

THE ARMED FORCES

Roles and responsibilities in good security sector governance

ABOUT THIS SSR BACKGROUNDER

This SSR Backgrounder is about the roles and responsibilities of national armed forces in good security sector governance (SSG). The armed forces are a cornerstone of state and human security, but their legitimacy and effectiveness depend on fulfilling their mission accountably within a framework of democratic, civilian control, rule of law and respect for human rights. This backgrounder explains how good SSG can improve both accountability and effectiveness in the interests of state and human security.

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ABOUT THIS SERIES

The SSR Backgrounders provide concise introductions to topics and concepts in good security sector governance (SSG) and security sector reform (SSR). The series summarizes current debates, explains key terms and exposes central tensions based on a broad range of international experiences. The SSR Backgrounders do not promote specific models, policies or proposals for good governance or reform but do provide further resources that will allow readers to extend their knowledge on each topic.

The SSR Backgrounders are a resource for security governance and reform stakeholders seeking to understand and also to critically assess current approaches to good SSG and SSR.

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

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WHAT ARE THE ARMED FORCES?

The armed forces are institutions established by the state for the primary purpose of national defence against external threats and internal conflicts. The composition of the armed forces can differ substantially between contexts.

The armed forces might include some or all of the following institutions:

- **Regular military forces:** military institutions whose primary purpose is readiness for war – for example armies, navies, amphibious forces, air forces, border guards and presidential guards, including all their military support functions. Such forces may be professional or based on conscription, or include a combination of professional uniformed staff, professional civilian staff and/or uniformed non-professional conscripts.
- **Auxiliary military forces:** professional security forces that can be called upon to assist the regular military under certain conditions – for example constabularies, gendarmeries, border guards, coastguards, close protection forces, merchant marines or navies, radio support, air patrols, specialized scientific information and intelligence services, organizational commands, logistics services and education and training establishments, among others. Such forces may be military, civilian or mixed in character, and may be subject to military discipline.
- **Reserve military forces:** military forces composed of either volunteers or compulsory recruits who can be called on to reinforce the regular military – for example army, navy, or air force reserves, special tactical police units, national guards and territorial, militia and home defence forces, among others.

THE ARMED FORCES AND FORCES THAT ARE ARMED

The armed forces are not the only forces that are armed, but being armed does not necessarily make any group or state security actor part of the armed forces.

The main categories of armed groups that are not usually included as part of the armed forces in national law include internal state security providers, such as armed police and law enforcement authorities; non-state security providers, such as community protection groups and commercial security providers; and armed groups who bear arms illegally for criminal or political purposes.

While not usually defined as part of the armed forces, these actors may all be considered part of the security sector and their status and activities affect SSG. For this reason their roles and responsibilities should also be accounted for in a holistic approach to defence reform and SSR.

→ For more information on different security sector actors and their roles in SSG, please refer to the SSR Backgrounder on “The Security Sector”.

The specific composition of the armed forces depends on the legal definition in each country. However, in times of war customary international law, as well as the Geneva Conventions and their Additional Protocols, may define any armed group under effective command as part of a state's armed forces, regardless of whether they are defined as part of the armed forces under national law, and regardless of whether they are regular military forces or not.

The armed forces are part of the state defence sector, which includes all the actors and organizations involved in providing, managing and overseeing national defence. **Although the specific configuration and mission of the armed forces and the defence sector depend on the history, culture and society of each country, the principles of good governance can be applied in each system.** This is the goal of defence reform in the context of SSR. For more information on SSR, please see the SSR Backgrounder on "Security Sector Reform".

WHAT ARE THE ROLES OF THE ARMED FORCES IN GOOD SSG?

Under conditions of good SSG, the armed forces perform their legitimate constitutional roles effectively and accountably within a framework of democratic civilian control, rule of law and respect for human rights. **Good SSG means that the armed forces have the professional skills, equipment, training and management capacity to fulfil their missions without becoming a danger to the population or the state.**

The primary purpose of the armed forces is national defence. In the past the armed forces played a broader role, not only protecting a national territory from invasion but also potentially conducting offensive warfare, sometimes in the context of military alliances. However, in contemporary international affairs offensive warfare has become increasingly rare and acts of aggression are illegal under international law. As a result of these trends, as well as changes in the relationship between the armed forces and society, the armed forces usually now focus on national defence.

Armed forces also have secondary missions, providing internal security and stability. In the past this role was often limited to responding to violent internal threats to the state or public that exceeded the capacity of internal security providers, for example threats from insurgencies or separatist movements, among others. Contemporary threats to internal security as well as the professionalization of the military and its changing role in society now mean that armed forces are increasingly called upon in situations where the organization, size, equipment or capabilities of the armed forces are well suited to supplement a primarily civilian operation. Secondary missions in internal security may include, for example:

- assisting in law enforcement, such as public order operations, border control, drug control, crime investigation, cyber operations, intelligence gathering;

- civil defence, including responding to national emergencies and natural disasters;
- protection tasks, for example critical infrastructure, important personnel, or large-scale public events;
- non-security assistance tasks, such as search and rescue, training and monitoring, equipment and facility provision, scientific research, environmental protection;
- development mandates, for example infrastructure and engineering projects, harvest assistance and educational programmes, among others.

The armed forces are also increasingly involved in international security, for example, in peacekeeping and peace support missions, and in international responses to transnational security threats such as arms proliferation, terrorism and organized crime, among others.

New roles and responsibilities create opportunities for the armed forces to prove their relevance while extending their competencies. However, new roles in internal and international security also create new demands on the armed forces for which they may not necessarily be adequately prepared. At the same time, new internal and international security roles also create new risks of misuse or abuse of power, including for example a militarization of law enforcement; inappropriate application of military force; inappropriate influence in political matters; imbalances of public funding between civilian and military security; and detrimental effects on military preparedness for primary national defence missions.

The challenges and potential risks associated with the changing roles of the armed forces in many countries underline the need for good SSG. Good SSG ensures the armed forces can perform effectively and accountably within a framework of democratic civilian control, rule of law and respect for human rights.

HOW DOES DEMOCRATIC CIVILIAN CONTROL OF THE ARMED FORCES CONTRIBUTE TO GOOD SSG?

The armed forces are unlike any other state organization because they are allowed to do things that no other organization is permitted to do (such as use lethal force offensively), and their personnel are required to do things that no other employees are required to do (such as submit to military discipline or ultimately give up their lives in the line of duty). **Because these special rights and obligations make the armed forces very powerful, an effective system of democratic civilian control is necessary to ensure that this power is used effectively and accountably to provide for state and human security with respect for human rights and the principles of good SSG.**

An effective system of democratic civilian control of the armed forces is a mainstay of good SSG for the following reasons.

- **Effectiveness in security provision:** A system of democratic civilian control provides the clearly defined and professional chain of command the armed forces require to fulfil their responsibilities effectively; this can enforce strict discipline and internal control mechanisms avoiding personal or corporatist decision-making.
- **Political neutrality:** A system of democratic civilian control provides the operational independence that the armed forces require in order to be effective, while guaranteeing the political authority of democratic civilian government.
- **Human rights protection:** A system of democratic civilian control can provide the institutional resources, discipline, training and oversight necessary to deter and discipline human rights abuses against the population or the men and women of the armed forces and the wider security sector.
- **Accountability:** A system of democratic civilian control establishes checks and balances on the state's use of military force and holds civilian and military leaders and officials accountable for their decisions and actions.
- **Legitimacy:** A system of democratic civilian control assures a high level of credibility in the performance of the armed forces, and thus increases public confidence, trust and legitimacy.
- **Responsiveness:** A system of democratic civilian control allows for more representative and participatory processes of national security policy-making, which make security provision more responsive to the distinctive security needs of all men, women, girls and boys.
- **Efficiency:** A system of democratic civilian control provides for control over defence budgets and oversight of how public resources are used.
- **Rule of law:** A system of democratic civilian control is based on a legitimate constitutional legal framework that mandates, controls and oversees the special rights and obligations of the armed forces according to democratic civilian authority under the rule of law.
- **Integrity:** A system of democratic civilian control of the armed forces provides supervision and oversight that can prevent corruption in the defence sector.

WHAT ARE TYPICAL FEATURES OF DEMOCRATIC CIVILIAN CONTROL OF THE ARMED FORCES?

In every democracy, democratic civilian control is important to justify the special rights, obligations and legal exemptions granted to the armed forces. This is particularly important because armed forces around the world have a long history of endangering the state and its population by abusing their power for personal, corporatist or political aims. In the most extreme examples, internal security missions have often served as a pretext for military forces to interfere in politics, including through coups d'état. **An effective system of democratic civilian control ensures the armed forces become neither too weak nor too strong to provide state and human security.**

GOOD SECURITY SECTOR GOVERNANCE (SSG) AND SECURITY SECTOR REFORM (SSR)

Good SSG describes how the principles of good governance apply to public security provision. The principles of good governance are accountability, transparency, rule of law, participation, responsiveness, effectiveness and efficiency. Good SSG is thus a normative standard for how the state security sector should work in a democracy.

The **security sector** is composed of all the structures, institutions and personnel responsible for security provision, management and oversight at national and local levels. Good SSG means that the security sector provides state and human security, effectively and accountably, within a framework of democratic civilian control, rule of law and respect for human rights.

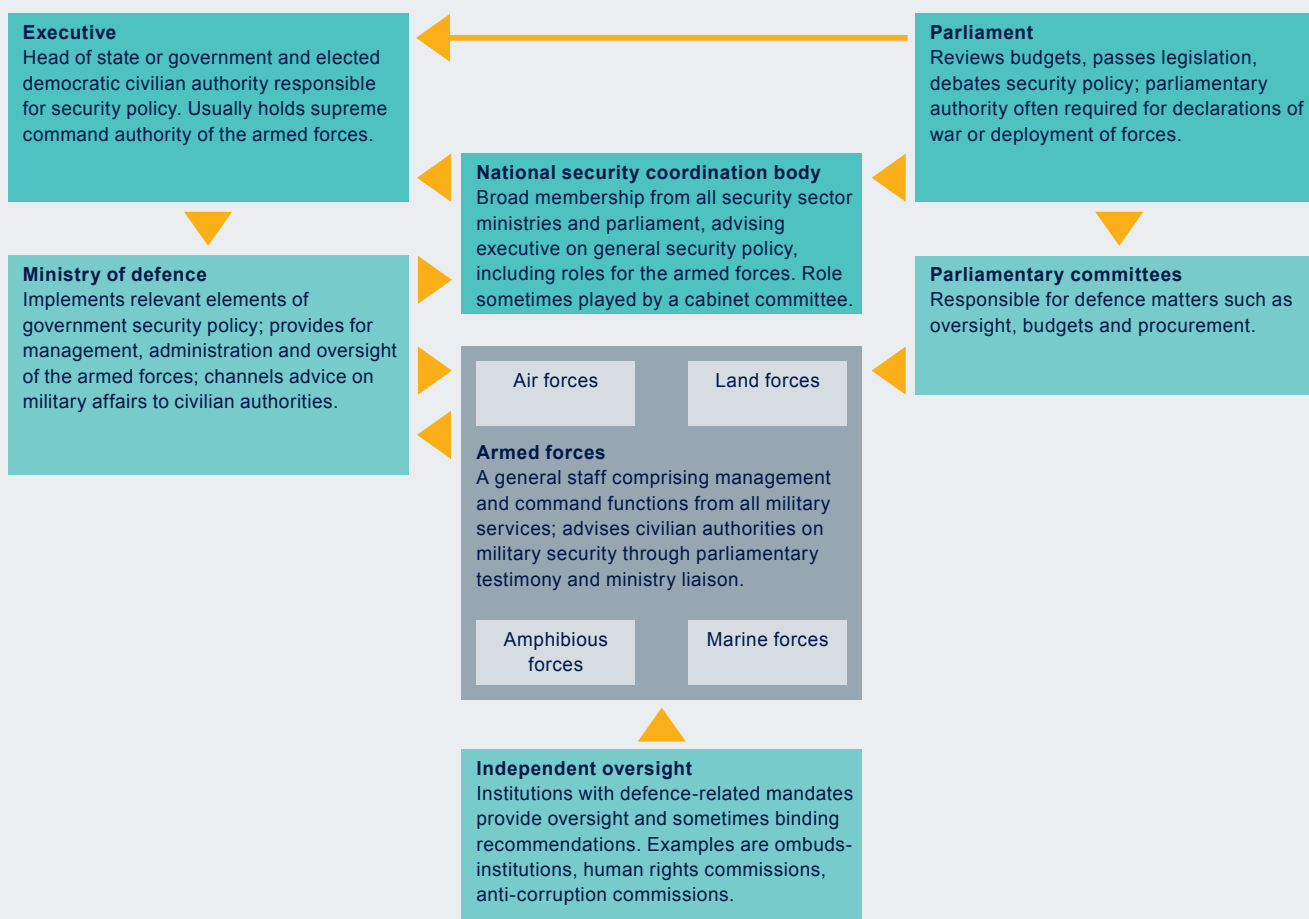
Establishing good SSG is the goal of **security sector reform**. SSR is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, rule of law, and respect for human rights. SSR may focus on only one part of the security sector or the way the entire system functions, as long as the goal is always to improve both effectiveness and accountability.

➔ For more information on these core definitions, please refer to the SSR Backgrounders on “Security Sector Governance”, “Security Sector Reform” and “The Security Sector”.

While every context is different, typical features of democratic civilian control of the armed forces include:

- a clearly defined vision for national security articulated in an inclusive and transparent national security policy, and including a clear understanding of the role of the armed forces in achieving this vision;
- security priorities and policies that are decided by elected or duly appointed civilian politicians based on competent military and civilian advice and sound intelligence, according to the constitutional order and with respect for international law;
- an active, inclusive and well-informed national security body with a coordination and advisory function;
- legally defined missions, engagements, operations and campaigns for the armed forces based on commitment to the constitutional order and in accordance with international law;
- parliamentary oversight of security legislation, policy and defence budgets;
- financial oversight mechanisms providing transparency and efficiency in defence budgeting and procurement, including through independent auditing;

FIGURE 1 SOME TYPICAL INSTITUTIONAL FEATURES OF DEMOCRATIC CIVILIAN CONTROL OF THE ARMED FORCES



- institutional separation between the head of state and the operational head of the armed forces through layers of public sector management and administration, including national security bodies, ministries, departments and general staff and advisory bodies;
- command, coordination and communication mechanisms regulating interactions between elements of the armed forces and the rest of the security, justice and defence sectors;
- effective and accountable civilian management and independent oversight authorities, such as civilian experts, parliamentary committees, ombuds-institutions and justice sector actors, including military justice systems;
- civil society dialogue on national security, including independent civilian experts, academics, researchers, human rights advocates, media, women’s organizations, and interest groups such as staff and veterans’ associations, among others;
- security policy-making processes and armed forces that are responsive to the diverse security needs of all men, women, girls and boys, and to the greatest extent possible, representative of the social diversity of the population;
- clear disciplinary mechanisms for transgressions of national law and international conventions, covering both civilian and military justice systems.

Although every national system is different, Figure 1 shows some general institutional features of democratic civilian control over the armed forces.

HOW DO THE ARMED FORCES CONTRIBUTE TO EFFECTIVE DEMOCRATIC CIVILIAN CONTROL?

An effective system of democratic civilian control depends not only on external institutional oversight and management of the armed forces, but also on internal control and organization of the armed forces.

Internal control mechanisms of the armed forces include:

- appropriate doctrine, codes of conduct, training, resources and organizational support to carry out operations with respect for human rights and the rule of law;
- an effective chain of command incorporating both individual and command responsibility and ensuring orders conform with national and international law;
- a military justice system that balances accountability and justice with the needs of military discipline;
- a system of internal oversight and complaint recognizing the right to refuse illegal orders and fostering a non-discriminatory work environment;

- a system of recruitment, training and promotion using merit-based performance assessment and free from discrimination on the basis of gender, ethnicity, religion or social status;
- a strong understanding of duties, responsibilities and obligations in the protection of human rights at all personnel levels;
- an understanding of obligations under civil authority and respect for democracy and the rule of law.

HOW DOES SSR AFFECT THE ARMED FORCES?

Applying the principles of good SSG to the armed forces requires a holistic approach to reform that accounts for the roles and responsibilities of the armed forces within the defence sector and the security sector as a whole. Defence reform, as part of a comprehensive and holistic approach to SSR, changes the way the armed forces function within the context of a democratic political system at the strategic policy level, the organizational level and the level of unit and soldier behaviour.

Defence reform in the context of SSR is unique because SSR aims to improve both effectiveness and accountability. Other types of reform that focus exclusively on technical changes and particularly training and equipment are sometimes called “security assistance” or “force modernization”, but such reforms are inconsistent with SSR because they don’t consider the overall context of security governance within which the armed forces function. Reforms that neglect accountability run the risk of empowering a force that will abuse its power, endangering the state and its population.

The extent of change involved in SSR depends on the specific needs of each reform context. Defence reform may take place in the context of an existing system of democratic civilian control that includes regular improvements to the armed forces, for example as part of a regular review of a national security policy. But SSR can also be a transformational process that establishes a framework of democratic civilian control where none existed before, for example in the context of a transition to democracy. Defence reform is particularly far-reaching in post-conflict contexts, since a radical change in the form and function of the armed forces is often an important element of conflict prevention and peacebuilding. The scope, resources and timeframes for reform differ between these different contexts, but the principles of good SSG that SSR aims to establish do not.

For more information on good SSG and SSR, please see SSR Backgrounders on “Security Sector Reform”, “Security Sector Governance” and “Gender Equality and Good Security Sector Governance”.

MILITARY, PARAMILITARY AND CIVILIAN

The armed forces are sometimes described as “the military”, and the military sometimes includes paramilitary organizations. The distinction between military, civilian and paramilitary organizations is not always clear and has been blurred by different uses in different contexts. The main characteristics that distinguish military from civilian organizations are:

- primary focus on use of lethal force for war-fighting and against external threats to security;
- armed and uniformed personnel who are legitimate targets of violence and who accept that they are liable to kill and be killed in the line of duty;
- strict discipline, including power to compel members to endanger themselves;
- centralized structure and hierarchical chain of command;
- relatively sophisticated communications spanning an entire national territory;
- relative social isolation from civilian culture and community;
- emotionally charged, symbolic and ritualized practices.

The difference between military and civilian security institutions is a matter of degree because civilian security institutions may share some, though not all, of the above characteristics.

“Paramilitary” is a confusing term that can mean:

- either a legal and legitimate state security provider with some military characteristics;
- or illegal and illegitimate, often state-sponsored, military forces, associated with autocratic regimes and egregious human rights abuses.

Because the term paramilitary is confusing, and also carries negative connotations of excessive or abusive use of force, other terms are sometimes used to describe legal and legitimate state security providers with mixed military and civilian traits: for example, “hybrid”, “auxiliary” or “tactical” forces.

WHAT TO READ NEXT

For further details on the changing roles and responsibilities of armed forces:

- Albrecht Schnabel and Marc Krupanski
Mapping Evolving Internal Roles of the Armed Forces
SSR Paper 7 (Geneva: DCAF, 2012).
- Cornelius Friesendorf
The Military and Law Enforcement in Peace Operations
(Munster: LIT Verlag, 2010).
- Cornelius Friesendorf
International Intervention and the Use of Force: Military and Police Roles
SSR Paper 4 (Geneva: DCAF, 2012).

For further details on defence reform from the perspective of SSG:

- UN SSR Taskforce
Democratic Governance of the Security Sector
in Security Sector Reform Integrated Technical Guidance Notes (United Nations, 2012, pp. 91-116).
- OECD Development Assistance Committee
Section 7.2: Defence Reform
in OECD DAC Handbook on Security System Reform: Supporting Security and Justice (Paris: Organisation for Economic Cooperation and Development, 2007, pp. 124-139).
- Cheryl Hendricks and Lauren Hutton
Tool 3: Defence Reform and Gender
in Gender and Security Sector Reform Toolkit, Megan Bastick and Kristin Valasek (eds)
(Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008).

For more resources on improving oversight of the armed forces in the context of democratic civilian control and good SSG:

- Trust Fund for Integrity Building
Integrity Self-Assessment Questionnaire: A Diagnostic Tool for National Defence Establishments
(DCAF, Geneva, 2012).
- Mindia Vashakmadze
Guidebook: Understanding Military Justice
Toolkit: Legislating for the Security Sector 5.1
(Geneva: DCAF, 2010).
- Hans Born, Benjamin Buckland and William McDermott
Capacity Development and Ombuds Institutions for the Armed Forces
(Geneva: DCAF, 2014).
- Megan Bastick
Integrating a Gender Perspective into Internal Oversight within Armed Forces
(Geneva: DCAF, OSCE, OSCE/ODIHR, 2014).
- Hans Born and Ian Leigh
Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel
(OSCE/ODIHR, 2008).

MORE DCAF RESOURCES

DCAF publishes a wide variety of tools, handbooks and guidance on all aspects of SSR and good SSG, available free-for-download at www.dcaf.ch. Many resources are also available in languages other than English.

The DCAF-ISSAT Community of Practice website makes available a range of online learning resources for SSR practitioners at <http://issat.dcaf.ch>

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