

OPERATIONAL GUIDANCE NOTE: OVERVIEW FOR SECURITY AND JUSTICE ASSESSMENTS

This note provides an overview for the series of Operational Guidance Notes (OGNs) on Security and Justice Assessments produced by the International Security Sector Advisory Team (ISSAT). It is designed to be read as an introduction to the OGNs and includes the overarching principles that should be adhered to throughout the assessment process.

SUMMARY OF SECTIONS

SECTION 1. USING THE OGNs

SECTION 2. WHAT WE MEAN BY ASSESSMENTS

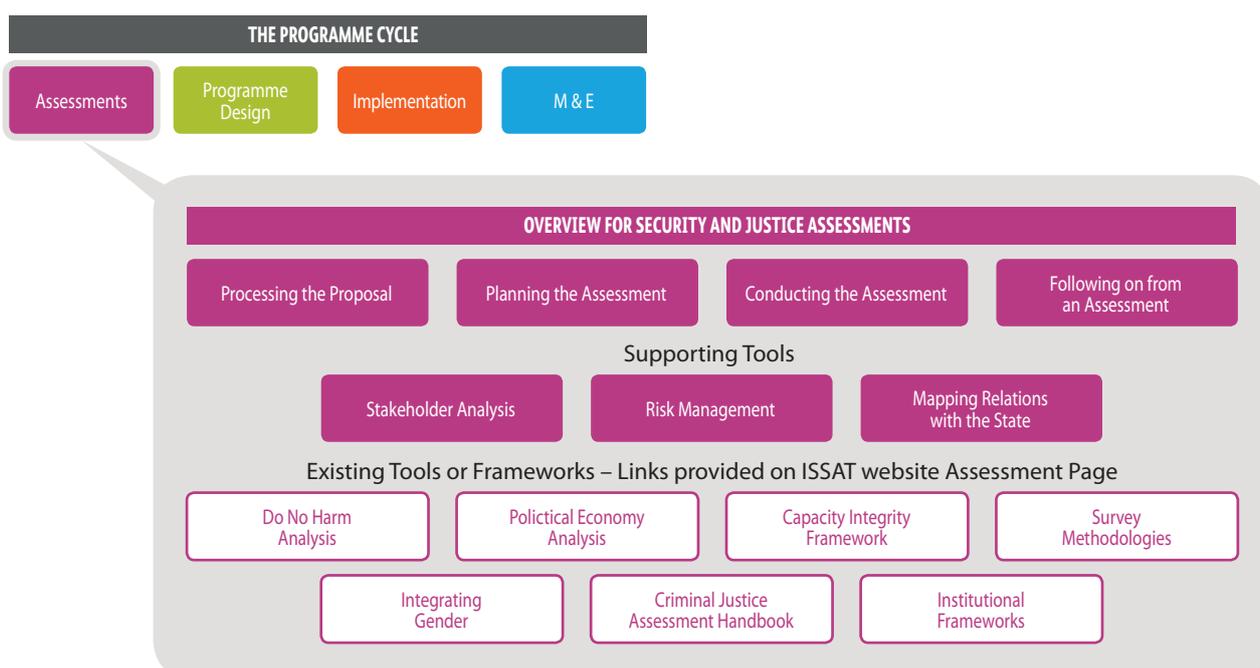
SECTION 3. WHAT WE MEAN BY SECURITY AND JUSTICE DEVELOPMENT

SECTION 4. WHAT MAKES SECURITY AND JUSTICE ASSESSMENTS DIFFERENT

SECTION 5. OVERVIEW OF ISSAT'S APPROACH TO UNDERTAKING ASSESSMENTS

SECTION 6. OVERARCHING PRINCIPLES

SECTION 1. USING THE OGNs



a) Overview of the ISSAT Assessment OGNs

The Assessment OGNs form part of a series that cover the whole security and justice development programme cycle. OGNs covering Programme Design and Monitoring & Evaluation can be found on the ISSAT Website. As illustrated in the diagram above, the Assessment series consists of this overview OGN and four OGNs dealing with the process of undertaking a security and justice assessment:

- Phase 1 Processing the Assessment Proposal
- Phase 2 Planning the Assessment
- Phase 3 Conducting the Assessment
- Phase 4 Following on from the Assessment

There are a number of specific tools that support the assessment process. Three are covered under individual ISSAT OGNs (Stakeholder Analysis, Risk Management, and Mapping Relations). The remainder shown in the diagram above have been amply covered by other organisations. Links to the tools or frameworks can be found on the ISSAT Assessment Webpage. In addition to the OGNs, a growing repository of examples and lessons learned can be found on the webpage.

b) The audience for the OGNs

The support that ISSAT provides its Members is by direct assistance, using ISSAT personnel: core staff, other DCAF personnel, seconded personnel, additional experts from the ISSAT roster, and ISSAT partners (e.g. from the African Security Sector Network (ASSN) or the Association of Security Sector Education and Training (ASSET)), or a combination thereof. These personnel are the main audience for the OGNs to ensure ISSAT advice is consistent, coherent, and based on recent good practice. The OGNs have been developed based on lessons learned and emerging good practice. As such, they may also provide suggestions and guidance for field and HQ staff of ISSAT Governing Board members and external actors to use or adapt to their own organisations.

c) How to use the OGNs

The OGNs are designed to provide guidance to ISSAT personnel. They give a systematic approach that can be adapted to the context and objective, but nonetheless provide a structure so personnel coming from diverse backgrounds can effectively work together as a team, to a common standard, and add value to the assessment process.

The four OGNs on the process of undertaking an assessment are inter-related and should therefore be reviewed as a whole before focussing on particular areas. The adaptation required for each context means that not all aspects would be relevant. Moreover, the OGNs do not represent a linear process. For example, the OGN on Conducting the Assessment gives guidance on determining the methodology (which needs to be worked out for each individual assessment). Conclusions from working through this OGN will impact on activities that are covered in the OGN on Planning the Assessment. Analysis related to how the final product will be produced (covered in the OGN on Following on from the Assessment) may inform questions to be asked as part of the first OGN on Processing the Assessment Proposal.

Each OGN contains a map of different steps or activities to be considered. There are examples included to illustrate particular points. This can be found in the yellow boxes. Risk management is a key element of ISSAT's approach that runs through the whole process and potential risks are highlighted throughout in red boxes. The OGNs on supporting tools will have a slightly different format depending on their focus.

SECTION 2. WHAT WE MEAN BY ASSESSMENTS

An assessment is a process of data gathering and information analysis carried out in support of a pre-determined purpose. Purposes of assessments can include the following, and may be multiple:

- Inform policy towards a particular country, sector or grouping;
- Support the design of programmes to assist the development of security and justice systems;
- Identify suitable entry points to support longer-term security and justice processes;
- Identify and mitigate against risks and pitfalls of engagement;
- Identify individuals, communities, networks, organisations or institutions to champion security and justice processes;
- Identify possible suitable local, national, regional or donor partners for future engagement;
- Inform funding priorities for support to SSR;
- Create a baseline from which to evaluate programme outcomes and impact;

Although these OGNs can be adapted to different types of assessments, their primary focus is on assessments designed to produce programme options or recommendations. However, much of the content in the OGNs would be useful for consideration in other types of assessments. In most instances, the assessment will include background desk research and direct studies undertaken in country.

SECTION 3. WHAT WE MEAN BY SECURITY AND JUSTICE DEVELOPMENT

There are many different policy areas that direct or impact support in the areas of security and justice. These include, but are not limited to, Rule of Law, SSR, Democratisation, Development, Good Governance, Human Security and Human Rights. There are equally many different terms used to describe the types of action undertaken within these areas and the use of one or other term may be for institutional, political or historical reasons. For example, depending on the context, SSR can be called Security Sector (or System) Reform, or Transformation, or Development¹.

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> • Military • Intelligence • Border Guards • Customs • Para-military groups • Police • Courts • Military justice • Prosecutors • Prisons | <ul style="list-style-type: none"> • Line Ministries (finance, justice, interior, veterans, military, etc) • Executive and National Security Councils • Customary justice providers and non-state justice providers • Non-state security providers • Independent agencies (e.g. ombudsman, audit office) • Civil society and media | <ul style="list-style-type: none"> • Parliamentary Committees • Legislative reform bodies or committees • Legal education establishments (e.g. law schools, professional training institutions) • Professional legal associations (e.g. Bar associations) |
|--|--|---|

¹ The abbreviation "SSR" is used throughout ISSAT documents to refer to the improvement of service delivery by, and oversight of, security and justice institutions/actors (both state and non-state). There are many different terms adopted by national and international actors that encompass these concepts, including and not limited to: "Security Sector Reform", "Security System Reform", "Security Sector Governance" "Security and Justice Sector Reform", "Security and Justice Development", "Security Sector Transformation", "Security Sector Management", and "Security and Justice Sector Development". These terms are also used within ISSAT texts and are understood to be synonymous with "SSR", as defined above.

When undertaking security and justice assessments for its Members, in support of any of the policy areas listed above, ISSAT takes a broad understanding of the actors and institutions that can affect reform in this field. These are shown in the box below.

There are several cross-cutting issues that apply to the above-mentioned actors. In addition, there are activities that are common in fragile and conflict-affected environments that also need to be considered, as these can influence or provide entry points to security and justice development. These are shown in the box below.

Cross-Cutting Issues	
<ul style="list-style-type: none"> • Oversight • Management (process, finance, personnel, logistics) 	<ul style="list-style-type: none"> • Gender and Human Rights • Anti-Corruption
Related Activities	
<ul style="list-style-type: none"> • Mine Action • Disarmament, Demobilisation and Reintegration (DDR) 	<ul style="list-style-type: none"> • Elections • Small Arms and Light Weapons (SALW) • Transitional Justice

Security and Justice Development needs to be locally owned and adhere to two core principles:

- **Effectiveness:** security and justice providers need to be able to provide an effective service to the population. They should have the knowledge, skills and equipment to be able to carry out their allocated tasks.
- **Accountability:** security and justice providers need to operate within the law. They should not abuse their positions. The population should be able to trust that there are functioning measures to ensure abuse does not happen – and if it does, that there are suitable (and working) mechanisms for redress and preventing reoccurrence.

Improving the effectiveness of security and justice providers without ensuring their accountability is not security and justice development. Likewise, improving accountability without effectiveness is not security and justice development.

Any team undertaking an assessment also needs to acknowledge the three dimensions of security and justice development.

1. Security and justice actors and institutions do not operate in isolation. Whilst focus to support may be concentrated in one or other area, it is paramount to ensure that this fits into and interacts with the wider security and justice system. The team must retain a holistic vision of security and justice development.
2. Security and justice development goes to the core of the interests of individuals, organisations and states. It is not just about creating structures and improving skills. The team must remember that security and justice development is first and foremost a political undertaking.
3. There are many different elements to security and justice development: different thematic areas, and diverse processes and organisational systems. The team must recognise that security and justice development is a technically complex process.

All of these aspects seek to assist countries to provide security and justice services to the population in a manner that is

- accountable to the State and its people;
- effective, efficient and affordable; and
- respective of international norms and standards, rule of law and human rights;

SECTION 4. WHAT MAKES SECURITY AND JUSTICE ASSESSMENTS DIFFERENT

While many of the principles behind conducting an assessment are the same in security and justice development as in other development activities, the nature of donor support to security and justice initiatives requires a different framework. Security and justice development is inherently a highly sensitive and political process. The extent of political will to undertake (or to avoid) security and justice development must be understood. Assessments must not just focus on technical issues and institutions, but include political dynamics, individual influences, informal networks and customs. In addition, a realistic understanding is required of the extent of the impact a donor can have (both positive and negative). It is important to unpack and acknowledge the relationships within the partner country, as well as donor capabilities to support effective development given the constellation of partner country relationships.

In addition to a good mix of sectoral technical experts, security and justice assessment teams need an understanding of security and justice development as being a holistic and political process that requires the combination of effectiveness with accountability. There is also a requirement for project management skills, cultural and local political awareness, knowledge of good practice in assessment processes and change management experts.

Entry points are limited programme activities that are feasible and not threatening, but build confidence, open doors for long-term involvement, and contribute to a holistic reform vision.

Entry points should, therefore, be able to be implemented straight away and can be completed in a relatively short timescale.

These challenges are exacerbated in the sorts of fragile or conflict-affected state environments in which security and justice support is often undertaken. The security and justice system in a post-conflict society is characterised by political volatility, collapsed structures, institutional fluidity and general uncertainty: the nature and number of personnel, the levels of organisational capacity, the effectiveness of the security and justice institutions, the activities of non-state security and justice providers, and the security and justice needs of the population, are often not clearly known.

Fragile or conflict-affected societies are often confronted by legacies of massive abuse generating a lack of trust and a crisis of legitimacy of the security institutions. Typical other post-conflict processes such as DDR, elections, mine action, and return of refugees are highly resource intensive and politically demanding. The tension between the numbers of top priorities (everything is urgent) and limited resources often calls for a careful identification of suitable entry points, rather than just focusing on long-term reform.

SECTION 5. OVERVIEW OF ISSAT'S APPROACH TO UNDERTAKING ASSESSMENTS

Assessments have traditionally focused on the analysis of security and justice in a country from the perspective of the provider – using institutional analyses that look for gaps when comparing the situation in the host country against an 'ideal' model. This, however, risks creating recommendations that fail to impact on the end-user of security and justice services and can end up being supply driven. They also fail to take into account the realities of the country and how security and justice are actually provided.

Experience has also shown that comprehensive assessments that aim to cover all actors in depth are ambitious, complex, resource intensive and time consuming. Comprehensive assessment efforts often falter with poor results that assess a limited number of actors unevenly. As a result, comprehensive assessments should generally be avoided, and focus given to areas where there is likely to be a greater positive impact.

Based on lessons identified and evolving good practice, ISSAT has selected a four phase process: Processing, Planning, Conducting and the Follow-on.

Phase 1. Processing the Assessment Proposal

This phase covers the main questions that need to be asked on whether an assessment is the most appropriate action (looking at relevance and feasibility); checking against the main principles for supporting SSR and reviewing how these influence the decision-making process; formulating the assessment request (including defining the objectives and scope); and identifying resources.

Phase 2. Planning the Assessment

This phase concentrates on ensuring the ground work has been made to incorporate the Paris Declaration and Accra Agenda for Action principles, as well as undertaking preparatory analysis covering past assessment reports, and awareness of existing political dialogue and the history of SSR in the country. The procedural aspects of the assessment mission that are covered at this stage include details on the assessment team, terms of reference and beginning to develop a context-specific methodology, including commissioning surveys where possible and appropriate.

Phase 3. Conducting the Assessment

This phase combines a 'Needs Assessment' approach (looking at the institutional gaps) with a 'What is Used' approach (whereby focus is placed on the end user, where they actually go to get security and justice, how security and justice services are delivered and by whom). The process is founded on four identified good practices:

1. Evaluating the nature and structure of the State, particularly taking into account the governance structures and cultural norms that historically exist. This allows evaluations of justice and security institutions to be placed into the appropriate context, rather than gauging effectiveness against a Westphalian state model.
2. Recognising the importance of personalised politics: the team need to map individual networks and examine leadership abilities, rather than just looking at institutional and capacity analyses. Unpacking the dynamic balance of power between different actors, communities and organisations – as well as their self-interests – is key, albeit extremely difficult. Particular care is taken where possible to vary the sources and examine opinions and judgements according to their power interests.
3. Recognising the importance of the relationship between security and justice service providers and their customers. These relationships are examined to see how these can be progressively made more accountable and effective, taking into account the myriad of ways (state and non-state)

that people currently use to find security and justice.

4. Examining which constituencies are likely to support what initiatives, combined with an analysis of likely sources and levels of resistance.

A comprehensive risk management approach is adopted throughout due to the fact that knowledge will inherently be partial and incomplete, and therefore unintended consequences are virtually a certainty that need to be mitigated against.

The follow-on is a specific stage of the process that provides the link between the assessment and any subsequent SSR support activities. It also provides the opportunity to collate and review lessons learned for future assessments. The exact process to determine recommendations will have been worked out with the mandator during the initiating/planning phases: for example, recommendations could be produced by the assessment team or could be explored through a stakeholder workshop. Four main parameters are considered: the life-span of the recommendation, the cost, potential spin-offs, and the political impact. Furthermore, recommendations need to be focused and feasible, with preconditions and consequences made explicit. Next steps are considered to clarify how the process will move from diagnosis to action and this will invariably require close liaison between the assessment team, the mandator and the host government. If national stakeholders are not party to the development of recommendations, bilateral or open meetings are highly recommended to validate findings, enhance national ownership of the process and build trust with key implementers.

SECTION 6. OVERARCHING PRINCIPLES

a) Adherence to the Paris Declaration, Accra Agenda for Action and 3C commitments

The Paris Declaration (2005), the subsequent Accra Agenda for Action (2008), and the 3C Obligations (2009) commit signatories to improve aid effectiveness through, inter alia, harmonisation, alignment, mutual accountability, coordination and reinforcing national ownership. One of the Paris Declaration targets is that joint assessments should make up 2/3 of all assessments conducted by 2010. In order to achieve aid effectiveness in the area of security and justice, the country's ownership of the process is essential.

The importance of procedural arrangements, or different coordination groups, should be emphasised in fostering ownership, alignment and harmonisation. Ideally, there will be a Government lead Security and Justice Group with donor participation in line with the Aid Effectiveness principles: harmonisation of the donors at the political and technical level through coordination mechanisms, such as a working group, is fundamental. If well-functioning, it will facilitate both political dialogue and technical arrangements for the planning and execution of an assessment, as well as the broader security and justice process (including programme design, implementation, monitoring & evaluation and efficient funding mechanisms).

The Poverty Reduction Strategy (PRS) of a country can be an entry point, especially if a Poverty Reduction Strategy Paper (PRSP) will be produced or updated. If conditions for a joint assessment with other donors and the Government do not exist, it is still important to try to seek collaboration with key national actors, involve one/some donors and facilitate an open dialogue on the results with key stakeholders. It is also vital to seek, when possible, to delegate the management of the assessment process to the local donor representatives. Usually, the more an assessment is lead by HQ, the weaker the national ownership and the donor alignment and harmonisation will be.

It is easier to recognise what is not local ownership rather than attempt to capture the different components in a checklist, as these will differ depending on the context and levels of capacity.

For example, local ownership does not mean having pre-written terms of reference accepted by national partners, or sharing plans only after they have been finalised.

The bottom line is that donors do not do security and justice development – they support it.

b) Local ownership

The Paris Declaration stipulates that donors must “respect partner country leadership and help strengthen their capacity to exercise it”. In turn, the partner country must “exercise leadership in developing and implementing their national development strategies through broad consultative processes” (including thematic strategies such as those pertaining to security and justice). In this context, the assessment team should plan and conduct their activities so as to facilitate and enhance the leadership and participation of national actors.

Achieving this can be extremely difficult, especially in fragile and conflict-affected environments. It requires looking at three areas:

1. Actors – are you talking to the right people? There needs to be a combination of those who are powerful or influential enough to lead change and those who are representative of the views of the peoples in a country.
2. Process – how will you achieve ownership? This needs to be a negotiated process that takes into account how support will be aligned with national visions, as well as considering the capacities available. It is worth remembering that the level of ownership is unlikely to be static and will increase in line with improved capacities within the national partners.
3. Systems and structures – what indigenous structures, systems or institutions exist (or can be built up) that reinforce ownership? This should look at, for example, who will be implementing, or monitoring and evaluating implementation of any of the assessment recommendations, or who is ultimately responsible for the project or programme (such as a joint or government-led steering group).

It should be remembered that if local ownership is not strived for, the reform process will not have legitimacy and is unlikely to be sustainable.

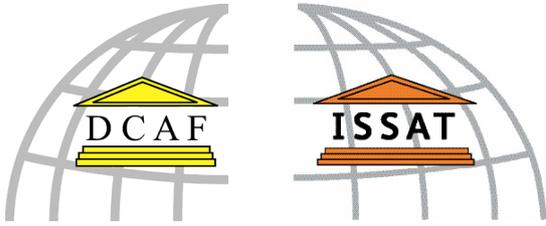
c) Risk management

The environment in which security and justice assessments are undertaken is inherently complex and uncertain. There are many different actors in play with a myriad of agendas. Information will be difficult to obtain, and equally difficult to verify. Time is a constant pressure, both in terms of the time available to the assessment team to evaluate the situation, and regarding the often rapid evolution of events on the ground. This means that, despite all attempts to limit them, there will most likely be many unintended consequences arising.

Unintended consequences can be as a result of undertaking the assessment, due to the likes of interactions whilst in country, raised expectations, impacts on other programmes, or empowerment of particular interlocutors. They can also come from the recommendations or options emanating from the assessment. You must take a proactive risk management approach to undertaking the assessment, seeking to identify and mitigate against negative consequences, as well as being able to react to and exploit positive consequences previously unforeseen.

d) Conflict sensitivity / Do No Harm

The risk management approach should be combined with adopting a conflict sensitive or Do No Harm approach. Do No Harm, or conflict sensitive analysis is analysis that examines the impact of the support on conflict and helps to unpack the complexity of the environments in which security and justice assessments often takes place. Questions to ask include: Does the assessment risk weakening factors that minimise conflict and strengthen factors that enhance it? How can the assessment approach be changed so as to maximise the positive? If national experts are part of the team, a Do No Harm Exercise can be done within the assessment team. If possible more actors should be involved. However, the most important aspect is to conduct the conflict sensitivity analysis and make sure it influences the process and the results and recommendations from the assessment. A full description of how to undertake such analyses can be found in the Do No Harm Handbook at www.cdainc.com.



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

The International Security Sector Advisory Team (ISSAT)

SUPPORTING THE INTERNATIONAL COMMUNITY'S SSR CAPACITY



HOW TO CONTACT US:

GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)

Telephone: +41 (0)22 741 7700

Fax: +41 (0)22 741 7705

E-Mail: iru@dcaf.ch

Website: www.dcaf.ch

THE INTERNATIONAL SECURITY SECTOR ADVISORY TEAM (ISSAT)

Telephone: +41 (0)22 715 2550

Fax: +41 (0)22 715 2569

E-Mail: issat@dcaf.ch

Website: <http://issat.dcaf.ch>