

A woman wearing a blue top and a patterned hijab is speaking into a microphone at a conference. She is gesturing with her right hand. In the background, there are other people seated at tables, some looking towards her. A camera operator is visible in the background. The setting appears to be a professional meeting or conference.

HAVING THEIR SAY

**Guidelines for Involving Local Civil Society in the
Planning, Design, Implementation, and Evaluation
of U.S. Security Assistance and Cooperation**

RECOGNIZE. PREVENT. PROTECT. AMEND.

October 2020

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Cover: *A Civil Society Thought Leaders' Meeting. In the lead-up to the adoption of the Sustainable Development Goals (SDGs) and to mark the 20th anniversary of the Beijing Platform for Action, UN Women convened a series of consultations at the global, regional and national levels that have facilitated discussions on accelerating progress on gender equality, September 2015.*

Credit: UN Women/Sarah Stacke

ABOUT CENTER FOR CIVILIANS IN CONFLICT

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC's mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm. Our vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Building on her extraordinary legacy, CIVIC now operates in conflict zones throughout the Middle East, Africa, Europe, and South Asia to advance a higher standard of protection for civilians.

At CIVIC, we believe that parties to armed conflict have a responsibility to prevent and address civilian harm. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft practical solutions to address that harm, and advocate for the adoption of new policies and practices that lead to the improved well-being of civilians caught in conflict. Recognizing the power of collaboration, we engage with civilians, governments, militaries, and international and regional institutions to identify and institutionalize strengthened protections for civilians in conflict.

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Marines with Task Force Koa Moana and members of the Palau National Safety office clear UXOs in Palau. Koa Moana, meaning “ocean warrior,” is designed to strengthen and enhance relationships between the U.S. and partner nations/states in the Indo-Pacific region, improve interoperability with local security establishments, and serve as a Humanitarian Assistance Survey Team afloat in support of U.S. Indo-Pacific Command, August 2020.

Credit: U.S. Marine Corps Photo/Sgt. Stephanie Cervantes



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Preface

By Sarah Detzner

“It is difficult to get a man to understand something, when his salary depends on his not understanding it.”

– Upton Sinclair

“You can always count on Americans to do the right thing - after they’ve tried everything else.”

– Winston Churchill

This report is an important contribution to the critical and evolving project of improving the United States’ approach to security sector assistance. Specifically, it helps chart a path across the concerningly large and persistent gap between knowledge and practice. As the interviews and literature reviewed in this piece illuminate, scholars and practitioners share a growing consensus that involving the civil societies of partners receiving security assistance in the planning, design, implementation, and evaluation of that assistance strongly increases the contextual fit and sustainability of such efforts, while simultaneously discouraging corruption and misappropriation for repressive purposes. At the same time, the U.S. government, by far the biggest actor in the field and with a great deal invested in the strategy of partner capability development, has lagged considerably behind peers with similar goals in implementing this insight in programming. The primary contribution of this report is in laying out a basic architecture, grounded in evidence – key guidelines, sequencing, clear roles and boundaries – for how such implementation should take place.

This framing piece does not attempt to directly supplement or summarize this work. Instead, it takes on the task of exploring why the gap between knowledge and practice has persisted and the related dynamics of past security assistance failures. In short, U.S. (and other) security assistance efforts have faced two closely related and seemingly intractable problems. The first of these is the reality that outside actors fundamentally cannot force reform to a core function of the state – security – where domestic political leaders feel they have more to lose than gain from such reform.

The second is that the kind of highly specific contextual information needed to address the security challenges that leave partner states weak and perpetually unstable – illicit trafficking, organized crime, terrorism, insurgency, and more recently environmental degradation and the spread of disease – is only obtainable with the active cooperation of ordinary citizens of these states. This piece explores how the United States’ persistently technocratic approach to security assistance (adopted for sound reasons still present) has repeatedly failed to resolve these fundamentally political problems, and, given these constraints, how civil society inclusion in security assistance offers perhaps the only workable path to success. In short, civil society inclusion does not merely enhance security assistance efforts. It is indispensable.

To address the first of these problems, it is widely understood and uncontroversial that there is often a gap between the type of security assistance that a donor such as the United States wants to provide and the type of assistance that the political leadership of a partner state wants to receive, and that bridging this gap to agree upon an assistance plan is a negotiation. What is frequently misunderstood are the nature and strength of the two sides' divergent interests and capabilities.

On the U.S. side, our approach and goals have changed with a changing geopolitical environment and the incorporation of lessons learned from past failures. The Cold War demonstrated the moral, political, and reputational dangers of arming autocrats likely to use their enhanced capabilities against their own populations. The complex conflicts of the 90s and the War on Terror then combined to teach a somewhat reluctant U.S. national security establishment further lessons. The first of these was that a core outcome of security assistance must be to strengthen day-to-day security – human security – for the general citizenry of our partners. Failures to prioritize this led to the loss of previous investments in the security capabilities of partner governments (as these governments were overthrown by their own people for failures to provide protection and/or active state predation), surges in illicit trafficking of all kinds, perpetual insurgencies, and, most problematically, the kind of ungoverned spaces in which international terrorist groups could find safe haven.

The second was that the US simply could not simply take the place of partner governments in developing security provision institutions (for example, training and equipping Iraqi and Liberian police forces) both because these institutions could not operate effectively in isolation (a police force requires both functioning jails and courts) and because institutions inevitably designed to resemble the US-equivalents that programmers were familiar with were a poor fit for partners' completely different cultural, political, and economic contexts.

The US security assistance ecosystem has admirably if belatedly absorbed many of these lessons and consequently is moving toward a hybrid solution – approaching the problem of improving overall security provision by our partners by first assessing their particular needs and then working to improve the overall institutional capacity of their security systems as whole, including logistics, human resource systems, and, critically, internal accountability and mechanisms for civilian oversight. This is most clearly demonstrated on the civilian side by the provisions of the Global Fragility Act and within the Department of Defense by the creation of the Institute for Security Governance and gathering of various related programs under the Defense Security Cooperation Agency (DSCA).

However, this new approach is unfortunately a technical solution to fundamentally political problem that, in the judgement of this author, security assistance programmers are reluctant to articulate because of the lack of clear solutions - *institutional capacity cannot substitute for institutional and political will*. Recipient governments are willing to tolerate, and sometimes even welcome capacity building efforts, but only up to a point. Security assistance providers systematically underestimate that existential threat that real security sector reform poses to the leaders of the autocratic, transitional, and/or only shakily democratic states. These leaders rely on personal control of security forces (especially intelligence agencies) to monitor and suppress political rivals. They maintain the loyalty of security forces leaders both through direct control of appointments and promotions (not possible in a meritocratic system) and by rewarding these leaders with a cut of the spoils from military corruption (in the form of dubious arms sales/trafficking, military business monopolies, etc.). They similarly fund their political budgets and vital patronage networks from the resources allocated to security in ways only sustainable by ensuring that security matters are not subject to legislative oversight or media scrutiny.

Further, these leaders understand that they have an informational advantage. In negotiating with the US and other donors, they can shape security assistance packages – prioritizing some institutions, designating others as off-limits, playing donors off against each other – to maximize investments in the capabilities they most desire and minimize the risks of being forced to follow through with politically uncomfortable changes. Post-war Burundi, where the government accepted extensive external help to rebuild and reform the military while simply shifting the mission of popular repression to the police force, is a fairly typical example. In more unstable situations, such as the DRC, Afghanistan, and South Sudan, leaders can effectively instrumentalize this instability, confident in the knowledge that the strategic consequences of further state disintegration seem dire enough to donors that future aid will be forthcoming even the face of dramatic and repeated reform failures.

Despite this fairly bleak picture, past security reform success stories (notably South Africa, Peru, and Indonesia) suggest an escape hatch to this destructive dynamic and a critical but supporting role for the US.¹ Briefly, the extent to which recipient governments are willing to engage in meaningful security sector reform is best understood as a dynamic continuum rather than a static yes/no binary. When popular demand for such reform becomes strong, organized, and tightly targeted, the benefits political and even security force leaders stand to reap from meeting this demand can come to outweigh the benefits of reform refusal, though usually only in competitive political landscape (yet another reason to limit engagement with pure autocrats). Civil society, with sufficient technical capacity, time to build strong networks, and some protection from repression and retaliation, has often been the mechanism by which such demand becomes politically powerful.

When this shift to greater popular accountability occurs, it produces other positive externalities. Rather than donors attempting to guess at actual partner security needs in the face of misdirection and obfuscation, partner governments are incentivized to demonstrate progress to their constituencies by directing their resources (including donor support) to meeting those security needs of greatest popular priority. If the reform progress brought about by political pressure rebuilds trust between various communities and the government, enabling dialogue, creative and efficient solutions to once-chronic security issues become possible (as demonstrated, for example, in post-war Sierra Leone and Ethiopia where communities capably assumed border monitoring and arms control tasks central state authorities simply did not have the manpower, resources, or local knowledge to perform themselves).²

When popular demand for such reform becomes strong, organized, and tightly targeted, the benefits political and even security force leaders stand to reap from meeting this demand can come to outweigh the benefits of reform refusal.

1 S Detzner, "Nothing For Us Without US?: The Impact of Popular Participation on Security Sector Reform Progress In Transitional States," PhD diss., (Tufts University, 2019)

2 Peter Albrecht, and Paul Jackson. Security system transformation in Sierra Leone, 1997-2007. (Global Facilitation Network for Security Sector Reform and International Alert, Birmingham, 2009): 78; Mulugeta Gebrehiwot Berhe. *Laying the Past to Rest: The EPRDF and the Challenges of Ethiopian State-Building*. Hurst & Company, 2020.

The United States, of course, cannot force a beginning to this process. However, evidence suggests that, especially with effective coordination with other donors, we can enable it. As is discussed in greater detail within the report, if we understand partner civil societies as truly essential players in achieving durable reform gains, we must act to make sure to remove obstacles to their performing this role. The largest obstacle is, of course, direct persecution. If security assistance given to partners without civil societies able to organize and signal-boost domestic demands for effectiveness and accountability is a waste of resources, the United States should logically condition assistance to partners on the extent to which they allow these actors to operate – allowing governments like South Sudan to receive aid while systematically destroying local media outlets becomes not just morally repugnant but strategically unsound.

Further, given that some of the most dramatic examples of security sector reform success have occurred when civil societies had the organization and capacity to take advantage of a moment of political opportunity, the United States should dedicate resources to this capacity building mission in preparation for such moments. This is usually not a call for direct engagement with specific organizations – the US has a poor track record of “picking winners” and well-founded concerns about delegitimizing pro-reform organizations suspected to be the puppets of outsiders. However, there are many other promising options, such as supporting the efforts of more locally-legitimate multilateral organizations (the African Union and Organization of American States have notable past successes) and encouraging/protecting the type of consultation processes from which pro-reform coalitions have emerged in the past.

It is also important to acknowledge that the institutional capacity building efforts pursued by DSCA and other US institutions can also tailor their efforts to facilitate this process. US programming cannot directly create political will for reform, but it can create openings and communication channels for civil society/security policy maker dialogue to take place. This is already taking place to some extent with increased investment in building the oversight capabilities of parliamentarians and prioritizing the creation of public engagement capabilities and mandates within security force institutions. However, programmers can further mandate that their provision of technical assistance – helping to draft national security policy documents, doctrine, etc. – is conditional on the products of such assistance being open to public scrutiny/comment and legislative ratification.

Finally, the United States, in concert with other actors, should prepare to seize moments of reform opportunity by aligning international pressure around the same reform priorities as domestic civil society, a double-pressure model with a track record of catalyzing change in a number of past success stories (most notably South Africa) and the neglected potential to do so in current transitional states (Sudan).³

As this piece has laid out, civil society inclusion in security assistance processes is more than an amplifier of existing efforts – it is promising solution to an otherwise intractable set of political and informational dilemmas that have doomed U.S. efforts time and time again. This invaluable report fleshes out this basic concept into an actionable and sequenced series of policy interventions, alongside an agenda for further research and policy development. One can only hope that the lifeline, once thrown, will be grasped.

3 Detzner, “Nothing For Us Without US?”; Mulugeta Gebrehiwot Berhe & Sarah Detzner “Sustaining Momentum: Seizing the opportunity for SSR in Sudan,” *Conflict Research Programme*, London School of Economics. June 2020,



U.S. Army Special Forces Operational Detachment-Alpha Soldiers in 3rd Special Forces Group (Airborne) train Senegal Soldiers on how to clear a room in a glass house during Flintlock 2018 in Tahoua, Niger, April 2018.

Credit: U.S. Army photo by Sgt. Heather Doppke/79th Theater Sustainment Command

I. EXECUTIVE SUMMARY

Over the last twenty years, the United States has invested significant strategic and financial capital in the provision of training, assistance, and materiel in order to build the capacity of justice and security forces and institutions in other countries. While the purpose of U.S. security cooperation and assistance programs may vary, e.g. from a form of transactional foreign policy currency to a means of advancing collective security, the emphasis of many programs and activities has shifted in explicit and measurable ways toward enabling partner countries to manage internal security threats and challenges. In some cases, the threat of terrorism or other destabilizing factors that drive the perceived need for U.S. support may legitimately derive from transnational sources; but in most cases, insecurity or state fragility stems from local political circumstance, and quite often as a result of significant gaps in legitimate governance or the misuse of violence or coercion by state security actors. In some circumstances, external support to security institutions incurs the unintended consequence of reinforcing existing power structures that perpetuate injustice, poor governance and corruption, and impunity for abuse. Even in cases where the express purpose of support is to help a partner with external threats or security challenges, the provision of support can have an effect on internal political dynamics in the partner country, or even in third countries where the partner is or becomes involved. As a result, no matter the intention, U.S. or other sources of support for formal (i.e. state) security institutions, especially in the context of poor governance or human rights violations, has a direct bearing on local political and social dynamics.

This report contends that the United States government should more deliberately involve a broader array of affected publics, where possible through civil society, in the countries where it undertakes or plans to undertake security cooperation and assistance decisions. This contention is based on three premises: first, that legitimate governance in democratic societies requires adequate public participation in policy decision-making; second, that justice and security service delivery, formal security sector oversight and accountability, and security sector reform processes depend heavily on civil society to perform effectively; and finally, that the volume and nature of U.S. security cooperation and assistance imparts a responsibility on the United States government to ensure its programs serve the right and intended purposes without doing harm.

In this, engagement may take one of **four major forms**:

1. Informing independent civil society
2. Consulting independent civil society
3. Involving local civil society
4. Supporting local civil society

Designing a process for engaging independent civil society on matters of security cooperation or assistance confronts a number of challenges, to include the risk of exposing civil society representatives to government reprisals; empowering non-representative elements of civil society with disproportionate influence; and setting unrealistic expectations. Rather than providing program or agency-specific recommendations, this report provides guidelines for constructing a policy framework for including local, independent civil society in the most important decisions related to security cooperation and assistance. Each of the fifteen guidelines reflects a set of common principles derived from international best practice as reflected in the literature, guidance developed by international organizations and other sources of authority, and the collective wisdom of experts interviewed for this report.



Lt. Laura Burzenski, assigned to the "Wildcards" of Helicopter Sea Combat Squadron (HSC) 23, demonstrates unmanned aerial vehicle MQ-8B Firescout capabilities and configurations with Royal Brunei Armed Forces during Cooperation Afloat Readiness and Training (CARAT) Brunei, October 2019

Credit: U.S. Navy photo by Mass Communication Specialist 2nd Class Christopher A. Veloicaza

II. BACKGROUND

The U.S. government spends \$20 billion every year building the security capacity of foreign governments – more than double the amount it spent in the year 2000. In the last twenty years, the emphasis of many, if not most, of the “security cooperation”⁴ or “security assistance” programs (together, “security sector assistance”⁵) funded by this annual investment has gone toward developing the tactical capabilities of security forces (militaries and police forces) around the world to address internal security challenges, such as terrorism, violent crime, or armed insurgencies. Through its outsized investment in security cooperation and assistance programs of all kinds, the United States government has become involved in shaping the internal security environment in over 170 countries. Over the same period of time, governments around the world – including many of the beneficiaries of U.S. security aid – have placed significant restrictions on independent civil society, leaving security institutions to operate with little oversight or accountability, and blind to a critical source of insight into public security needs.

Meanwhile, with a few notable exceptions, the vast preponderance of U.S. security sector assistance decisions are made by the U.S. government in consultation with officials from partner governments, with little involvement of the public or independent, local civil society in the countries where the activities take place. And while the absence of such engagement has been rationalized or explained by the unique character of security partnerships (characterized as government-to-government engagement on matters of “sovereign” concern, rather than local public interest), a growing body of experience and expertise suggests that policymakers and program managers should seek to more thoughtfully consider a role for civil society in defining public security needs, and when proceeding with security cooperation and assistance decisions, plans, and programs, for three fundamental reasons.

“Civil society is too often restricted to being passive pawns in donor-funded security projects and workshops encouraging ‘social cohesion’ and improved military-civilian relations. Rather than hold the military and government accountable, their presence is used to legitimize the military and lend tacit support.”

- Olivier Guiryanan of BUCOFOR...writing in *Just Security*⁶

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- 4 According to the Defense Department, Security Cooperation: “comprises all activities undertaken by the Department of Defense (DoD) to encourage and enable international partners to work with the United States to achieve strategic objectives. It includes all DoD interactions with foreign defense and security establishments, including all DoD-administered Security Assistance (SA) programs, that build defense and security relationships; promote specific U.S. security interests, including all international armaments cooperation activities and SA activities; develop allied and friendly military capabilities for self-defense and multinational operations; and provide U.S. forces with peacetime and contingency access to host nations.”, whereas Security Assistance “is a group of programs, authorized under Title 22 (State Department) authorities, by which the United States provides defense articles, military education and training, and other defense-related services by grant, loan, credit, cash sales, or lease, in furtherance of national policies and objectives.” <https://www.samm.dsca.mil/chapter/chapter-1>
- 5 According to the White House Fact Sheet on Security Sector Assistance “The security sector is composed of those institutions - to include partner governments and international organizations - that have the authority to use force to protect both the state and its citizens at home or abroad, to maintain international peace and security, and to enforce the law and provide oversight of those organizations and forces. It includes both military and civilian organizations and personnel operating at the international, regional, national, and sub-national levels. Security sector actors include state security and law enforcement providers, governmental security and justice management and oversight bodies, civil society, institutions responsible for border management, customs and civil emergencies, and non-state justice and security providers.” <https://obamawhitehouse.archives.gov/the-press-office/2013/04/05/fact-sheet-us-security-sector-assistance-policy>.
- 6 Olivier Guiryanan, “Counterterrorism Assistance to Chad for the Sahel: The Price the People Pay,” *Just Security*, September 2, 2020, <https://www.justsecurity.org/72199/counterterrorism-assistance-to-chad-for-the-sahel-the-price-the-people-pay/>.

First, the views of representative and independent civil society, at the local and national level, should be involved in co-creating strategies for contending with insecurity and conflict, to include determining if security-sector oriented approaches are suitable to addressing public needs and interests in the first place.

Second, a healthy, representative, and independent civil society, and the channels by which it can shape public policy, are necessary for ensuring proper public oversight of formal security institutions and practices. In the absence of a free and vibrant civil society, the United States risks enhancing the capacity of security institutions and actors that lack the appropriate mechanisms of restraint or control, thus exacerbating the likelihood of civilian harm, human rights abuse, and corruption, or otherwise undermining democratic processes. Consequently, the U.S. government should heavily weigh the ability of civil society to operate freely in its decisions around all support relationships, and especially before undertaking any program that enhances the capacity of a partner government to carry out its own domestic justice and security functions. This is true whether or not the U.S. government consults or supports local civil society directly.

Finally, civil society can provide essential insights into local security needs and priorities, human rights, corruption, and other governance concerns, and can help to evaluate relative changes in performance or accountability over time. As such, involving civil society can help shape and inform the plans, designs, implementation and evaluation of a much broader array of security cooperation and assistance programs and activities than traditionally recognized.

In cases where the partner government's formal security sector is transparent, governed by democratic institutions that invite public participation in decision-making, and subject to oversight and accountability, the U.S. may be reasonably satisfied that the partner's security policies already incorporate adequate public participation, making direct engagement with civil society on matters of U.S. security cooperation and assistance less urgent or necessary. But given the few places where security services could be characterized in this way, and given the severe restrictions civil society faces in many environments, the U.S. government may see a need or benefit to engaging more directly with independent, local civil society to best ensure that the full range of its security assistance and cooperation programs are well suited and appropriate for addressing local needs, appropriately designed, and properly evaluated for their effects; and to mitigate the risk that its programs produce unintended consequences.

A growing number of U.S. government agencies and offices have validated the practice of involving independent civil society in security cooperation and assistance programs. Recent guidance developed by USAID and the State Department, *Justice and Security Assistance in Conflict-Affected Areas*, recommends that program managers "incorporate engagement with civil society, informal or traditional bodies, and other non-governmental stakeholders and sensitivity to gender, psycho-social needs, and trauma into justice and security sector programming in conflict-affected areas whenever practicable."⁷ Some entities within the U.S. government, such USAID and the Bureau of Narcotics and Law Enforcement Affairs at the State Department, have a relatively strong tradition of incorporating civil society in the implementation and evaluation of programs already. And the practice of engaging civil society locally through the U.S. Embassies and Consulates has become a regular, if inconsistent, feature of contemporary American diplomacy.

7 *Effective Justice & Security Sector Assistance in Conflict-Affected Areas: Guidelines for U.S. Government Assistance Planning, Design, and Implementation 2019-2020* (Washington: Department of Defense, Department of State, United States Agency for International Development, 2019), <https://www.state.gov/wp-content/uploads/2020/09/USG-Guidelines-for-Justice-and-Security-Assistance-in-Conflict-Affected-Areas-FINAL-Dec-2019-508.pdf>.

The primary benefits of engaging with representative, independent civil society (whether in the United States or in the partner country) in security assistance and cooperation include:

- **Evaluating** the appropriateness of security assistance or cooperation in the local context;
- **Limiting** the risk that U.S. programs directly or indirectly exacerbate civilian harm, human rights violations, or corruption and disassociating U.S. government policy from same;
- **Improving** the likelihood that security cooperation and assistance programs, where appropriate, address and acknowledge local security needs and priorities;
- **Ensuring** that the intentions and nature of U.S. security cooperation and assistance activities are accurately conveyed to the public in the U.S. and in the partner country;
- **Signaling** political support for civil society globally or locally;
- **Evaluating** the effectiveness of certain security cooperation or assistance programs;
- **Directly supporting** a role for civil society in the reform of the security sector, where applicable.

Yet in spite of the full spectrum of benefits available to the U.S. government, and a growing policy consensus that validates the concept, challenges persist that prevent the U.S. government from more consistently and systematically incorporating a role for independent civil society in a broader spectrum of security cooperation and assistance programs and activities and at every stage of the program lifecycle. Among the challenges or impediments cited in the research:

- Policymakers and practitioners view many forms of security cooperation and assistance as a government to government transaction, and one that is oftentimes subject to requirements of secrecy or discretion;
- Engaging directly with independent civil society within a partner country to consult, or otherwise discuss, the terms or nature of bilateral security cooperation could be seen to infringe on the sovereignty of a partner government;
- Engaging civil society to discuss U.S. security assistance and cooperation programs would accomplish little more than raising expectations of civil society, given the low probability that the U.S. government will change any of its plans on the basis of public input;
- Civil society organizations with the capacity to engage on security issues are either unavailable or not present at all;
- Consulting with civil society organizations may expose individuals or whole organizations to the risk of reprisal, especially in environments where the government restricts civil society or limits free speech and expression;
- Civil society organizations may, themselves, view security issues as “off-limits”;
- The U.S. government has not assigned the specific responsibility of engaging civil society on security cooperation and assistance to any particular office or person, to include within U.S. Embassies and Consulates.

This report represents an effort to reconcile the broadly recognized value of engaging civil society in the development and execution of security policy with the acknowledgement that doing so in the context of bilateral security cooperation and assistance activities imposes very real and consequential challenges. Through a set of notional “guidelines”, the report aims to empower policymakers, planners,



U.S. Army Africa NCO mentors medics and female troops in Liberia as part of the Liberia Security Sector Reform program, a U.S. State Department-led effort to help build leadership capacity within Liberia's military, November 2009.

Credit: Rick Scavetta, U.S. Army Africa

and program managers with a set of options, grounded in leading practice and principle, to involve civil society both directly and indirectly in decisions and the design, implementation, and evaluation of a broad array of U.S. security cooperation and assistance programs. The report also aims to provide independent civil society in the U.S. and in the affected countries with the grounds for expecting to play such a role. The report argues that by distributing various forms of direct and indirect civil society engagement across process stages, and between “centralized” planning locations and “field” locations where programs are implemented and evaluated, the United States government and local civil society can benefit from engagement in a much more consistent way.

III. METHODOLOGY

This report, and the guidelines it contains, is the result of research conducted by Center for Civilians in Conflict (CIVIC) between May 2020 and September 2020.

The literature substantiating the value of involving and supporting civil society in security sector reform is abundant, as is the literature that provides a consensus for how best to undertake inclusive consultations with civil society in the development and management of public policy. The guidelines set forth in this report do not attempt to build on either body of work with novel insights, but rather seek to adapt and apply the sensibilities of both to the international security cooperation and assistance activities undertaken by the U.S. government. It is the hope of the authors that these insights may also prove applicable to other international providers of similar support.

The report concedes that the partner government (often referred to as the “host government”) has the primary responsibility for ensuring appropriate public participation, to include with local, independent civil society, in questions of security policy, but that the United States has both an abiding interest and some assumed responsibility for doing so as well. Even so, this report does not suggest that the United States is obliged to undertake a direct consultation with civil society for every program it designs or implements, nor that doing so would be wise or constructive. It also does not presume that civil society - of any kind - must concur with each and every U.S. support activity or have access to the level of detail about its activities that is available to government officials.

To identify the most applicable and sensible guidelines for civil society engagement on security cooperation matters, the research team employed a mix of research methods that drew upon the U.S. government’s own guidance and experience as well as that of experts and practitioners in security assistance and cooperation, security sector reform, and human rights. These included:

- A project launch and research validation workshop, hosted by the International Security Program at the Center for Strategic and International Studies (CSIS) and attended by forty experts and government officials in January of 2020;
- Over 20 semi-structured key informant interviews, using purposive and referral sampling, with experts in security sector reform and security sector governance, security assistance and cooperation, development, civil society, corruption, and peacebuilding, including experts from the Geneva Center for Security Sector Governance, the U.S. Institute for Peace, Center for Strategic and International Studies, the National Democratic Institute, and others;
- A web-based questionnaire provided to representatives of NGOs in various countries in Africa, Latin America, and Southeast Asia, and responses from fourteen organizations or individuals;
- Interviews with U.S. government officials from the Department of Defense (Defense Security Cooperation Agency and Institute for Security Governance) and the Department of State (Bureau of Political Military Affairs and the Bureau of International Narcotics and Law Enforcement);
- A literature review of key literature authored by international organizations, non-governmental organizations, academics, and experts;
- A review and inventory of publicly available information about U.S. security assistance and cooperation programs;

- Roundtable discussions with government officials from the U.S. Department of State (Political-Military Affairs Bureau) and U.S. Department of Defense (Office of the Secretary of Defense, Security Cooperation), conducted under the Chatham House Rule to inform the authors' understanding of key challenges, opportunities, and issues.

For as much as the report attempts to cover, it does not attempt to cover the entire spectrum of tangentially related issues, such as civil-military affairs or community-security engagement; circumstances specific to humanitarian actors; or security assistance in fragile states. The report does not also attempt to summarize the entire body of experience or work with respect to the role of civil society in security sector reform, nor does it treat with any depth the correspondence between good practice in the security sector with other kinds of development programs and interventions, although the Guidelines themselves are consistent with sound practice in other sectors.

IV. WHY INVOLVE CIVIL SOCIETY IN U.S. SECURITY ASSISTANCE AND COOPERATION?

Civil society may be defined in different ways by different sources of authority. The Council of Europe provided that civil society is broadly construed to include “the ensemble of individuals and organised, less organised and informal groups through which they contribute to society or express their views and opinions, including when raising issues regarding human rights violations, corruption and other misconduct expressing critical comments.”⁸ The Geneva Center for Security Sector Governance (DCAF) defines civil society as “all the different kinds of groups that people form around a shared interest or vision of public interest: for example, charities, philanthropic or advocacy associations, clubs, guilds, trade unions, professional organizations, business associations, community or residency groups, indigenous or ethnic interest groups, faith-based organizations, think tanks, NGOs and independent foundations.” Meanwhile, the U.S. government includes among civil society “Professional organizations; civilian review boards; policy analysis organizations (e.g., think tanks and universities); advocacy organizations; human rights commissions and ombudsmen; non-governmental organizations (NGOs).”⁹ No matter which definition is applied, the principles of engagement apply.

The proposition of inviting public participation, through civil society, in U.S. security cooperation and assistance activities is based on three underlying premises:

- 1. Legitimate governance in democratic societies depends on meaningful public participation in government decision-making.** The general concept of public participation in government affairs is firmly embedded in formal and informal normative foundations, and formally articulated in Article 21 of the Universal Declaration of Human Rights (“The will of the people shall be the basis of the authority of government”) and the International Covenant on Civil and Political Rights (“To take part in the conduct of public affairs, directly or through freely chosen representatives”).¹⁰ According to the Office of the High Commissioner of Human Rights, “Participation makes decision-making more informed and sustainable, and public institutions more effective, accountable and transparent. This in turn enhances the legitimacy of States’ decisions and their ownership by all members of civil society.”¹¹ The Council of Europe’s (COE) Committee of Ministers also noted that citizen participation “is at the very heart of the idea of democracy.”¹²

8 “Guidelines for Civil Participation in Political Decision Making,” Council of Europe: Committee of Ministers, September 27, 2017, CM(2017)83-final, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016807509dd.

9 *Security Sector Reform* (Washington: USAID, DoD, and DoS, 2009), 4, <https://2009-2017.state.gov/documents/organization/115810.pdf>.

10 In 1996, the Human Rights Committee clarified in its General Comment No. 25 on Article 25 of the ICCPR, that inclusive public processes extend beyond ensuring the right to vote, to include protecting the role of organized civil society and public participation in much broader terms. “Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association.” UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, CCPR/C/21/Rev.1/Add.7, available at: <https://www.refworld.org/docid/453883fc22.html>.

11 *Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs*, (Geneva: Office of the High Commissioner for Human Rights (OHCHR), 2018), Summary, <https://www.ohchr.org/EN/Issues/Pages/DraftGuidelinesRighttoParticipationPublicAffairs.aspx>.

12 Council of Europe: Committee of Ministers, “Guidelines for Civil Participation.”

“... [civil society organizations] provide a constructive route to accountability and transparency in counterterrorism work, including through activism, education, research, oversight, and partnership with Governments.”

- Fionnuala Ni Aolain¹³

2. Public input and oversight are critical to accountable, effective security institutions: A broad consensus now recognizes the importance of civil society and public oversight to legitimate and accountable security institutions. According to the UN Development Program and the Geneva Center for Security Sector Governance, “public involvement in democratic oversight is crucial to ensure accountability and transparency across the security sector... Civil Society Organizations (CSOs) act not only as a government ‘watchdog’ but also as an index of public contentment with the performance of institutions and agencies responsible for public security and related services.”¹⁴ Additionally, involvement of civil society and the public makes partner forces more accountable for how they budget for the security sector, reducing opportunities for corruption and reinforcing democratic values like civilian oversight of the military. Accountability in turn enhances the legitimacy of States’ decisions and their ownership by all members of civil society, which increases the sustainability of decisions.¹⁵

3. The U.S. has a responsibility to consider the full range of effects that result from its support to security actors and institutions. The responsibility to involve representative and independent civil society in international security cooperation and assistance decisions derives from 1) the consequential nature or volume of support provided by the United States to the security sectors of many other countries; 2) the effect of its security support on the political ecosystem of the partner state; 3) the distinctive risks involved with security assistance and cooperation that correspond more directly with the commission of human rights violations by state security forces and state capture than other forms of aid; 4) the prevalence of restrictions faced by civil society in partner countries, in which neither the public nor civil society are permitted to protest (or even speak openly about) government security policies. 5) the outsized role played by the United States in coordinating a global response to terrorism since 2001, which since has been assumed as a license to restrict the activities of civil society in the name of countering terrorism.¹⁶

Involving civil society in security cooperation and assistance design, implementation, and evaluation may bring one or more forms of value to the United States government or its security partners:

- Meaningful engagement with both American and local civil society, through open and transparent channels, can help to strengthen public oversight and accountability of U.S. foreign and national security policy;

13 Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism) Human rights impact of policies and practices aimed at preventing and countering violent extremism, U.N. Doc. A/HRC/43/46 (Feb. 21, 2020)

14 Marina Caparini and Eden Cole, “The Case for Public Oversight of the Security Sector: Concepts and Strategies,” in *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*, ed. Kerstin Eppert and Katrin Kinzelback (Geneva: United Nations Development Programme (UNDP), 2008), https://www.undp.org/content/undp/en/home/librarypage/civil_society/public_oversightofthesecuritysectorahandbookforcivilsocietyorgan.html.

15 Zoe Gorman and Gregory Chauzal, *‘Hand in Hand’: A Study of Insecurity and Gender in Mali* (Stockholm: Stockholm International Peace Research Institute, December 2019), https://www.sipri.org/sites/default/files/2019-12/sipriinsight1912_6.pdf.

16 See Shannon N. Green and Lana Baydas editors, *Counterterrorism Measures and Civil Society* (Washington, DC: Center for Strategic and International Studies, March 2018)

- Inviting the perspectives, insights, and opinions of the public through civil society can help mitigate against the risk of exacerbating or fueling corruption or human rights abuse;
- Public and civil society have information that the security sector, including external actors providing security assistance, often do not, presenting an opportunity to better inform security sector activities, and ensuring that support aligns with the public interest (as a function of needs, capabilities, or priorities);¹⁷
- Consistent engagement with civil society can help to situate the overall costs and benefits of security assistance to the public for policymakers;
- Meaningful consultation with civil society can also help expand the range of options beyond the use of security-sector based approaches to supporting peace and justice;
- Supporting civil society and the mechanisms in which participate in decision making may be a critical component of supporting reforms to the security sector;
- Involving civil society during assessment, monitoring, and evaluation can help program managers evaluate the effectiveness of programs.

Meanwhile, for members of the public and civil society in the partner country, involvement in decisions related to U.S. security cooperation and assistance can:

- Provide the opportunity to be better informed about the nature, intentions, and effects of international security support;
- Enhance the power, voice, influence, and legitimacy of civil society (thereby strengthening democracy and governance);
- Reinforce or strengthen feedback loops for participating in the decision-making processes of their own government;
- Voice preferences, concerns, and priorities related to their own security needs and expectations;
- Introduce direct channels of communication in the event members of the public or civil society have concerns to share with the U.S. government or the partner country about the perceived or real effects of U.S. support.

When asked to score (between 1 and 100) the importance of having the chance to be consulted or to provide input on U.S. Security Assistance activities in their country, the average civil society respondent to a CIVIC questionnaire provided a score of 80 or above.

“It is extremely important that civil society groups get to know and understand what kind of support the U.S. security gives to Ghana...it is so important that CSOs are informed so as to be able to give independent and helpful suggestions in times where discussions turn to politics among leading political parties in Ghana. Security thrives on transparency and accountability. It is also easy to carry citizens along and to court their support for security operations if they really understand the issues and are informed of the required security needs....”

– Albert Adjei Mensah, Ghana Center for Democratic Development

¹⁷ See also Augustin Loada and Ornella Moderan, “Tool 6: Civil Society Involvement in Security Sector Reform and Governance,” in *Toolkit for Security Sector Reform and Governance in West Africa* (Geneva: DCAF, 2015), 27-28, <https://www.dcaf.ch/tool-6-civil-society-involvement-security-sector-reform-and-governance>.

Engaging civil society in U.S. Security Cooperation and Assistance programs may take one or more of four main forms, some of which may overlap, and each of which should include a constant feedback loop with the civil society involved:

1 Inform: Actions taken to inform civil society, directly or indirectly, of security cooperation and assistance plans and programs (e.g. a press release, a report, or a town hall intentionally directed toward civil society);

2 Consult: Consulting civil society in a meaningful two-way dialogue to inform and influence the role played by security assistance in U.S. strategy, the security assistance decision-making process, to address concerns, and to provide feedback;

3 Involve: Involving civil society directly in the implementation or evaluation of security cooperation and assistance programs'

4 Support: Providing direct or parallel support to civil society before, during, or after the implementation of U.S. security cooperation and assistance programs or as an alternative to supporting security actors.

V. BRIEF OVERVIEW OF SECURITY ASSISTANCE AND SECURITY COOPERATION

According to official U.S. government data compiled by the Security Assistance Monitor, the U.S. government spends \$19.5 billion on security cooperation and assistance programs in 154 countries annually.¹⁸ The United States spends more on security cooperation and assistance than all but seventeen countries in the world spend on their entire defense budgets, and more than the total central government expenditures of at least 140 countries and self-governing territories. Meanwhile, the range of stated policy objectives for security cooperation and assistance programs is equally diverse, from promoting “interoperability” and building capacity for countering the threat of transnational crime, to promoting reform of the security sector in order to “stabilize” fragile states. Not surprisingly, the period since September 11, 2001 has seen a marked increase in volume of funding allocated to countering terrorism and other internal security threats.

The full range of named programs carried out under either definition (security cooperation or security assistance) includes a spectrum of highly differentiated activities, including classroom-based programs of instruction, field-based operational training, the provision of equipment and operational support, technical assistance, advising, and grant-based financing for U.S.-manufactured weapons and associated services. Each activity is carried out on the basis of a range of legal and fiscal authorities provided by the Congress, overseen by one of several different offices or sections of the State Department or Defense Department, and implemented by privately contracted companies and consultants, federal government personnel from one of several agencies, or even international organizations.¹⁹

U.S. Department of Defense (DOD):²⁰

The **Defense Security Cooperation Agency (DSCA)** administers and manages the vast majority of Department of Defense (Title 10) security cooperation programs, along with programs that are funded by Department of State (Title 22) authorities but executed by the Department of Defense through the military services or implementing agencies. DSCA also publishes and maintains key sources of guidance for security cooperation activities carried out by DOD, key among them the Security Assistance Management Manual (SAMM). DSCA oversees several of the primary DOD implementers for institutional capacity building and training, which either provide instruction or manage programs of instruction for partner military forces and civilian defense officials, to include the **Defense Institute of International Legal Studies** and the **Institute for Security Governance**.

18 “Security Aid – Dashboard,” Security Assistance Monitor, <https://securityassistance.org/content/security-aid-dashboard>.

19 A helpful description of authorities and programs is summarized in a publication published by the Defense Security Cooperation Agency, and available online at https://www.dscu.mil/documents/publications/security_cooperation_programs_handbook/security_cooperation_programs_handbook.pdf?id=1; The State and Defense Departments also provide a jointly produced annual report detailing a number of the authorities, programs, and specific activities, broken down by country, pursuant to section 656 of the Foreign Assistance Act (FAA) of 1961 (22 U.S.C. § 2416), and section 7049(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Div. F, P.L. 116-6), which is available at <https://www.state.gov/foreign-military-training-and-dod-engagement-activities-of-interest/>

20 Roles and responsibilities for security cooperation within the Department of Defense are provided in Department of Defense Directive 5132.03 (DOD Policy and Responsibilities Relating to Security Cooperation). The policy is available at https://open.defense.gov/portals/23/Documents/foreignasst/DoDD_513203_on_Security_Cooperation.pdf

Within the **Office of the Under Secretary of Defense for Policy**, the Deputy Assistant Secretary of Defense for Security Cooperation and her staff provides policy advice to the Secretary of Defense, serve as the policy focal point and provide oversight for security cooperation matters for the Office of the Secretary of Defense, recommend funding levels for security cooperation activities, and provide policy and strategic security cooperation guidance to the geographic combatant commands and other commands. Importantly, this office also provides policy guidance and oversight of assessment, monitoring, and evaluation of security cooperation activities.

Each of the **Geographic Combatant Commands** (GCC) -- U.S. Central Command (CENTCOM), Northern Command (NORTHCOM), Southern Command (SOUTHCOM), Africa Command (AFRICOM), Indo-Pacific Command (INDO-PACOM), and European Command (EUCOM) -- oversee security cooperation activities within their area of responsibility and develop country-specific security cooperation components of theater campaign plans. The GCCs are responsible for conducting partner capabilities assessments to establish the requirements for security cooperation programs. Importantly, the GCC leads the coordination of planning for theater security cooperation with the State Department and other U.S. government agencies and planning processes, to include Integrated Country Strategies (detailed in a subsequent section) and joint regional strategies. The GCCs also provide oversight and guidance to the chiefs of **Security Cooperation Offices** and **Defense Attaches** resident within the U.S. Embassies that plan and execute security cooperation programs within their country of assignment. Meanwhile, **Special Operations Command** (SOCOM) provides security cooperation support to the GCCs and the relevant "Theater" Special Operations Command (TSOC) by deploying U.S. special operations forces to conduct training, advising, and liaison with partner forces and civil affairs activities.

U.S. Department of State:

As the cabinet agency with primary responsibility and authority for U.S. foreign assistance (including security assistance and conventional arms transfers), the U.S. Department of State oversees the coordination, management, and implementation of security assistance programs, including training, technical assistance, and the financing or provision of equipment, for both partner law enforcement and military forces. The State Department also provides funding support and technical assistance to civil society organizations, to include funding from the Bureau of Democracy, Human Rights and Labor, for human rights defenders and organizations working on security oversight, in many of the countries where the U.S. carries out its security assistance and cooperation programs.

Within the Department of State, the **Bureau of Political-Military Affairs** manages grant-based military security assistance programs (including Foreign Military Financing, International Military Education and Training, and Peacekeeping Operations authorities) and coordinates activities with DOD through the **Office of Security Assistance and Office of Global Programs and Initiatives**; supports humanitarian demining and conventional weapons destruction via the **Office of Weapons Removal and Abatement**; oversees conventional arms transfers through the **Office of Regional Security and Arms Transfers**, and through the **Directorate of Defense Trade Controls**, oversees the licensing and subsequent monitoring of defense items under U.S. export regulations.

Most importantly, the most direct forms of planning, management, and oversight of all security cooperation and assistance activities that take place outside of the United States are led by, and take place within, **U.S. Embassies and major Consulates** with the oversight and direction of the **U.S. Chief of Mission** (often a U.S. Ambassador) and her country team.

VI. A PROCESS-BASED APPROACH TO ENGAGING CIVIL SOCIETY

The variety and the highly distributed nature of security cooperation and assistance programs can make it difficult to generalize the best way to involve civil society for all of them. As an alternative, the government should consider what kinds of engagement are most appropriate and valuable at each stage of a program or programs, which will also aid in identifying the most appropriate agency, office, or individual to lead. This approach would also better enable the government to engage with civil society throughout the process and in a way that considers the total effect of U.S. security assistance and cooperation programs and activities in each country. And most importantly, the unique sensitivities, challenges, or risks involved with directly involving civil society at certain stages or in certain places can be overcome simply by engaging in a different way or at a different time.²¹

Process Stage	Type of Engagement	Example of Engagement	Outcome
<p>Strategic Planning: Before a program can be designed or implemented, the government (or a component thereof) will establish its foreign policy and national security priorities, identify the objectives and the requirements needed to advance them, and set the general direction for policy and programming through a formal strategy. Strategic planning may take place at different echelons of government, and for both geographic and functional areas of focus.</p>	<ul style="list-style-type: none"> ● Consult ● Inform ○ Involve ○ Support 	<p>Civil society is invited to the security cooperation working group or an <i>ad hoc</i> roundtable to provide input and to hear U.S. government priorities. The U.S. government may decide not to proceed with security assistance or a specific program, or may otherwise tailor its plans as a result.</p>	<p>The U.S. government may decide not to proceed with security assistance or a specific program as a result or may otherwise tailor its plans as a result.</p>
<p>Congressional Consultation and Notification: Some programs are governed by authorities that require formal notification to the Congress once the government has made a decision on how it intends to spend resources, or if it intends to change a previously reported plan; while others merely allow for consultation with the Congress at various intervals in the programmatic process. In all cases, the committees that hold jurisdiction over the agency with the authority to carry out a program or activity may conduct oversight activities relevant to the program throughout the program lifecycle.</p>	<ul style="list-style-type: none"> ● Consult ● Inform ○ Involve ○ Support 	<p>Members of Congress and their staff meet with civil society to hear of their priorities and concerns.</p>	<p>Members of Congress conduct targeted oversight of specific programs; request modifications to program or operational plans; establish reporting requirements; set funding limits; or place restrictions or holds.</p>

²¹ Although the Department of Defense and Department of State (and each corresponding office or agency that oversees most programs) observe different procedures for managing the programs they oversee, the process for managing programs and activities conforms to a few, generalizable process stages. Importantly, process stages may overlap or run concurrently, and certain steps may take place in different order or sequence, depending on the specific program. Moreover, not all programs will involve each process step (e.g. some programs may not derive from tailored needs assessments).

Process Stage	Type of Engagement	Example of Engagement	Outcome
<p>Needs and risk assessments: The government agencies involved with security cooperation and assistance will often conduct an assessment of the capabilities required by, or requested by, the partner government in order to meet shared security objectives. Assessments need not be limited to analysis of a partner's technical capacity but may extend to other environmental or institutional variables that have a bearing on the conduct or performance of a security institution or actor. The level of detail of an assessment, and the responsibility for carrying it out, often depends on the specific program.</p>	<ul style="list-style-type: none"> <input checked="" type="radio"/> Consult <input type="radio"/> Inform <input checked="" type="radio"/> Involve <input type="radio"/> Support 	<p>Capabilities assessment team solicits NGO input (e.g. human rights concerns or security priorities).</p> <p>DC- based agency consults NGO reports during country risk assessment.</p>	<p>Responsible agency or office or implementer modifies program to avoid exacerbating risks or modifies program to focus on specific capabilities or needs that reflect public concerns.</p>
<p>Procurement or Delegation: Once budgets and requirements have been established, the managing agency or office will select the appropriate mechanism (e.g. a government agency or institute, a contractor, or even an international organization) for implementing the program or activity and obligate the funds necessary to complete the work through a grant, a contract, a contribution, or some other form of formal agreement.</p>	<ul style="list-style-type: none"> <input checked="" type="radio"/> Consult <input type="radio"/> Inform <input type="radio"/> Involve <input type="radio"/> Support 	<p>A list of required capabilities in a government request for grant proposals includes the ability to safely and effectively involve civil society in program design, implementation, and evaluation.</p>	<p>Implementing community adapts to requirement by developing knowledge, skills, and ability to engage civil society.</p>
<p>Program design: Program design involves identifying specific objectives, planning the program's main activities, and establishing the metrics by which the program will be measured and evaluated.</p>	<ul style="list-style-type: none"> <input type="radio"/> Consult <input type="radio"/> Inform <input checked="" type="radio"/> Involve <input checked="" type="radio"/> Support 	<p>A program intended to improve police performance incorporates a role for civil society at various stages of the program, such as a workshop with civil society and police leaders.</p>	<p>Programs safely and effectively facilitate interaction between security institutions and civil society.</p>

Process Stage	Type of Engagement	Example of Engagement	Outcome
<p>Human Rights Due Diligence: American laws stipulate that U.S. funding may not be used to support most security assistance and cooperation programs with units or individuals who have committed gross violations of human rights, unless effective steps have been taken to hold the perpetrators of the violations to account. As such, the U.S. State Department, in coordination with the Defense Department, conducts human rights vetting (so-called “Leahy” vetting based on the sponsor of the governing legislation) of units designated to participate in training or to receive assistance.²²</p>	<ul style="list-style-type: none"> ● Consult ● Inform ○ Involve ○ Support 	<p>The country team meets with human rights groups regularly to ensure that U.S. security assistance and cooperation programs don't exacerbate human rights concerns,</p>	<p>The U.S. government assumes a more pro-active and better-informed approach to human rights due diligence.</p>
<p>Program Implementation, Management, and Monitoring: Once funded and designed, a program may take any number of forms, to include the delivery of materiel and equipment; training; classroom-based instruction; advising; technical assistance; or workshops and conferences. The activities within a program may be conducted in the United States; within the partner country; or in a third location and may take place over a few hours or over several years. The management of certain programs may involve program monitoring, to ensure that program objectives are being met on time and according to plan.</p>	<ul style="list-style-type: none"> ○ Consult ● Inform ● Involve ● Support 	<p>Senior officials or representatives from the country team, the implementer, and the partner government hold meetings with civil society or parliament to discuss the goals and activities of ongoing security cooperation.</p> <p>The U.S. government funds civil society organizations to carry out security force monitoring, advocacy, or other public oversight activities.</p>	<p>The local public and civil society are better informed about the goals, character, and effects of U.S. security assistance.</p> <p>Civil society benefits from international support to conduct oversight or to participate in security policy formulation and implementation.</p>
<p>Program evaluation: Once underway, many programs will undergo monitoring to collect data and information that provide some indication of the effects of the program, and then evaluation in order to assess and analyze the overall impact of the program against a set of goals that were established at the outset.</p>	<ul style="list-style-type: none"> ● Consult ○ Inform ● Involve ● Support 	<p>A program evaluation team consults with civil society to assess if a program resulted in any perceptible changes in security service-delivery.</p> <p>The U.S. funds local civil society (e.g. a University) to carry out program evaluation.</p>	<p>Local civil society assists with evaluating the positive and negative impacts of security assistance programs.</p>

22 The U.S. State Department does not currently conduct vetting of the recipients or purchasers of conventional arms, nor does the Defense Department conduct vetting for units or individuals benefiting from sponsorship under the Special Operations support program, known as “127e” programs (10 U.S.C. 127e).

VII. GUIDELINES FOR ENGAGING CIVIL SOCIETY IN U.S. SECURITY COOPERATION AND ASSISTANCE

Each of the following guidelines is provided on the basis of generalized findings from the multi-method research methods described above, and many reflect (or echo) principles found in other sources of guidance, to include:

- The Organization for Security and Co-operation in Europe’s (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) *Recommendations on Enhancing the Participation of Associations in Public Decision-making Processes*;²³
- The Council of Europe’s (COE) Committee of Ministers “*Guidelines for Civil Participation in Political Decision Making*”²⁴ ;
- The UN Human Rights Council *Guidelines on the Effective Implementation of the Right to Participate in Public Affairs*²⁵;
- Sources such as “*Beyond Consultations: A tool for meaningfully engaging with women in fragile and conflict-affected states*”, produced by Women for Women International.²⁶

Guiding Principles: Although many of the most commonly cited sources of guidance in this brief were not developed with international security sector support activities in mind, the points of emphasis common to all of them reflect principles that similarly apply, namely:

1. **Consulting** in good faith, with the willingness to change plans on the basis of input;
2. **Protecting** participants from harm;
3. **Ensuring** access and inclusivity in consultative processes;
4. **Maintaining** openness and transparency;
5. **Ensuring** continuous participation throughout a consultative process;
6. **Facilitating** participation at all levels of government decision-making.

23 *Recommendations on Enhancing the Participation of Associations in Public Decision-making Processes* (Vienna: Organization for Security and Co-operation in Europe (OSCE), 2015), <https://www.osce.org/odihr/183991>.

24 Council of Europe: Committee of Ministers, “Guidelines.”

25 OHCHR, *Guidelines on the Right to Participate in Public Affairs*.

26 “Beyond Consultations: A Tool to Promote More Meaningful Engagement of Women in Fragile and Conflict-Affected States,” GAPS, Women for Women International, Amnesty International, Womankind Worldwide, Saferworld, accessed September 26, 2020, <https://beyondconsultations.org/>.

GUIDELINE 1

Engage Independent Civil Society in All Countries Where Security Assistance or Cooperation Activities Are Planned or Take Place

The United States should actively undertake one of more forms of involvement -- inform, consult, involve, or support -- civil society in each of the countries in which it carries out security assistance and cooperation activities, where civil society so-consents. This engagement should take place at one or more levels of authority in the decision-making process.

Although not every security cooperation and assistance program or activity is conducive to direct engagement with civil society at every stage of the program lifecycle, most if not all programs would benefit from the involvement of civil society overall. Certain programs and activities (such as those with a clear focus on improving local justice and security services) may lend themselves more easily to directly involving or supporting civil society during the implementation phase of a program, but nearly all programs should involve informing and consulting civil society during planning and evaluation stages. For example the U.S. should conduct regular consultations with human rights NGOs active within the partner country, deliberately designed to inform U.S. security cooperation and assistance plans and programs, led by the Chief of Mission and her country team, and through meetings with regional experts and NGOs based in Washington during Security Assistance planning roundtables at the State Department. As a rule, the more constraints faced by civil society in the partner country, the more important it is for the U.S. government to proactively involve civil society in security cooperation and assistance at multiple stages and levels of decision-making.

GUIDELINE 2

Consult in Good Faith and with Meaningful Intent

Should the United States government undertake consultations with civil society, it must do so in good faith, and commit to incorporating the input and feedback provided, or risk instrumentalizing civil society partners.

When the United States consults with civil society during planning, implementation, or evaluation, it must do so with the intention of incorporating the feedback in its plans and decisions, rather than as a box-checking exercise, or as an empty gesture when decisions that have already been made.²⁷ If civil society flags legitimate concerns about aspects of security sector assistance, and the United States ignores these concerns, that will further undermine the United States as a credible partner in the eyes of the public and create additional resentment.²⁸ Deciding not to proceed at all with security assistance should be one possible outcome of consultation.

“It’s like they’re coming in and saying to you, ‘I’m going to drive my car off a cliff. Should I or should I not wear a seatbelt?’ And you say, ‘I don’t think you should drive your car off the cliff.’ And they say, No, no, that bit’s already been decided — the question is whether to wear a seatbelt.”

– Rory Stewart²⁹

²⁷ Center interview with Calin Trenkov-Wermuth.

²⁸ Ibid; Center interview with Sarah Holewinski, senior fellow at the U.S. Institute of Peace, interview no. 12, via video, May 18, 2020.

²⁹ <https://foreignpolicy.com/2009/09/14/rory-stewart-on-being-a-government-consultant/>

GUIDELINE 3

Engage Civil Society Throughout the Process

The United States government should invite the participation of local and U.S.-based civil society at every stage of the program lifecycle, especially prior to the planning process.³⁰

By consulting civil society prior to planning a security cooperation and assistance activity, the U.S. government gives local concerns greater political salience in decisions about security assistance.³¹ Additionally, consulting early in the process can establish the foundation for building the relationships and confidence necessary for meaningful engagement at later stages of the security cooperation and assistance program cycle.³² The U.S. government should continue to solicit feedback from CSOs and the public, during the implementation, oversight, and evaluation stages.³³ The consistent availability of feedback loops are also crucial to aligning and adjusting security cooperation and assistance programs to meet public needs, and early monitoring of any potential abuses by U.S.-supported forces.³⁴ During evaluation, civil society can provide the United States with insight into the successes and failures of a program or activity relative to its intended impact.³⁵ (See Guideline x on Participatory Evaluation)

GUIDELINE 4

Do No Harm and Ensure Informed Consent

To the best of its ability, the U.S. government should adopt a “Do No Harm” framework for engagement with civil society, which assesses the risks of engagement (including the risk of reprisals), ensures informed consent of partners, and allows the U.S. government to take mitigations steps with civil society partners.

The U.S. government should only engage with civil society on the basis of informed consent. International actors can expose civil society representatives, especially those operating within restrictive environments, to the risk of reprisal, harassment, or targeted persecution by the partner government.³⁶ The government of the United States has a responsibility to protect civil society counterparts with whom it engages.³⁷ When seeking to involve civil society in security assistance and cooperation in restrictive environments, the U.S. government should apply a “Do No Harm” framework to its approach, taking affirmative steps to protect the safety of civil society while also acknowledging and respecting the agency of individuals or organizations who desire to proceed with engagement in spite of known risks.³⁸

30 Center interview with Sarah Detzner, senior associate at Center for Security and International Studies, interview no. 11, via video, May 15, 2020.

31 Ibid; Center interview with Calin Trenkov-Wermuth, security governance advisor at the U.S. Institute of Peace, interview no. 6, via video, May 7, 2020.

32 Center interview with Sarah Detzner.

33 OHCHR, *Guidelines on the Right to Participate in Public Affairs*, 16; Center interview with Calin Trenkov-Wermuth.

34 Center interview with Sarah Chayes, former senior fellow at Carnegie Endowment for International Peace, interview no. 2, via video, April 30, 2020.

35 Center interview with Sarah Detzner.

36 “A Tool for Diplomats: Diplomatic Support for Human Rights Defenders in Restrictive Environments,” International Service for Human Rights, 2019, https://www.ishr.ch/sites/default/files/documents/ishr_19_dg_diplomats_hrdre_vs2_forweb_0.pdf.

37 Center interview with Sarah Detzner; Forman, “Human Rights and Security Sector Oversight,” 242; OHCHR, OHCHR, *Guidelines on the Right to Participate in Public Affairs*, 11.

38 Jean Martinal Bonis Charandle and Elena Lucchi, *Incorporating the Principle of ‘Do No Harm’: How to Take Action without Causing Harm Reflections on a Review of Humanity & Inclusion’s Practices* (Lyon: Humanity & Inclusion F3E, 2018), https://www.alnap.org/system/files/content/resource/files/main/donoharm_pe07_synthesis.pdf; Forman, “Human Rights and Security Sector Oversight,” 242.

An appropriate do no harm framework should include the evaluation of risk (to include digital and physical threats)³⁹, discussion of risk, and risk mitigation protocols that provide affirmative protections for the civil society representatives or members.⁴⁰ The evaluation should include a power and political economy analysis to understand power dynamics at the national and local level, and an analysis of whether civil society in general, or specific potential partner CSOs, are subject to restrictions by the government or other threats from non-state actors that jeopardize the provision of an enabling environment for civil society activity.⁴¹ As the circumstances in fragile or restrictive environments can be fluid and may change rapidly, the analysis of risk in these contexts should be reviewed and updated regularly.⁴²

The U.S. government's own analysis should always consider input from CSOs about their own level of risk tolerance, and the risk of engagement should always be weighed against the risk of narrow reliance on the partner government as a sole source of information and context.^{43 44} Finally, where possible, the U.S. government can provide financial or technical support to civil society organizations or individuals to help manage the risk of engagement.

GUIDELINE 5

Limit the Amount and Kinds of Security Cooperation and Assistance in Restrictive Environments

The U.S. government should temper the kinds of assistance it provides or refrain altogether from supporting security forces or institutions, especially those that serve an internal security function, in countries where civil society is subjected to explicit or implicit restrictions from serving a government oversight function.⁴⁵ When proceeding with assistance in these contexts, the U.S. government should use its political influence to advocate on behalf of civil society (and the freedom of association and expression).⁴⁶

Throughout the world, civil society, and especially NGOs, face a variety of arbitrary and unreasonable government-imposed restrictions, ranging from cumbersome regulatory requirements to travel bans to overt threats to physical safety, in an increasing number of countries where the United States undertakes security cooperation or provides security assistance. Many countries explicitly exempt “security” related issues from laws governing public participation and transparency, while others limit free expression related to foreign policy or criticism of the government. These restrictions should carry a significant bearing on U.S. security cooperation and assistance programs and activities for several important reasons.

First, the risk of corruption, abuse, and underperformance is much more acute among government institutions that are not subject to adequate public oversight. By materially enhancing the capacity of

39 Michael Brennan et al., *Digital Security & Grantcraft Guide: An Introductory Guide for Funders* (Netgain Partnership), accessed August 14, 2020, 5, <https://www.fordfoundation.org/media/3334/digital-security-grantcraft-guide-v10-final-22317.pdf>. Note: digital harassment includes evidence of hacking, leaks of internal information from civil society organizations or cases of device seizures, etc.

40 Bonis Charancle and Lucchi, “Incorporating the Principle of ‘Do No Harm,’” 21.

41 Louie Fooks, *Power and Fragility: Governance Programming in Fragile Contexts* (Oxford: Oxfam, October 2012), 4, <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/253944/power-fragility-fragile-context-291112-en.pdf?sequence=1>.

42 Howard et al., “Space for Civil Society,” 33–34.

43 de Weijer and Kilnes, “Strengthening Civil Society?,” 26.

44 *Voices at Risk: Canada’s Guidelines on Supporting Human Rights Defenders* (Ottawa: Global Affairs Canada, 2019), 12, https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders-guide-defenseurs_droits_en.pdf?_ga=2.149893238.1792999435.1597690791-2086384450.1597690791.

45 Green and Baydas et al., *Counterterrorism Measures and Civil Society* (CSIS), p. 76

46 Center interview with Calin Trenkov-Wermuth.

security forces, especially those that serve an internal security function, in these environments, the United States risks exacerbating governance deficits, including corruption and human rights abuse, while also publicly associating U.S. support with repressive policies.⁴⁷ Second, restrictions on civil society will limit the availability of civil society to help identify public security needs and priorities. Third, restrictions prevent civil society from participating in efforts to reform the security sector, and also suggest that the government of a country is most probably unwilling to undertake reform of the security sector altogether, making it impossible for the United States (or any other external actor) to meaningfully support internal reform processes.⁴⁸ Finally, the absence of meaningful oversight or effective feedback mechanisms increase the likelihood that investments in the security sector will go to waste or, at minimum, fail to achieve sustainability.⁴⁹

To mitigate these risks, the United States government should elevate consideration for the freedom of association and expression as a much more important factor affecting major security cooperation and assistance decisions. The U.S. government should also refrain from providing significant material support to security forces engaged in internal security, or “elite” units that operate under a veil of extreme secrecy, and should also limit the categories and volumes of arms transfers in these contexts.⁵⁰ Where the United States government does proceed with a support relationship in spite of the risks, it should also wield its political influence to protect civil society individuals or organizations who are under duress or at risk of government reprisals for their activities.⁵¹

“For the moment, it is unthinkable to dialogue directly with the [national] military authorities. ...On the contrary, with the US, we can initiate a direct dialogue.”

- Respondent to CIVIC questionnaire (Human Rights NGO)

GUIDELINE 6

Take Affirmative Steps to Inclusivity and Representativeness

The United States government should ensure that its efforts to inform, consult, involve, and/or support civil society are inclusive by taking steps to mitigate the risk of bias or exclusion.

Engaging civil society, especially in the location where security cooperation and assistance will take place, carries a strong risk of selection bias and exclusion.⁵² U.S. government representatives may be more likely to give attention to organizations or individuals with the best English language skills, those that operate with Western organizational structures, those that are less critical of U.S. or partner government policies, and those that have previously engaged with the U.S. government, rather than the organizations that are more representative, those with the best-informed perspective, or that have the most legitimacy among local publics.⁵³ Engaging with the most prominent and non-controversial NGOs

47 Center interview with Heather Huhtanen, gender equity, security, and justice development consultant, interview no. 1, via video, April 27, 2020.

48 Ibid.

49 Center interview with Sarah Detzner.

50 Rachel Kleinfeld *Fragility and Security Sector Reform* (Washington, DC: USIP, September 2016), <https://www.usip.org/publications/2016/09/fragility-and-security-sector-reform>, 6

51 Ibid.

52 Center interview with Sarah Chayes; Center interview with Margaux Pinaud, junior fellow at Centre on Conflict, Development and Peacebuilding, interview no. 4, via video, May 1, 2020.

53 Frauke de Weijer and Ulrika Kilnes, “Strengthening Civil Society? Reflections on International Engagement in Fragile States,” Discussion Paper (Maastricht: European Centre for Development Policy Management, October 2012), 21, <https://ecdpm.org/wp-content/uploads/2013/10/DP-135-Civil-Society-International-Engagement-Fragile-States-2012.pdf>.

GLOBAL RESTRICTIONS ON CIVIL SOCIETY

The last two decades have witnessed a significant increase in the number and means of restrictions imposed on civil society by governments, often in the name of public security or counterterrorism. Restrictions may be imposed through explicit laws forbidding certain activities of civil society organizations or may take effect through much less obvious forms. Some of the most common means of restricting civil society include⁵⁴:

- **Administrative Barriers:** Many states use administrative barriers, such as high registration fees, frequent re-registration requirements, and burdensome mandatory reporting to hamper CSO operations.⁵⁵
- **Financial Restrictions:** Many countries use compliance with global anti-terrorism financing regimes as a pretext for restricting funding to civil society, while some impose blanket restrictions on the ability of civil society to take funding from foreign donors.
- **Criminalizing CSO Activity:** Other states create coercive legal frameworks to inhibit CSO activity or use existing laws, such as terrorism finance or public decency laws, to target civil society leaders.⁵⁶
- **Public Security Exceptions:** Many states impose less explicit, but nonetheless effective, limits on civil society's ability to participate in public policy decisions by including intentionally ambiguous language or national security "carveouts" to laws governing civil society or public participation.
- **Targeting Civil Society with Violence:** Some governments constrict civic space through the actual use of violence and unlawful detention, or by physically threatening activists and civil society leaders or their families.

can be important to informing decisions related to security cooperation and assistance, yet these organizations rarely represent the full range of interests or perspectives of a society or the populations most likely to be affected by a program or activity.⁵⁷ As such, the U.S. government should not exclude from consideration those groups or individuals who may have adversarial relationships with the partner government or those with historically critical perspectives of government policy.

This is particularly true in restrictive environments, where the visibility and influence of certain NGOs may be the result of state capture or corruption.⁵⁸ To mitigate against the risk of selection bias or exclusion, the U.S. government should take proactive steps to ensure that consultations occur with segments of civil society that are representative of the diverse political/social groups within a country

54 For a comprehensive summary of the kinds of restrictive measures imposed by governments, with specific examples, see Lauren Mooney's introduction to Green and Baydas *et al.* "Counterterrorism Measures and Civil Society", p. 1-8.

55 Antoine Buyse, "Squeezing Civic Space: Restrictions on Civil Society Organizations and the Linkages with Human Rights," *The International Journal of Human Rights* 22, no. 8 (September 14, 2018): 966–88, <https://doi.org/10.1080/13642987.2018.1492916>.

56 Buyse, "Squeezing Civic Space," 973.

57 *Security Sector Reform: Applying the Principles of Good Governance to the Security Sector*, SSR Backgrounder Series (Geneva, Switzerland: DCAF, 2015), 7 https://dcaf.ch/sites/default/files/publications/documents/DCAF_BG_2_Security%20Sector%20Reform_1.pdf.

58 Ed Cairns, "Civil Society in Fragile and Conflict-Affected States," Policy Compendium Note (Oxford: Oxfam, July 2013), 5, <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/297451/hpn-civil-society-fragile-states-260713-en.pdf?sequence=1&isAllowed=y>; DCAF, *Security Sector Reform*, 7.

and not mere extensions of the government or ruling class.⁵⁹ In particular, the U.S. government should take special care to identify and safely engage with groups led by marginalized segments of the population, including but not limited to women, members of the LGBTQ community, persons with disabilities, youth, indigenous people, and marginalized ethnic and religious groups.^{60 61} Engaging advocates and organizations from different ethnic, religious, and political groups is also important to ensure that the process of civil society engagement does not inadvertently exacerbate division, conflict, or injustice.⁶² The U.S. government should be wary of providing privileged access or building the capacity of actors that are unrepresentative of the populations they claim to serve. Doing so can undermine the value of the consultative process by shifting the tone or emphasis of public concerns toward a less representative position, amplifying rather than mitigating risks. Supporting relationships between national or international NGOs and “grassroots” or “local” NGOs can also serve to ensure the involvement of a more representative cross-section of the public.⁶³ In some cases, it may be possible to engage a more diverse array of groups by working with coalitions and umbrella organizations that are able to link capital-based NGOs with those that exist and work at the sub-national level (when engaging within the partner country); or international NGOs that are able to link to those within the partner country (when engaging in Washington).⁶⁴ This may also be helpful in cases where engaging certain organizations directly puts them in danger of harm (such as in restrictive or conflict-affected environments) or where they lack the capacity to sustain regular engagement.

Finally, by expanding the involvement of civil society beyond NGOs, to include community-based groups, labor unions, faith-based organizations, and the media, the U.S. government can ensure that its efforts to inform the public of its intentions and activities reach a broader cross-section of the population. Doing so also better ensures that the planning and design of security cooperation and assistance activities is informed by a fuller understanding of the security environment.^{65 66 67 68}

Establishing regular, voluntary, and accessible channels for engagement does not preclude the option to engage with individual civil society representatives or groups on topics of specific concern or interest, provided the U.S. government takes affirmative steps to safeguard the process and the participants.

59 Center interview with Sarah Chayes; Center interview with Margaux Pinaud; Center interview with Ornella Moderan, head of Mali programme at Danish Refugee Council, interview no. 13, via video, May 26, 2020.

60 One way to do this is by working with intermediaries with a history of engagement with particular ‘nontraditional’ groups – e.g. the Asia Foundation in respect of Islamic mass-based organisations to identify key orgs, as recommended by Fletcher Tembo et al., “Multi-Donor Support to Civil Society and Engaging with ‘non-Traditional’ Civil Society: A Light-Touch Review of DFID’s Portfolio” (London: Overseas Development Institute, June 2007), 32, <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/325.pdf>; Cairns, “Civil Society in Fragile and Conflict–Affected States,” 5.

61 “Recommendations on Donor Engagement With Civil Society on Preventing Violent Extremism,” Global Solutions Exchange (International Civil Society Action Network, May 4, 2018), 4, <https://icanpeacework.org/wp-content/uploads/2018/05/GSX-Recommendations-on-Donor-Engagement-2017.pdf>; Cairns, “Civil Society in Fragile and Conflict–Affected States,” 5.

62 “Engaging Civil Society Organizations in Conflict Affected and Fragile States: Three African Country Case Studies” (Washington: The World Bank Social Development Department, June 28, 2005), 16, <https://openknowledge.worldbank.org/bitstream/handle/10986/8680/325380White0cover0Engaging0CSOs0P089754.pdf?sequence=1&isAllowed=y>.

63 Kerrie Howard et al., “Space for Civil Society: How to Protect and Expand an Enabling Environment” (Geneva: ACT Alliance, CIDSE, May 2014), 33, <https://www.cordaid.org/en/wp-content/uploads/sites/3/2014/06/SpaceForCivilSociety.pdf>.

64 Michelle Dowst, “Working with Civil Society in Fragile States,” Policy Briefing Paper (Oxford: International NGO Training and Research Centre, May 2009), 10, <https://www.issuelab.org/resources/20370/20370.pdf>; The World Bank Social Development Department, “Engaging Civil Society Organizations in Conflict Affected and Fragile States,” vii.

65 Marc Cohen and Tara Gingerich, *Protect and Serve or Train and Equip? US Security Assistance and Protection of Civilians* (Washington: Oxfam America, November 2009), 2, <https://www.oxfamamerica.org/explore/research-publications/protect-and-serve-or-train-and-equip/>.

66 Johanna Mendelson Forman, “Human Rights and Security Sector Oversight,” in *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*, (Geneva: UNDP, DCAF, 2008), 242, https://www.undp.org/content/undp/en/home/librarypage/civil_society/public_oversightofthesecuritysectorahandbookforcivilsocietyorgan.html.

67 Center interview with Mara Revkin.

68 Center interview with Sarah Detzner.



Community Power action, Paris, December 2015.

Credit: Luka Tomac

GUIDELINE 7

Ensure Accessibility for Local and International NGOs

The U.S. government should ensure that its efforts to inform and consult civil society are accessible, especially to representatives of civil society that face language, technology, distance, or logistical challenges.

Some representatives of civil society will face barriers, including language, technology, or distance, to accessing consultative processes supported by the U.S. government. The U.S. government can increase the accessibility of any process by finding alternative means of communication to accommodate those with no or little access to the internet, by translating materials and messages into local languages, and when possible by traveling to more remote locations to meet with civil society or communities that may not be able to travel long distances to speak specifically about U.S. security cooperation and assistance activities. Moreover, while the U.S. may have an interest or need to engage with specific organizations or groups of organizations and coalitions (e.g. to discuss specific human rights issues), its effort to consult and to inform should be publicized and made accessible to any who choose to participate in them. In some cases, the United States may be able to work with existing networks or coalitions.

“[Making local populations the center of interventions] isn’t frosting on the cake. This is how you make the cake.”

- CIVIC Interview with Heather Huhtanen, April 27, 2020

GUIDELINE 8

Clearly Define Roles and Responsibilities within the U.S. Government

The U.S. government should clarify whom within the major agencies, components, bureaus, and offices should undertake to engage with civil society on matters related to security cooperation, and when.

The U.S. government should clearly identify and assign roles and responsibilities among departments and offices for engaging civil society at every state of the security cooperation and assistance process, and it should take steps to ensure that those who are given the responsibility for doing so have the appropriate skills and the authority to speak on behalf of the U.S. government.⁶⁹ In some cases, representatives of the U.S. military should actually refrain from publicly engaging civil society within the partner country, deferring instead to the Chief of Mission or her diplomatic representative.^{70 71}

GUIDELINE 9

Support and Strengthen Existing Channels for Public Participation

The United States government should support, encourage, and strengthen dialogue and consultation between the partner government and civil society, where safe and credible.

Where possible, extant channels for public participation, democratic representation, and public oversight within the partner country provide the best and most effective way to ensure that U.S. security and cooperation activities align with public security needs and avoid exacerbating human rights or corruption concerns. In some circumstances, the United States can support these mechanisms and processes through direct support (e.g., providing programmatic or financial underwriting for an indigenously-led process, such as a community-police dialogue⁷²); through diplomatic or political engagement and encouragement; or through joint engagements (e.g. a town hall or meeting with civil society to discuss the nature of U.S. activities).⁷³ More intensive forms of security cooperation or assistance (e.g. a large capacity building program) might even demand a more formalized channel of engagement, such as an Ombudsman committee.⁷⁴

69 *Stabilization Assistance Review* (Washington: DoD, DoS, and USAID, 2018), 7, <https://media.defense.gov/2018/Jun/13/2001931133/-1/-1/1/STABILIZATION-ASSISTANCE-REVIEW.PDF>, . i.e. “civilians with the appropriate knowledge and skill sets on the ground and able to engage with citizen groups, analyze local dynamics, identify the right local partners to advance the political strategy, and routinely monitor and adjust programs and strategy to keep pace with the evolving political dynamic.”

70 Cohen and Gingerich, *Protect and Serve or Train and Equip?*, 1. Note: The *Stabilization Assistance Review* identifies the State Department as the natural lead in public engagement, with USAID as the implementing agency and DoD as a supporting element “where appropriate.”

71 DoD, DoS, USAID, *Stabilization Assistance Review*, 11.

72 Center interview with Calin Trenkov-Wermuth.

73 Center interview with Timothy Donais, associate professor at Wilfred Laurier University, interview no. 3, via video, May 1, 2020.

74 Center interview with Sarah Chayes.

“I am a member of a small security committee “the Security Dialogue Committee” formed by the Ghana Minister for National Security. The committee brings selected civil society and members from the academia together with all the security agencies to discuss security and offer advice. that platform discusses detailed security assistants, support from other countries, including training support and supply of military accoutrements.”

- Albert Adjei Mensah, Ghana Center for Democratic Development (via CIVIC Questionnaire)

GUIDELINE 10

Engage with Parliamentary and Other Oversight Bodies

The U.S. government should inform, and consult with, parliamentary bodies and other public oversight bodies as a form of support for democratic oversight of security policies and institutions.

In most democracies, legislators are elected to both represent the security interests and concerns of their constituencies, and also provide a measure of oversight of the security sector, to include security and defense budgeting and procurement.⁷⁵ Parliamentary bodies can also ensure that bilateral security arrangements are consistent with domestic and international law and subject to appropriate oversight and scrutiny. As such, the U.S. government should conduct direct outreach to legislative entities and other public oversight bodies, to inform them of U.S. goals and activities, and to solicit feedback.⁷⁶ Civilian legislators should also be included in the development of any formalized compacts or formal bilateral agreements binding security cooperation and assistance relationships.⁷⁷

GUIDELINE 11

Awareness and Mitigation of Unintended Consequences

The U.S. governments should ensure that its efforts to engage civil society, through support, consultation, involvement, or support (whether directly or indirectly associated with security assistance and cooperation) consider and mitigate the risk of unintended consequences.

The United States government should always be aware of the ways in which its policies, programs, or activities might introduce the risk of unintended consequences for civil society and its ability to provide oversight of security forces or to otherwise participate in decisions related to security policy. For example, by providing large amounts of funding for civil society’s involvement in efforts

⁷⁵ Center interview with Lauren Van Metre, senior advisor for peace, security and democratic resilience at National Democratic Institute, interview no. 15, via video, May 29, 2020; Rosalind Hanson-Alp, “Civil Society’s Role in Sierra Leone’s Security Sector Reform Process: Experiences from Conciliation Resources,” in *Security Sector Reform in Sierra Leone 1997-2007: Views from the Front Line* (Geneva: DCAF, 2010), 202, [https://issat.dcaf.ch/download/142289/2915987/Security+Sector+Reform+in+Sierra+Leone+1997%E2%80%932007+Views+from+the+Front+Line+-+LIT,+Jackson+\(2010\).pdf](https://issat.dcaf.ch/download/142289/2915987/Security+Sector+Reform+in+Sierra+Leone+1997%E2%80%932007+Views+from+the+Front+Line+-+LIT,+Jackson+(2010).pdf).

⁷⁶ Center interview with Lauren Van Metre.

⁷⁷ Nathaniel Allen and Rachel Kleinfeld, “Why Security Sector Governance Matters in Fragile States,” *U.S. Institute of Peace*, June 11, 2019, <https://carnegieendowment.org/2019/06/11/why-security-sector-governance-matters-in-fragile-states-pub-79315>.

to counter violent extremism, the U.S. may be inadvertently co-opting civil society or shifting NGO attention away from human rights or governance.^{78 79} Moreover, certain forms of counterterrorism cooperation, to include pushing for compliance with international commitments to counter terrorism finance; sharing terrorist “watchlist” information; or countering terrorists’ use of the internet can provide a veneer of international legitimacy to restrictions on civil society or the suppression of the rights of civil society representatives.

GUIDELINE 12

Champion Transparency

To facilitate civil society involvement in security sector assistance, the United States should operate transparently and encourage partner governments to do the same.

Transparency in the details of security sector arrangements is a key enabler of an effective public consultation process.⁸⁰ Details about defense budgets, security assistance programs, and human rights commitments can help the public and members of civil society perform an essential oversight function.⁸¹ When civil society and the public do not have access to information about how much and what kind of support the U.S. government is providing, they lack the context to raise concerns through the appropriate channels.⁸² Additionally, budgetary transparency minimizes the likelihood of rent-seeking and corruption in security sector assistance programs, and prevents the host country from playing donors off one another.⁸³

At the very least, the U.S. government should publicly communicate the basic nature and purpose of security sector assistance with the public in both the U.S. and the partner country.⁸⁴ However, ideally, the U.S. government should publicly share additional information about the budget and plans for security sector assistance and encourage partner governments to do the same. Even if partners are unwilling to be transparent, the United States should still make public the details of its security sector assistance.

“The prevention and countering of violent extremism increasingly functions as a device to silence, limit the scope of and target civil society actors, when, paradoxically, advocacy for human rights is construed by the State as a form of “extremism”...”

- Fionnuala Ni Aolain (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism)

78 See, e.g. Kloé Tricot O’Farrell and Jordan Street, *A Threat Inflated? The countering and preventing violent extremism agenda in Kyrgyzstan*, (London: Saferworld, March 2019). <https://www.saferworld.org.uk/long-reads/a-threat-inflated-the-countering-and-preventing-violent-extremism-agenda-in-kyrgyzstan>

79 Fionnuala Ni Aolain (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism), Human rights impact of policies and practices aimed at preventing and countering violent extremism, U.N. Doc. A/HRC/43/46 (Feb. 21, 2020)

80 OHCHR, *Guidelines on the Right to Participate in Public Affairs*; OSCE, Recommendations.

81 Center interview with Sarah Detzner; Center interview with Sarah Chayes.

82 OHCHR, *Guidelines on the Right to Participate in Public Affairs*, 15.

83 Center interview with Sarah Detzner; Center interview with Sarah Chayes.

84 Melissa Dalton et al., *The Protection of Civilians in U.S. Partnered Operations*, (Washington: CSIS, CIVIC, and InterAction, October 2018), 12, <https://www.csis.org/analysis/protection-civilians-us-partnered-operations>.

GUIDELINE 13

Sustained Engagement and Capacity Building

The act of consulting alone can help to build the capacity of civil society organizations and individuals, but, where feasible, the United States should also offer accessible technical assistance programs to build the capacity of civil society for conducting oversight, advocacy, dialogue, and analysis.

In certain environments, constructive engagement with civil society may suffer if civil society faces a gap in relevant technical skills, such as advocacy, coordination, or policy analysis.^{85 86} Where possible, the U.S. government (directly or through intermediaries) should provide technical assistance to organizations or individuals, based on the specific gaps and needs of civil society, in a way that enables civil society to sustain and proliferate any gains in effectiveness. Operational costs of civil society organizations are estimated three times higher in fragile or conflict-affected states, many of which may be target states for U.S. security cooperation or assistance; however, these costs, which include security management, are often not accounted for in donor grant-based funding.⁸⁷ The U.S. government should also consider funding security needs based upon the risks and conflict analysis completed during the planning stage of a security cooperation or assistance program.⁸⁸ Beyond support for individual organizations, the U.S. can provide technical assistance to support the development and build the capacity of civil society networks and coalitions, which promote knowledge sharing, encourage mutual accountability, and allow for the transmission of lessons learned.^{89 90}

GUIDELINE 14

Participatory Assessment and Evaluation

The U.S. government should enlist the participation of civil society in its efforts to assess needs and to evaluate the impact and effectiveness of its security cooperation and assistance programs.

The U.S. government should enlist the participation of civil society as it builds on efforts to make assessment, monitoring, and evaluation a more consistent feature of more security cooperation programs and activities. Civil society often acts as “an index of public contentment with the performance of institutions and agencies responsible for public security and related services,⁹¹ and their participation in M&E is especially critical when programs are designed to advance internal stability or to improve justice and security services.⁹² Civil society should be consulted as needs and evaluation metrics are identified, and also consulted to determine whether or not programs have met their intended objectives. Through compact-based approaches, such as the Security Governance Initiative, the U.S. can also commit to open and inclusive processes, in partnership with the host government, that are designed to ensure assessments and evaluations are informed by civil society views in a way that enjoys local ownership.⁹³

85 Monica Stephen, *Partnerships in Conflict: How Violent Conflict Impacts Local Civil Society and How International Partners Respond* (Oxford: Oxfam, October 30, 2017), 36, <https://doi.org/10.21201/2017.0759>; The World Bank Social Development Department, “Engaging Civil Society Organizations in Conflict Affected and Fragile States,” 22.

86 Cairns, “Civil Society in Fragile and Conflict-Affected States,” 6.

87 Stephen, “Partnerships in Conflict,” 38–39.

88 https://www.international-alert.org/sites/default/files/Organisation_PartnershipsInConflict_EN_2017.pdf 38

89 Dowst, “Working with Civil Society in Fragile States,” 10.

90 The World Bank Social Development Department, “Engaging Civil Society Organizations in Conflict Affected and Fragile States,” vii.

91 Caparini and Cole, “The Case for Public Oversight of the Security Sector: Concepts and Strategies.”

92 Nina Serafino, *Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense* (Washington: Congressional Research Services, May 26, 2016), 3-4, <https://fas.org/sgp/crs/natsec/R44444.pdf>.

93 Center interview with Tommy Ross, senior associate at Center for Strategic and International Studies, interview no. 10, via video, May 13, 2020.

“Civil society organizations... could track assistance provided and investigate how it is distributed and used and how it affects conflict dynamics in Chad and the broader region. As part of such a review, the government should be required to share information and analysis with civil society. Such standards would challenge the tradition of secrecy surrounding the security sector in Chad, which has thwarted any attempt to inform the public about security policies and activities.”

- Olivier Guiryman of BUCOFORE, in *Just Security*⁹⁴

GUIDELINE 15

Coordinate Support for Civil Society with Other International Bodies and Actors

The U.S. government should coordinate its support for civil society with other governments, donors and international organizations.

Coordinating support for civil society among external (international) actors (foreign governments, international organizations, etc.) provides a number of benefits. By coordinating financial support, donors can align external funding to better match civil society priorities and needs while limiting redundancy.⁹⁵ Unified support by international actors for civil society can also temper the effects that negative public perceptions of any one donor may bring.⁹⁶ For example, in some places, the negative public perceptions of the United States could inhibit its efforts to forge partnerships with civil society or the public at large.⁹⁷ Most importantly, collective political support for civil society may be able to counter efforts by the partner government to malign civil society as an agent of any one foreign government or to restrict civil society on the basis of foreign support.

94 Guriyaman, “Counterterrorism Assistance to Chad for the Sahel: The Price the People Pay.”

95 Center interview with Sarah Detzner.

96 Center interview with Calin Trenkov-Wermuth.

97 Center interview with Sarah Detzner.



Senior officials of the Federal Government of Somalia and Federal Member States, UN representatives and members of civil society organizations at the closing session of the national constitutional convention in Mogadishu, May 2018. Credit: AMISOM Photo / Ilyas Ahmed

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