security sector reform.

In order to contribute to BI efforts, civil society and the media must raise awareness about the importance of these topics. They should expose wrongdoing; oversee and monitor policy-making, budgeting and implementation processes; provide expertise and promote best practices. CSOs need to be proactive and work in cooperation with the Parliament, its committees and the ombuds institutions.

Providing BI trainings to security sector personnel is one of the most important contributions of civil society to good security sector governance. These trainings should also be open for peers and the wider public.

CSO should, of course, abide by the values they promote and stand for. They must be transparent and accountable in their own financial affairs and operations.

### **Issues and Challenges**

One of the many challenges civil society faces is the lack of effective implementation of good governance legislation. The other, is lack of tools and infrastructure to participate in the security sector governance processes.

Another obstacle can be the concentration of media platforms among a narrow set of political or economic interests. The emergence of new media outlets has led to a greater variety of public information sources. However, the continuing domination of mainstream media means that most of the public remains unaware of alternative opinions.

Security sector governance issues are, usually, complex and technical. Additionally, security sector personnel and experts tend to use a complicated language. This makes it difficult for the average citizen to grasp the importance of these matters.

The most controversial challenge is, definitely, the secrecy culture surrounding the security sector. A special focus on enhancing transparency is needed as it lies at the very foundation of democratic security sector governance. Transparency is vital for fighting corruption and building integrity. Enabling channels and space for whistle blowing, as well as whistle-blower protection, is also a major component of democratic security sector governance.

Another important challenge is the lack of coordination between different CSOs, which leads to the duplication of tasks and, therefore, poor results.

### **Recommendations**

Legal and constitutional provisions, such as group autonomy, freedom of the press and protest, freedom of speech, and freedom of information, are essential to CSOs' work and good governance. These rights must be improved, implemented, and exercised. Whistle-blower and journalistic sources protection is also an essential part of this equation.

When it comes to media, it is important that there are a variety of independent news outlets, and free and fair competition.

Coordination among all the actors involved in SSG is vital.

Donors should encourage the development of independent media and SCOs; invest in building their capacity, and make strategic decisions in view of a broader impact of their activities within SSR.

It is more important than ever to develop media literacy of citizens communicating in a clear and understandable manner is part of that process. Media have an important role to play when it comes to attracting public interest to SSG issues by acting as an interpreter. A healthy democracy requires informed citizens who have access to timely, accurate and reliable information on issues that affect them and matter to them; and are, therefore, equipped to participate constructively in public debate. Additionally, CSOs should push for the institutionalisation of government consultation with civil society.

There should be more inclusiveness, in general. A participatory approach is needed to build a sense of local ownership in SSR and increase the legitimacy of the process. Civil society and the media must increase their efforts in raising awareness on the importance of anti-corruption and building integrity measures.

Monitoring and oversight should be encouraged on all fronts. Part of the effort should be aimed at educating and preparing the next generation of civil society actors to exercise effective oversight of the security sector.

Civil society must focus on sharing their expertise through trainings for security sector personnel, parliamentarians, civil society organisations and the wider public.

## Resources:

DCAF – UNDP (2008) Public Oversight of the Security Sector: A Handbook for Civil Society Organisations, <http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector>.

Karen Barnes and Peter Albrecht (2008), 'Civil Society Oversight of the Security Sector and Gender', in *Gender and Security Sector Reform Toolkit*, available at: <http://www.dcaf.ch/Publications/Gender-Security-Sector-Reform-Toolkit>

Marina Caparini, Philipp Fluri, Ferenc Molnar (Eds.), (2006), *Civil Society and the Security Sector: Concepts and Practices in New Democracies*, available at <http://www.dcaf.ch/Publications/Civil-Society-and-the-Security-Sector>.

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# NOTE 35

# GENDER



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## NOTE 35: GENDER

**Gender** refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys. Being both context and time-specific, these attributes, opportunities, and relationships are socially constructed. Gender determines what is expected, allowed, and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities.

### What does “gender” mean?

**Equality** between women and men (gender equality): refers to equal rights, responsibilities, and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities, and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs, and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is both a human right and a precondition for, and indicator of, sustainable people-centered development.

### What is gender equality?

According to [UN Women](#)<sup>1</sup>, gender equality means that women and men have equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural, and political development. Gender equality is, therefore, the equal valuing by society of the similarities and the differences of men and women and the roles they play. It is based on women and men being full partners in their home, community and society. Gender equality starts with equal valuing of both girls and boys.

The [World Bank](#)<sup>2</sup> defines gender equality in terms of equality under the law, equality of opportunity (which includes equality of rewards for work and equality in access to human capital and other productive resources that enable opportunity), and equality of voice (which is the ability to influence and contribute to the development process). It stops short of defining gender equality as equality of outcomes for two reasons. First, different cultures and societies can follow different paths in their pursuit of gender equality. Second, equality implies that women and men are free to choose different (or similar) roles and outcomes in accordance with their preferences and goals.

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<sup>1</sup> See: <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

<sup>2</sup> See: <http://www.worldbank.org/en/topic/gender>

A common feature of all contemporary security governance programming is the incorporation of a gender perspective into the policy and practice of security providers, ensuring that both are fundamentally shaped to accommodate the security needs of all citizens.

### International and Regional conventions

The [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#)<sup>3</sup> contains several legal obligations related to SSR, including:

- the adoption of legislative and other measures **prohibiting discrimination against women**;
- **women's participation** in the formulation of government policy on equal terms with men;
- the elimination of discrimination against women in **employment**;
- measures to ensure the **full development and advancement of women** for the purpose of guaranteeing them equal enjoyment of human rights and fundamental freedoms

The [Beijing Declaration and Platform for Action](#) (1995)<sup>4</sup> identifies specific actions to be taken by governments, international and national organizations, and other relevant stakeholders to combat gender-based violence and achieve gender equality in all spheres of society, including the security sector.

Regional instruments with provisions protecting gender equality include:

- the African Union's [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa](#) (2003)<sup>5</sup>;
- the Organization of American States' [Inter American Convention on the Prevention, Punishment and Eradication of Violence against Women](#) (Convention of Belem do Para) (1994)<sup>6</sup>;
- the Organization for Security and Co-operation in Europe [Decision No. 14/05 on Women in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation](#) (2005)<sup>7</sup>;
- the [European Union Equal Treatment Directive](#) (2006/54/EC)<sup>8</sup>

### UN Security Council Resolution (SCRs) 1325.

In the context of UN-mandated SSR processes, the UN Security Council Resolutions (SCRs) on women, peace, and security define minimum standards related to gender equality that are legally binding. UN SCR 1325<sup>9</sup>, adopted in 2000, is the most influential resolution as many member states subsequently adopted national action plans detailing how it should be implemented.

In June 2013, the Security Council unanimously adopted [Resolution 2106](#) on preventing sexual violence in conflict (SVC), thereby enhancing the **Women, Peace and Security Agenda**. The Resolution was co-sponsored by all G7 partner countries. It re-affirms that pervasive SVC situations can exacerbate and prolong armed conflict and impede the restoration of international peace and security.

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<sup>3</sup> Available at: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

<sup>4</sup> Available at: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

<sup>5</sup> Available at: <http://www.achpr.org/instruments/women-protocol/>

<sup>6</sup> Available at: <http://www.oas.org/juridico/english/treaties/a-61.html>

<sup>7</sup> Available at: <http://www.oas.org/juridico/english/treaties/a-61.html>

<sup>8</sup> Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006L0054>

<sup>9</sup> Available at: <http://www.un.org/womenwatch/osagi/wps/#resolution>

Moreover, during the 7533rd Meeting of the Security Council held in October 2015 Resolution 2242 (2015) was unanimously adopted in order to improve the Implementation of Landmark Text on Women, Peace, Security Agenda. The Council decided to integrate women, peace, and security concerns across all country-specific situations on its agenda.

Mainstreaming gender within the security sector ensures security providers interact inclusively and comprehensively with civilians, guaranteeing the increased effectiveness of service delivery to recipients. Each security provider has specific gender issues to address, sometimes requiring specific training and capacity development activities.

### **Building Integrity and Gender**

The gender dimension of Building Integrity has been directly addressed by NATO<sup>10</sup>. The BI Programme has integrated a gender perspective into its methodology and development of practical tools and a gender balance is always taken into account when deploying BI mobile teams and experts. Conferences and seminars are used as opportunities to raise awareness, and increase participation, on the importance of the gender perspective within the BI programme.<sup>11</sup>

### **Resources**

DCAF-ODIHR-UN-INSTRAW (2008) *Security Sector Reform and Gender*

*Toolkit* <http://ukrainesecuritysector.com/publication/security-sector-reform-gender-toolkit/>

DCAF (2016) *Teaching Gender in the Military: A*

*Handbook* <http://ukrainesecuritysector.com/publication/teaching-gender-military-handbook/>

DCAF (2015) *Gender and Complaints Mechanisms: A Handbook for Armed Forces and Ombuds*

*Institutions* <http://ukrainesecuritysector.com/publication/gender-complaints-mechanisms-handbook-armed-forces-ombuds-institutions/>

DCAF (2011) *Gender Self-Assessment Guide for the Police, Armed Forces and Justice*

*Sector* <http://ukrainesecuritysector.com/publication/gender-self-assessment-guide-police-armed-forces-justice-sector/>

DCAF (2014) *Integrating Gender into Internal Police*

*Oversight* <http://ukrainesecuritysector.com/publication/integrating-gender-internal-police-oversight/>

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<sup>10</sup> Available at: [http://www.nato.int/cps/en/natohq/topics\\_107900.htm?selectedLocale=fr](http://www.nato.int/cps/en/natohq/topics_107900.htm?selectedLocale=fr)

<sup>11</sup> Available at: [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_topics/150604-Factsheet\\_BI-Program-Gender.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_topics/150604-Factsheet_BI-Program-Gender.pdf)

NATO (2014), *The NATO Building Integrity Programme and Gender*, available at [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_topics/150604-Factsheet\\_BI-Program-Gender.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_topics/150604-Factsheet_BI-Program-Gender.pdf)

## NOTE 36

# BUILDING INTEGRITY TOOLS & RESOURCES



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## NOTE 36: BI TOOLS AND RESOURCES

Building Integrity (BI) tools and resources include best practices, international standards and legal framework. They also include resources that can be used in the process of implementing reforms aimed at building integrity in the public sector in general and in the security sector in particular. The latter may take the form of BI programmes conducted by International Organisations, tailored advice, practical knowledge products, courses, trainings, conferences, and knowledge portals. They may also include examples of national policies, of corporate codes of conduct, of management programmes and other resources that can serve as a model for BI efforts.

### What Tools?

Building Integrity Tools encompass all resources that can have a practical application in BI processes. These may be international standards, legal framework, best practices, recommendations, knowledge products, trainings, and advice offered by other nations and international organisations.

### Why are they important?

These tools, while only a selection, are a great starting point for any BI process as they provide information, practical advice, guidance and examples. They can also serve as reference against which to measure existing BI procedures. These tools, although occasionally sector and actor-specific, can be used by a wide audience from states to individuals. They can act as valuable training and educational resources.



### [NATO Building Integrity Programme](#)

The Building Integrity (BI) Programme provides practical tools to help participating countries strengthen integrity, transparency and accountability and reduce the risk of corruption in the defence and security sectors. The programme promotes good practice, processes and methodologies, and provides countries with tailored support to make defence and security institutions more effective.



### [NATO BI Programme Website](#)

This is the web portal of NATO Building Integrity Programme. This programme provides practical tools to help participating countries strengthen integrity, transparency and accountability and reduce the risk of corruption in the defence and security sector. The programme promotes good practice, processes and methodologies, and provides countries with tailored support to make defence and security institutions more effective.

The BI Programme is tailored to meet national needs and requirements. The programme is demand-driven and participation is on a voluntary basis. The programme is open to all NATO Allies and partners (members of [the Euro-Atlantic Partnership Council](#), the [Mediterranean Dialogue](#), [Istanbul](#)

[Cooperation Initiative](#) and partners across the globe). Requests from other countries are reviewed by NATO on a case-by-case basis.



#### [CIDS resources section](#)

Centre for Integrity in the Defence Sector is a great resource for Building Integrity in Defence topics. Based in Norway, this organisation specialises in a variety of knowledge products from courses to publications, which can be found on their website. The CIDS website resource section can be of special value to those seeking a quick overview of key knowledge sources on this subject.



#### [United Nations Office on Drugs and Crime \(UNODC\)](#)

UNODC is a global leader in the fight against illicit drugs and international crime. Established in 1997 through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention, UNODC operates in all regions of the world through an extensive network of field offices. UNODC mainly provides:

- Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism
- Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence base for policy and operational decisions
- Normative work to assist States in the ratification and implementation of the relevant international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies.



#### [UN 'The Fight against Corruption' learning tool](#)

This e-learning tool is a joint product of the UN Global Compact and the UN Office on Drugs and Crime. The tool uses six interactive learning modules to further the audience's understanding of the UN Global Compact's 10th principle against corruption and the UN Convention against Corruption as it applies to the private sector. The tool is targeted at everyone who acts on behalf of a company. Each module only lasts about five minutes, providing a quick and effective way of learning.



#### [UNODC TRACK 'Tools and Resources for Anti-Corruption Knowledge'](#)

This is a web-based anti-corruption portal developed by the UNODC. This tool includes a legal library, online courses, a search engine specialised in anti-corruption literature, and other resources. The Legal Library on the United Nations Convention against Corruption (UNCAC) provides a gateway to an electronic database of legislation and jurisprudence relevant to UNCAC from over 175 States systematized in accordance with the requirements of the Convention. The TRACK portal brings together legal and non-legal knowledge on anti-corruption and asset recovery enabling Member States, the anti-corruption community and the general public to access this information in a central location. An anti-corruption learning platform is also incorporated, providing a common space where analytical tools generated by partner organizations can be searched and accessed by users world-wide.

## SHERLOC [UNODC SHERLOC](#)

The SHERLOC knowledge management portal is a tool designed to facilitate the dissemination of information regarding the implementation of the UN Convention against Transnational Organised Crime and its protocols. In this portal, national examples of anti-corruption laws can be found, as well as tools for enhancing international cooperation in the fight against corruption and organised crime, along with other useful resources. The portal hosts a case law database, a database of legislation, a bibliographic database, and a directory of national competent authorities. The case law database contains jurisprudence on corruption, counterfeiting, cybercrime, drug offences, money laundering, obstruction of justice, participation in an organized criminal group, piracy, smuggling of migrants, trafficking in firearms, trafficking in cultural property, wildlife and forest crime, trafficking in persons and other crimes. The database of legislation is an electronic repository of laws relevant to the provisions of the United Nations Convention against Transnational Organized Crime (UNTOC). The bibliographic database is an annotated bibliography containing a synopsis of key articles that are searchable by countries, research methods and keywords. The directory contains the contact information of competent national authorities authorized to receive, respond to and process requests of assistance for matters related to organised crime.



Stolen Asset Recovery Initiative  
The World Bank Group • UNODC

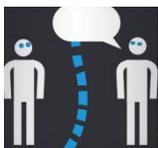
## [UNODC Stolen Asset Recovery Initiative \(StAR\)](#)

The Stolen Asset Recovery Initiative (StAR) is a partnership between the World Bank Group and the United Nations Office on Drugs and Crime that supports international efforts to end safe havens for corrupt funds. StAR works with developing countries and financial centres to prevent the laundering of the proceeds of corruption and to facilitate a more systematic and timely return of stolen assets. StAR works with and helps bring together governments, regulatory authorities, donor agencies, financial institutions, and civil society organizations, fostering collective responsibility and action for deterrence, detection and recovery of stolen assets.



## [Transparency International UK Defence and Security](#)

This programme aims to raise awareness of corruption in the defence sector and provide practical tools to reduce corruption risks. TI cooperates with governments and international organisations to enhance transparency in defence institutions; it also works with defence companies to raise industry standards in international defence contracting and develops centres and international networks of defence anti-corruption expertise.



## [Transparency International Anti-Corruption Glossary](#)

TI's Anti-Corruption Glossary is an excellent digital resource. The glossary is a collection of concepts related to the topic of corruption defined and presented in a brief, clear and user-friendly manner. Thanks to its neat communication technique TI's Anti-Corruption Glossary can be an attractive and useful tool for a very wide audience.



### [TI Defence Integrity Pacts](#)

Integrity Pacts are a tool for preventing corruption in public contracting. They are essentially an agreement between the government agency offering a contract and the companies bidding for it that they will abstain from bribery, collusion and other corrupt practices for the extent of the contract. To ensure accountability, Integrity Pacts also include a monitoring system typically led by civil society groups.



### [Transparency and Accountability Initiative](#)

The Transparency and Accountability Initiative (T/A Initiative) is a donor collaborative working to expand the impact and scale of transparency, accountability and participation interventions.



### [CleanGovBiz Toolkit](#)

The [Toolkit](#) offers practical guidance on how corruption can best be tackled in multiple domains. This toolkit draws together relevant instruments to support the establishment of healthy systems of governance, prevent corrupt practices, detect corruption, prosecute delinquencies and remedy the consequences of corruption.

For each policy area contributing to the fight against corruption, users are provided with:

- Priority checklists
- Implementation guidance with examples of good practices
- Access to existing relevant standards and instruments, guides and manuals, case studies and reviews elaborated by international and civil society organisations



### [UN Instrument for Standardized International Reporting of Military Expenditures](#)

The purpose of the UN Standardized Reporting Instrument for Military Expenditures is to contribute to a broad effort to develop a set of specific measures for the purpose of facilitating the reduction of military expenditures. This tool also enhances transparency in military matters which is an essential element for building a climate of trust and confidence between States worldwide. The UN Standardized Reporting Instrument for Military Expenditures has also played an important role in acting as a model for similar reporting instruments, such as the one used by the Organization for Security and Cooperation in Europe (OSCE).



STOCKHOLM INTERNATIONAL  
PEACE RESEARCH INSTITUTE [SIPRI Military Expenditure Database](#)

SIPRI data bases can be used for a variety of purposes. Most of all they contribute to transparency and accountability in defence spending and can prove to be of great value in the planning and budgeting phases. They also provide a historical record that serves as a reference for analysing what works and what doesn't in defence spending.



#### [European Defence Agency Procurement Gateway](#)

This is a tool that allows open and competitive bidding in defence procurement. The Gateway is held by the European Defence Agency. This tool contributes to the integrity of the decision making process in procurement by making it more transparent.

The tool enables Ministries of Defence in the subscribing Member States to publicise transparently their defence contract opportunities on a single European defence business portal; provides European defence-related companies an equal window of opportunity for accessing defence contract opportunities; encourages transparency and strengthens competition, laying the foundation for the development of the European Defence Equipment Market (EDEM).



#### [European Partners against Corruption \(EPAC\)](#)

The European Partners against Corruption (EPAC) is an independent, informal network bringing together more than 60 anti-corruption authorities and police oversight bodies from Council of Europe Member Countries. EPAC offers a medium for practitioners to share experiences, identify opportunities, and cooperate across national borders in developing common strategies and high professional standards.



#### [NATO Support and Procurement Agency](#)

The NATO Support and Procurement Agency (NSPA) is a customer-funded agency, operating on a "no profit - no loss" basis. The NSPA is the executive body of the NATO Support and Procurement Organisation (NSPO), of which all 28 NATO nations are members. The NSPA brings together in a single organisation NATO's logistics and procurement support activities, providing integrated multinational support solutions for its stakeholders. NSPA provides support to NATO by leveraging capabilities for new customers and geographic areas, and developing new capabilities in the areas of:

- Support to Operations and Exercises,
- Systems Procurement and Life-Cycle Management,
- Fuel Management,
- Strategic Transport and Storage,
- Logistics Services and Project Management.



#### [World Economic Forum Partnering Against Corruption Initiative Principles for Countering Bribery](#)

Partnering Against Corruption Initiative (PACI) is one of the Forum's strongest cross-industry collaborative efforts and is creating a highly visible, agenda-setting platform by working with business leaders, international organizations and governments to address corruption, transparency and emerging-market risks. Driven by identified needs and interests of PACI Member companies,

PACI undertakes initiatives to address industry, regional, country or global issues in anti-corruption and compliance.



#### [U4 Anti-Corruption Resource Centre](#)

U4 offers relevant anti-corruption material, including applied research (featured under Themes), through an extensive web-based resource centre. U4 also runs in-country workshops and online courses on anti-corruption measures and strategies for partner agencies and their counterparts.



#### [Canadian Council for Public-Private Partnerships, PPP](#)

##### [project tracker](#)

Canadian PPP Project Database is a tool developed by the Canadian Council for Public-Private Partnerships. This tool allows keeping track of current and past projects, their progress and status. Projects are organised by sector and geographical area. The database is an overview of the projects undertaken by Canada within the framework of public-private partnerships and contributes to transparency and facilitates public oversight.

#### Other tracking tools:



#### [P3 Bulletin Project Tracker](#)



#### [Infra PPP Project Tracker](#)

#### Legislative tools

[UN Convention Against Corruption](#)

[UN Convention on Transnational Organized Crime](#)

- This Convention is supplemented by three Protocols:
  - [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;](#)
  - [Protocol against the Smuggling of Migrants by Land, Sea and Air;](#)
  - [Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, Components and Ammunition.](#)

[UN General Assembly and International Committee of the Red Cross, Montreux Document on Pertinent International Legal Obligations and Good practices for States Related to Operations of Private Military and Security Companies During Armed Conflict.](#)

[Resolution 51/59 UN General Assembly: International Code of Conduct for public officials](#)

[United Nations Declaration on Crime and Public Security](#)

-  [Council of Europe Recommendation Rec \(2000\)10](#)
-  [Council of Europe Criminal Law Convention on Corruption](#)
-  [Council of Europe Civil law Convention against Corruption](#)
  - [GRECO, the Group of States against Corruption.](#)
-  [Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime](#)
-  [Council of Europe Resolution \(97\) 24 on the twenty guiding principles for the fight against corruption.](#)
-  [Council of Europe Convention on access to official documents](#)
-  [Council of Europe Recommendation Rec \(2002\)2](#)
-  [EU Convention on the fight against corruption involving officials of the European Communities or officials of member states of the EU.](#)
-  [EU Convention on the protection of the European Communities' Financial Interests](#)
-  [European Convention on Extradition](#)
-  [OSCE Code of Conduct of Politico-Military aspects of Security](#)
-  [OECD Convention on Combating Bribery of Foreign Officials in international Business Transactions,1997](#)
-  [OECD Recommendation for further Combating Foreign Bribery, 2009](#)
-  [OECD Good Practice Guidance on Internal Controls, Ethics, and Compliance, 2010](#)
-  [OECD Best Practices for Budgetary Transparency, 2002](#)
-  [International Monetary Fund: Code of Good Practices on Fiscal Transparency](#)
-  [Inter-American Convention Against Corruption](#)
-  [African Union Convention on Preventing and Combating Corruption](#)
-  [INTOSAI International Standards of Supreme Audit Institutions](#)
-  [INTOSAI Lima Declaration of Guidelines on Auditing Precepts.](#)
-  [INTOSAI Guidelines for Internal Control in the Public Sector.](#)
-  [INTOSAI Code of Ethics](#)
-  [ISO 15288](#)

 [NATO Allied Administrative publication AAP-48, NATO system life cycle stages and processes](#)

## Publications and other tools



### [OSCE Handbook on Combating Corruption](#). 2016.

This handbook is a reference guide on available legal tools, the latest legislative and policy trends, and pertinent measures and practices to prevent and suppress corruption. The handbook is aimed at raising awareness of the range of international instruments available to national policymakers and anti-corruption practitioners.



### [DCAF-NATO: Building Integrity Self-Assessment Questionnaire and Peer Review Process. A Diagnostic Tool for National Defence Establishments](#)

This Building-Integrity handbook contains a questionnaire, guidance on organising the process in-country, a sample note which can be used to brief the Defence Minister or Head of the Armed Forces on how to introduce the peer review process, and an outline of the format of the visit by the NATO review team. A separate Word document is available for recording the results of the questionnaire. While aimed primarily at Defence, the nation may apply the Integrity Self-Assessment Process to other Ministries and institutions in the security sector.



### [Transparency International Business Principles for Countering Bribery](#)

The Business Principles for Countering Bribery were originally developed through an extensive multi-stakeholder process involving companies, non-governmental organisations and trade unions, as a tool to assist enterprises to develop effective approaches to countering bribery in all aspects of their activities. The Business Principles aim to provide a framework that can assist enterprises in developing, benchmarking or strengthening their anti-bribery programmes. The Business Principles reflect a high, yet achievable standard of anti-bribery practice. They apply to the bribery of public officials as well as private-to-private transactions.

### NATO CODE OF CONDUCT [NATO \(2013\): Code of conduct](#)

NATO Code of Conduct is intended to be read in the context of the NATO Civilian Personnel Regulations, other personnel policies, or applicable national military regulations.

**APEC Code of Conduct  
for Business**

### [APEC Anti-Corruption Code of Conduct for Business](#)

The APEC Code of Conduct for Business is a practical example of an Anti-Corruption Code of Conduct.



### [OECD Best Practices for Budgetary Transparency, 2002](#)

This is a reference tool for member and non-member countries to use in order to increase the degree of budget transparency in their respective countries. The Best Practices are organised around specific reports for presentational reasons only. Different countries will have different reporting regimes and may have different areas of emphasis for transparency. This publication is based on different member-countries' experiences.



### [World Bank Integrity Compliance Guidelines](#)

The Summary of World Bank Group Integrity Compliance Guidelines incorporates standards, principles, and components commonly recognized by many institutions and entities as good governance and anti-fraud and corruption practices. Although they are directed principally at sanctioned "parties," others are encouraged to consider their appropriateness for adoption. They are not intended to be all-inclusive, exclusive or prescriptive; rather a party's adoption of these Guidelines, or variants thereof, should be determined based on that party's own circumstances.



### [International Chamber of Commerce Rules on Combating Corruption](#)

The ICC Rules on Combating Corruption constitute the cornerstone of ICC's anti-corruption work, serving both as a tool for self-regulation by business and as a roadmap for governments in their efforts to fight extortion and bribery.



### [CIDS \(2014\): Integrity Action Plan. A handbook for practitioners in defence establishments](#)

This Handbook on Integrity Action Plans aims to help practitioners in defence establishments produce real and lasting change. The Handbook outlines how practitioners ought to assess corruption risks and address identified weaknesses and shortcomings. The publication emphasises the need for leadership and active support from the top in order to secure a clear mandate and how to tailor the chosen approach to the institutional context.



### [The Norwegian Ministry of Defence \(2011\): Ethical guidelines for contact with business and industry sector](#)

"Ethical Guidelines for Contact with Business and Industry in the Defence Sector" was first issued by the Ministry of Defence in April 2007. This revised edition of these guidelines aims to clarify and simplify the rules that apply. The revision is part of the development of the Ministry of Defence's Action Plan for Attitudes, Ethics and Leadership (AEL).



### [The Norwegian Ministry of Defence \(2010\): Action Plan on Attitudes, Ethics and Leadership](#)

The Norwegian defence sector's employees face ethical and attitudinal challenges and dilemmas every day: in military operations, in contact and collaborations with business and other private and public actors, in research activities, or in day-to-day work. Therefore, leaders and employees must always be equipped to make good decisions. Latter is the objective of this publication which provides an action plan on attitudes, ethics and leadership.



### [The Norwegian Ministry of Defence \(2013\): Core Values of Norway's Defence Sector](#)

The Norwegian defence sector promotes certain general values of openness, broadmindedness, respect, responsibility, and courage. The sector encompasses the Ministry of Defence and four administratively subordinate agencies: the Norwegian Armed Forces, the Norwegian Defence Estates Agency, the Norwegian National Security Authority, and the Norwegian Defence Research Establishment. All bodies of the Norwegian Ministry of Defence must adhere to the values platform outlined in this publication.



### [OSCE Security Sector Governance and Reform Guidelines for OSCE Staff. 2016](#)

These guidelines provide OSCE staff with advice on supporting cross-dimensional approaches to security sector governance and reform (SSG/R). The purpose of such approaches is to promote a move away from the kind of fragmented support which has a limited impact and towards the practice of building on cross-dimensional synergies. This is done in order to provide coherent and effective support for the pursuit of common strategic SSG/R objectives. While the guidelines are designed for the use of OSCE staff, they may also be of relevance to other national and international actors seeking to enhance their support in the field of SSG/R.



### [U4 Issue 2013:8: Methods for learning what works and why in anti-corruption: An introduction to methods for practitioners](#)

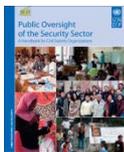
This paper offers practical guidance to practitioners who design, implement, and disseminate evaluations and research on anti-corruption. A range of quantitative and qualitative methods can be used to answer operational questions on the impact of anti-corruption interventions. Although some methods can produce stronger evidence than others for a specific evaluation, there are trade-offs between rigour and costs and between aspiration and feasibility. Donors should let the evaluation question, programme attributes, and availability of data determine the most appropriate methods for a given study. With careful planning and adequate resources, donors can use many of the methods presented in this paper. This should give more reliable results and produce needed

knowledge on what works in anti-corruption, laying the basis for more effective anti-corruption initiatives. U4 is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work.



NATO-DCAF, (2010). [Building Integrity and Reducing Corruption in Defence. A Compendium of Best Practices.](#)

This compendium is the product of cooperation between Transparency International UK, the NATO Program for Peace team, and DCAF. The compendium focuses on concepts and tools which ensure good practices in defence management and policy through “building integrity”. Designed primarily as an introduction and reference tool, defence personnel, civilians in the defence sphere, democratic institutions, and civil society will also find materials on building integrity and anti-corruption measures which are relevant to their own security governance activities.



DCAF, UNDP (2008), [Public Oversight of the Security Sector. A Handbook for Civil Society Organizations](#)

This Handbook provides structured guidance for civil society organisations (CSOs) on the role they can play in democratic security sector oversight. Although 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 is sometimes under-emphasised in the developed and developing worlds. The Handbook is designed primarily for civil society and non-governmental organisations. The publication is also relevant to democratic institutions, democratic representatives, policymakers, SSR practitioners, researchers, security sector institutions, the media, and international organisations partnering with CSOs on democratic security governance issues.



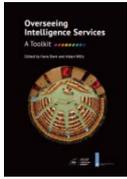
UN Inter-Agency SSR Task Force, [Security Sector Reform Integrated Technical Guidance Notes.](#)

The UN SSR Integrated Technical Guidance Notes are a useful tool for anyone interested in Security Sector Reform and Democratic Security Sector Governance. The purpose of the Integrated Technical Guidance Notes (ITGNs) is therefore to foster a “One United Nations” approach to SSR by providing a common framework to guide United Nations support to nationally led SSR efforts.



Hans Born, Ian Leigh (2005), [Making Intelligence Accountable: Legal Standards and Practice for Oversight of Intelligence Agencies.](#)

This publication classifies and evaluates the legal standards that currently exist regarding the democratic accountability of intelligence services. The publication also identifies and recommends best practices applicable to both transition countries and well-established democracies.



Born Hans, Wills Aidan, DCAF-Ministry of Foreign Affairs of the Netherlands (2012), [Overseeing Intelligence Services: a Toolkit.](#)

DCAF's toolkit on overseeing intelligence services is a compendium of booklets (tools) that provides policy-relevant information on the establishment and consolidation of independent bodies to oversee state organisations involved in the collection, analysis, production and dissemination of intelligence in the national security domain.



DCAF, Inter-Parliamentary Union (2003), [Parliamentary Oversight of the Security Sector](#)

Parliaments have a vital role to play in the good governance of the security sector and the provision of transparent and accountable public security. This handbook is divided into eight sections, each containing several chapters and can be read in two different ways. A complete reading of the Handbook will provide the most comprehensive understanding of security issues and the role of parliamentary oversight. However, it is also possible to make a selective reading of those sections and chapters which are of particular concern to the user. The index and various cross-references are designed for this purpose. Throughout the Handbook, there are separate boxes which clarify complex issues in the main text, provide examples of laws or regulations, and highlight practices of parliamentary oversight of the security sector in various countries. At the end of most chapters, there is a section called -- "what you can do as a parliamentarian," where concrete recommendations are given. However, these recommendations must be observed from the national context.



OECD, UNODC, [The World Bank, \(2013\), Anti-corruption ethics and compliance Handbook for Business.](#)

The Handbook has been developed to serve as a useful, practical tool for companies seeking compliance advice in one, easy-to-reference publication. The publication is divided into three sections. The first section provides an overview of the international anti-corruption framework, within which companies conducting international business must operate. The second section provides a brief introduction to how companies can assess their risk in order to begin developing an effective anti-corruption ethics and compliance programme. The third and most significant section brings together major business guidance instruments.



OECD (2010), [Good Practice Guidance on Internal Controls, Ethics and Compliance.](#)

This Good Practice Guidance is addressed to companies for establishing and ensuring the effectiveness of internal controls, ethics, and compliance programmes or measures for preventing and detecting the bribery of foreign public officials in their international business transactions. Guidelines are also addressed to business organisations and professional associations which play an essential role in assisting companies in these efforts. The publication recognises that to be effective, such programmes, or measures, should be interconnected with a company's overall compliance framework. This publication is intended to serve as non-legally binding guidance to companies in establishing effective internal controls, ethics, and compliance programmes or measures for preventing and detecting foreign bribery.



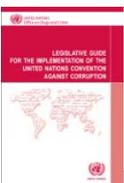
OECD (2008), [OECD Glossaries. Corruption. A glossary of international standards in criminal law.](#)

This Glossary explains the key elements required to classify corruption as a criminal act, according to three major international conventions: the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; the Council of Europe's Criminal Law Convention on Corruption; the United Nation's Convention against Corruption. The specific purpose of this Glossary is to assist the countries of the OECD Anti-Corruption Network for Eastern Europe and Central Asia in their efforts to reform national anti-corruption criminal legislation according to the requirements of the above-mentioned conventions. This tool seeks to remedy the lack of knowledge about international law and recent developments in international treaties that some national legislators may face. This glossary should be useful for legal practitioners in any country that aims to strengthen international cooperation and domestic rules to fight corruption.



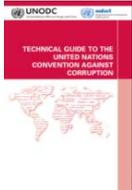
European Partners against Corruption, European contact point network against corruption (2011), [Anti-Corruption Authority Standards.](#)

This document lists ten guiding principles and parameters on the notion of independence of Anti-Corruption bodies. These principles and standards are intended to be aspirational for, rather than legally binding on, organisations. They recognise that there are many different approaches across the world and are, thus, intended to be responsive to the legal and policy frameworks established in individual countries and organisations.



[Legislative Guide for the Implementation of the UNCAC](#)

The United Nations Convention against Corruption was adopted by the General Assembly by its resolution 58/4 of 31 October 2003. The objective of the legislative guide is to assist States seeking to ratify and implement the Convention by identifying legislative requirements, issues arising from those requirements and various options available to States as they develop and draft the necessary legislation.



### [Technical Guide to the United Nations Convention Against Corruption](#)

The present Technical Guide primarily focuses on the provision to anti-corruption practitioners and authorities of relevant technical advice, tools and examples of good practices to make the articles of the Convention operational. The Technical Guide attempts to highlight policy issues, institutional aspects and operational frameworks related to the full and effective implementation of the provisions of the Convention. The objective of the Guide is to lay out a range of policy options and considerations that each State Party needs, or may wish, to take into account in national efforts geared towards implementation of the Convention. Thus, the Guide intends only to raise and highlight issues pertinent to such implementation and by no means purports to be used as a complete and exhaustive counselling material for national policymakers, especially in view of the different legal systems and traditions and the varying levels of institutional capacity among States Parties.



### [United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors & Investigators](#)

The United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators is part of a larger package of materials intended to provide information and resource materials for countries developing and implementing anti-corruption strategies at all levels, as well as for other elements of civil society with an interest in combating corruption.



### [United Nations Guide on Anti-Corruption Policies](#)

The United Nations Guide on Anti-Corruption Policies, which contains a general outline of the nature and scope of the problem of corruption and a description of the major elements of anti-corruption policies, is suitable for use by political officials and senior policy-makers.



### [The United Nations Anti-Corruption Toolkit](#)

The United Nations Anti-Corruption Toolkit contains a detailed set of specific Tools intended for use by officials called upon to elaborate elements of a national anti-corruption strategy and to assemble these into an overall strategic framework, as well as by officials called upon to develop and implement each specific element. Case Studies, setting out practical examples intended to illustrate the use of individual tools and combinations of tools in actual practice are included in the Toolkit. They provide information about the conditions under which a particular programme will or will not

work and how various tools can be adapted or modified to suit the circumstances in which they are likely to be used.



### [UN Compendium of International Legal Instruments on Corruption](#)

The Compendium of International Legal Instruments on Corruption compiles for reference all the major relevant global and regional international treaties, agreements, resolutions and other instruments. These include legally binding obligations, as well as some "soft-law" or normative instruments intended to serve as non-binding standards.



### [Mutual Legal Assistance Request Writer Tool](#)

The Mutual Legal Assistance Request Writer Tool (MLA Tool) has been developed by UNODC to assist States to draft requests with a view to facilitate and strengthen international cooperation.

The MLA tool:

- Requires virtually no prior knowledge or experience with drafting mutual legal assistance requests
- Helps to avoid incomplete requests for mutual legal assistance and therefore minimizes the risk of delay or refusal.
- Is easily adjustable to any country's substantive and procedural law
- Enables the user to retrieve key information on treaties and national legislation
- Features an integrated case-management tracking system for incoming and outgoing requests



### [Resource Guide on Strengthening Judicial Integrity and Capacity](#)

The purpose of this Guide is to support and inform those who are tasked with reforming and strengthening the justice systems of their countries. The Resource Guide also aims to provide development partners, international organizations, and other providers of technical assistance who deliver support to this process.



### [Building Public Support for Anti-Corruption Efforts](#)

This paper provides a practical overview of how an agency may work with the media to win the support of the public in the fight against corruption. The paper is intended as a "how-to" guide to help agencies understand how to control the way they present themselves to the public, how to frame their agencies' work, and how to develop allies in the press and the community at large. Overall, this paper is designed to help anti-corruption agencies become more effective in fighting corruption.



### [Guidebook on Anti-corruption in Public Procurement and the Management of Public Finances](#)

This Guidebook serves as a reference material for governments, international organizations, the private sector, academia and civil society, by providing an overview of good practices in ensuring compliance with article 9 of UNCAC, which requires establishing appropriate systems of public procurement, as well as appropriate systems in the management of public finances.



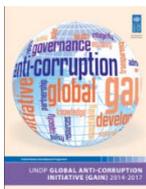
### [Group of States Against Corruption \(GRECO\)](#)

The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards. GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. The group helps to identify deficiencies in national anti-corruption policies, prompting the necessary legislative, institutional and practical reforms. GRECO also provides a platform for sharing best practices in the prevention and detection of corruption.



### [Principles for Transparency and Integrity in Lobbying](#)

The OECD Principles for Transparency and Integrity in Lobbying help decision-makers address concerns raised by lobbying practices. These are the only international principles addressing concerns raised by lobbying and providing guidance on how to meet expectations of transparency and accountability in the public decision-making process. They are part of the OECD strategy for a stronger, fairer and cleaner economy.



### [Global Anti-Corruption Initiative \(GAIN\)](#)

The objectives of GAIN are to integrate anti-corruption solutions in service delivery to contribute to Millennium Development Goals acceleration and post-2015 development goals; to strengthen state/institutional capacity to implement UNCAC and prevent corruption; to mitigate corruption risks in climate finance and natural resource management; to enhance civic engagement, youth and women's empowerment for increased transparency and accountability at national and local levels; and improve results-based management and institutional effectiveness on anti-corruption.



### [Financial Action Task Force \(FATF\)](#)

The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.



### [The Open Government Partnership \(OGP\)](#)

The Open Government Partnership is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.



### [The Organization for Economic Co-Operation and Development’s Istanbul Anti-Corruption Action Plan](#)

**The Istanbul Anti-corruption Action Plan** is a sub-regional peer review programme launched in 2003 in the framework of the Anti-Corruption Network. The programme supports anti-corruption reforms through country reviews and continuous monitoring of implementation of recommendations, which promote the UN Convention against Corruption and other international standards and best practice. This programme:

- **reviews** the legal and institutional frameworks for fighting corruption and makes recommendations
- **monitors** progress in implementing the recommendations

The results are discussed at regional meetings and published as [country and progress reports](#).



### [UNCAC Self-Assessments: Going Beyond the Minimum](#)

The UN Convention Against Corruption Self-Assessment process is an opportunity to engage in national dialogue on anti-corruption policies and programmes and stimulate reforms to curb corruption. This practical Guidance Note provides a methodology for national stakeholders on how to conduct a comprehensive and participatory Self-Assessment of UNCAC implementation.





## About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and the core security and justice providers such as police, judiciary, intelligence agencies, border security services and the military.

## About Building Integrity Notes

This collection of introductory notes on Building Integrity (BI) was conceived with the aim of assembling and defining core BI concepts on the basis of the existing literature on the subject in a short format. Building Integrity Notes are designed for a wide audience, from the general public to military and civilian personnel in the defence and security sectors. The notes aim to present information in a user-friendly and practical format and provide access to a wide range of resources for further study.

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