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

Policy Paper – №11

Shaping a Security Governance Agenda
in Post-Conflict Peacebuilding

Alan Bryden, Timothy Donais and Heiner Hänggi

Geneva, November 2005

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Abstract

The decision to create a United Nations Peacebuilding Commission demonstrates the international community's recognition of the need for further efforts to prevent the recurrence of conflict in fragile States. Indeed, there are still considerable gaps in the development of concepts, policies and practice that would facilitate post-conflict peacebuilding and make it more effective. One such gap lies in the security dimension of post-conflict peacebuilding. Applying a security governance approach to the range of security issues that must be addressed by both post-conflict societies and the international community – ranging from security sector reform (SSR) to disarmament, demobilisation and reintegration (DDR) as well as rule of law and transitional justice – provides a means to better understand the opportunities for more effective and coordinated international efforts to build up efficient and accountable domestic capacity for the provision of security.

Security Sector Governance in West Africa:
Turning Principles to Practice

Alan Bryden, Boubacar N'Diaye & 'Funmi Olonisakin

1. Introduction[1]

The recent decision to establish a United Nations Peacebuilding Commission[2] has shed much-needed light on the challenges of re-building states and societies in the aftermath of armed conflict. With nearly half of all post-conflict[3] states slipping back into conflict within five years of the signing of a peace agreement,[4] it has become increasingly clear that the international community's peacebuilding toolkit remains underdeveloped vis-à-vis the complex challenges of establishing sustainable peace in war-torn societies. Faced with the multi-layered and multidimensional challenges of post-conflict peacebuilding[5] – which typically include everything from promoting social reconciliation to restoring functioning justice systems to disarming and re-integrating former soldiers – international efforts have often lacked the necessary capacity, coordination, and flexibility to effectively manage the difficult transition from war to peace.

At the same time, there has also been a growing recognition that security issues – whether understood narrowly in terms of the control and management of security forces or more broadly in terms of freeing the citizens of post-conflict states from a range of threats to their well-being – lie at the very heart of the peacebuilding project. Indeed, one of the clearest lessons to be drawn from the past decade of peacebuilding is that addressing post-conflict insecurity, in the form of renewed conflict between armed groups, organised crime, ethnic unrest, or widespread banditry, is an essential first step along the road to sustainable peace and renewed social and economic development. Without security, in other words, there can be neither peace, nor development, nor justice.

The goal of this paper is to provide suggestions for a more comprehensive and coherent approach to addressing the broad security challenges posed by post-conflict situations.

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1 This Policy paper presents a number of key findings derived from a DCAF edited volume: Bryden, A., and Hänggi, H., 2005. Security Governance in Post-Conflict Peacebuilding, Münster, LIT Verlag. Tim Donais was one of the external reviewers for this publication.

2 United Nations General Assembly, 2005. Final document of the High-level Plenary Meeting of the General Assembly, A/60/L.1, of 15 September 2005, para. 97-105.

3 'Post-conflict' is a problematic term. What is generally called post-conflict does not really mean after the end of conflict as conflict never ends. At best, it refers to a situation after the cessation of violent conflict or after the conclusion of a peace agreement.

4 The Human Security Centre at the University of British Columbia, 2005. The Human Security Report 2005, Oxford, Oxford University Press.

5 The term 'post-conflict peacebuilding', broadly used in UN Security Council documents, reflects the narrower concept of peacebuilding, whose objective is to prevent the resurgence of armed conflict and to create the conditions necessary for a sustainable peace in post-conflict societies. The broader concept of peacebuilding aims not solely at avoiding the recurrence of war, but also at strengthening the fabric of peace through socio-economic development and democracy building. Peacebuilding therefore needs the qualifier 'post-conflict' when such settings are the subject of discussion. See: Hänggi, H., 2005. 'Approaching Peacebuilding from a Security Governance Perspective', in: Bryden, A., and Hänggi, H. (eds.), Security Governance in Post-Conflict Peacebuilding, Münster, LIT Verlag, pp. 3-19 (10-15).

The concrete policy recommendations set forth here flow from a focus on security governance as a means of conceptualising and linking post-war security challenges. The core argument is that since the threats to security in post-conflict situations are multi-layered, multifaceted, and inter-connected, addressing them effectively requires an approach that both acknowledges this reality and generates more systematic and holistic strategies for addressing them. The concept of security governance, in other words, recognises both the multidimensional nature of security and the reality that in post-conflict situations, moving from insecurity to security requires a complex and lengthy process of reconfiguring the security roles and responsibilities of a wide range of actors – from local warlords to international organisations – in order to ensure that the provision of security is 'governed' in ways that contribute to, rather than undermine, sustainable peace. Not only must security be provided in the immediate aftermath of conflict; but the domestic security structures of the war-torn state must be reformed and/or re-constituted; non-statutory armed actors must be disarmed, demobilised, and re-integrated; and myriad additional obstacles to peace – from anti-personnel landmines and unexploded ordnance to small arms and light weapons (SALW) to the lingering presence of war criminals – must be confronted. Rather than seeing these as discrete, independent tasks, the proposition put forward here is that addressing them all as part of a broader security governance strategy provides a more promising approach.

2. Approaching Peacebuilding from a Security Governance Perspective[6]

Since the end of the cold war, with the proliferation of new security threats and the 'securitisation' of non-traditional security issues, our understanding of what security means has been evolving. Not only has the concept of security been both widened and deepened, it has also been approached from new analytical perspectives. The expansion of the security agenda has opened up the question of 'referent objects' (who or what is to be secured), and has also led to new questions about 'referent subjects' (who or what is to do the 'securing'). It is now commonplace to speak in terms of economic or environmental security, while the proliferation of civil conflicts and failed states in the post-cold war era has led to a growing recognition that individuals and non-state groups can, and should, be seen as objects of security. In particular, the notion of human security – while still ill-defined – has gained much recognition in the international policy arena and has contributed to the securitisation of a wide range of problems, from landmines to organised crime to famine. In this context, the conventional security discourse – which focused on the state as the primary referent object of security and state-controlled security institutions as the mechanisms through which the state was to be secured – no longer seems adequate.

At the same time, the notion of 'governance' has also gained widespread currency, particularly with the acceleration of the processes of globalisation. Governance can be understood formally as "the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests through the making and implementation of binding policy decisions in the absence of a central political authority."[7] Thus defined, the discourse of governance nicely captures the challenge of

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6 See: Hänggi, H., 2005. 'Approaching Peacebuilding from a Security Governance Perspective', pp3-19; Bryden, A., 2005. 'Shaping the Security Governance Agenda in Post-Conflict Peacebuilding', in: Bryden, A., and Hänggi, H. (eds.), Security Governance in Post-Conflict Peacebuilding, Münster, LIT Verlag, pp. 253-268.

7 Krahmann, E., 2003. 'Conceptualizing Security Governance', in: Cooperation and Conflict vol 38, no 1, p. 11.

policy-making and coordination in situations where political authority is fragmented among public and private actors on multiple levels of interaction. In a world in which states remain the central players but increasingly share authority with non-state actors, the notion of governance – rather than *government* – appears better able to grasp the increasingly complex nature of contemporary global politics.

The notion of 'security governance', then, is concerned with the mechanisms and structures through which security (in the broader sense described above) is provided. At the state level, security governance refers to the organisation and management of the security sector, understood here to comprise all the bodies (ranging from armed forces, police and intelligence agencies to those institutions that formulate, implement, and oversee security policy) whose main responsibilities are the protection of the state and its constituent communities – hence the notion of security *sector* governance applied to security governance at the national level. While in stable states it can still be reasonably argued that the presence of central political authority renders security sector management less a question *of governance* than a question *for governments*, issues of security governance are particularly applicable to post-conflict peacebuilding situations precisely because of the absence, or weakness, of central political authority, and the consequent multiplicity of actors with a stake in the provision of security.

Post-conflict states typically confront a complex array of security challenges, many of which stem directly from the state's loss of control over the legitimate use of force. While restoring this monopoly (and simultaneously limiting it through mechanisms of democratic control and accountability) represents one of the fundamental longer-term challenges of any peacebuilding process, in the medium-term, post-conflict contexts are marked by a wide range of different security actors, not all of whom share similar goals or objectives. These actors may include international military and police elements, state-level military, paramilitary and police forces (more or less politicised or criminalised by the conflict), as well as non-state armed actors such as rebel groups (more or less reconciled to the content of any peace agreement), organised criminal formations and armed elements loyal to local warlords. A broad range of actors with a stake in security governance issues, including international organisations and transnational private actors, regional actors (including neighbouring states and regional organisations), and domestic civil society groups are also present. In this sense, all territorial levels of interaction are involved in post-conflict security governance, from the local to the substate, state, regional, and global levels.

Given the often confusing array of actors in play and interests at stake, security governance in post-conflict situations involves a complex, shifting, and awkward division of labour among these various groups. Since no one set of security actors enjoys unchallenged authority to establish and implement a comprehensive security agenda, the security governance challenge necessarily implies a highly political process of coordinating, managing and sequencing a multiplicity of security actors in ways that remove or respond to direct threats to human and state security while building up domestic capacity to deal with them over the longer term. From the perspective of multilateral peacebuilding efforts, 'herding cats' is therefore an apt metaphor for the work involved in post-conflict security management.

The recognition of an expanded security agenda over the past decade has meant that not only is it necessary to manage a wide range of security actors at multiple levels in post-conflict contexts, but that there are an equally broad range of security 'realms' to be addressed. The security challenges that generally confront post-conflict, and only post-

conflict, societies include: the need to disarm, demobilise and reintegrate large numbers of former combatants, including child soldiers; to curb and remove remnants of war such as SALW, landmines and unexploded ordnance; to carry out sweeping reforms in the security sector in order to establish effective security forces and governance mechanisms; to disband non-statutory armed forces, or to integrate them into new statutory ones; to establish the rule of law including under transitional administration; to redress past crimes and atrocities with some urgency, and to promote reconciliation.

While this laundry-list of security-related tasks is sufficiently daunting on its own, post-conflict security governance is further complicated by the fact that many of these issues are closely linked not only with other security issues, but also with aspects of the broader peacebuilding process. Dealing with the post-conflict surplus of SALW is often impossible in the absence of public security institutions that enjoy minimum levels of public confidence; while disarmament, demobilisation and reintegration (DDR) issues are closely connected to socio-economic regeneration; and the re-establishment of the rule of law is dependent on the restoration of legitimate political authorities who are not only willing to impose and enforce the rule of law, but to be subject to it themselves. The reality, therefore, is that not only are the security challenges listed above linked in complex ways to other security challenges, but there are close linkages among the security, socio-economic, and political dimensions of post-conflict peacebuilding. Given the complexity of the peacebuilding puzzle, ensuring the proper coordination and sequencing of peacebuilding activities emerges as a fundamental precondition for the success of any peacebuilding operation.

In thinking through questions of post-conflict security governance, four cross-cutting issues emerge as crucial: framing conditions or specific contexts for post-conflict peacebuilding; the role and influence of external actors; the challenges and dilemmas of fostering local ownership; and, finally, the sequencing of related activities.

Framing Conditions. Beyond the general conditions that apply to all post-conflict contexts, a number of specific security, political and socio-economic framing conditions are particularly important in shaping the specific opportunities, constraints and entry points for post-conflict peacebuilding. These conditions tend to be deeply ingrained and while they must be taken into account in formulating peacebuilding strategies, they can only be influenced to a certain extent by external actors. From a *security* perspective, the duration of a conflict, level of violence, factionalism and ethnic or religious dimensions all shape opportunities for post-conflict peacebuilding. The cross-border security dimensions of conflict are particularly significant with soldiers and arms flowing to and from different conflict zones. *Political* development prior to the conflict and how that was reflected in the pre-conflict security sector will shape possibilities and expectations for the post-conflict political dispensation. States that have historically provided neither security nor democratic governance, but instead have been characterised by corruption, clientism, repression and impunity, will be subject to a residual lack of trust from their citizens, who may seek their security elsewhere such as through support for non-state armed actors. In such cases, civil society will have been repressed and is unlikely to be able to provide an effective monitoring role. Finally, the available *social* and *economic* capital is influential in shaping the potential for post-conflict peacebuilding. This is a particularly important rationale for investing in DDR programmes where the absence of economic opportunities encourages criminality and creates violence entrepreneurs who have little option but to fall back on the skills learned as combatants.

External involvement. The resources and commitment of dedicated external actors have been a critical aspect in furthering the security and development goals of post-conflict peacebuilding. Key external actors may include a combination of peacekeeping forces, transitional administrations, development and donor agencies as well as relevant non-governmental organisations (NGOs) and commercial companies. Regional actors such as the European Union (EU) or Economic Community of West African States (ECOWAS) can play an important role in providing linkages between international organisations and local constituencies as well as benefiting from local knowledge and commitment that larger international actors do not possess. At the policy level, external approaches have frequently lacked coordination or have been shaped by domestic experiences that do not apply to other reform contexts. In processes involving a combination of actors, there is a consequent need for more joined up approaches by the various external actors involved in aspects of security governance in order to ensure policy coherence. On the ground, challenges to coordination are mirrored by problems in cooperation generated by organisations with overlapping mandates but contrasting approaches. Engagement in post-conflict settings requires a long-term commitment by external actors. Even more important is political will to sustain involvement until national actors are mature enough to assume responsibility for their own security sector governance. Legitimacy is also essential for external interventions. For international and multilateral actors, authority is seen to stem from representing the 'will' – as well as the accumulated norms and values – of the international community. At the same time, international actors often ground their authority in peace agreements that generally acknowledge a key role for multilateral actors as impartial guarantors of the peace process. For multilateral actors such as the UN, therefore, consolidating a position as *primus inter pares* with regard to security governance requires paying careful attention to questions of legitimacy and accountability as they are established and play out in specific post-conflict situations.

Local ownership. International involvement in post-conflict situations demonstrates, in most cases, an acknowledgement that local political actors are not capable of resolving differences peacefully, yet at the same time there is a widespread recognition that peace cannot be imposed by outsiders. Thus, the division of responsibilities between 'locals' and internationals in peacebuilding contexts is a crucial question, yet one which is fraught with difficulty. Local authorities may be either incapable of effectively responding to security threats, or unwilling to do so for specific constituencies. Conversely, attempts by international actors to establish a secure environment are challenged by those who consider international actors to be largely unaccountable for their actions or decisions (least of all to the citizens of post-conflict states). Local and domestic actors, on the other hand, usually base their authority claims in terms of representing key constituencies within the war-torn state, and such claims are often reinforced by the outcomes of post-conflict elections. Ultimately, since post-conflict peacebuilding is characterised by fragmented political authority, the effectiveness with which particular actors can assert their authority as legitimate actors in the security domain often plays a crucial role in determining outcomes. Linked to this is the issue of 'spoiler management' and the challenges of confronting those local security actors with a vested interest in the failure of the peacebuilding process. In practice, dealing with security actors who are actively hostile to the broad direction of the peacebuilding process represents one of the greatest challenges to effective post-war security governance. In this sense, international forces are required to bridge the security gap that typically persists between the end of active hostilities and the establishment of credible domestic security institutions that can provide security within the framework of the rule of law. While the question of authority transfer from internationals to locals as domestic security institutions gain capacity is one

dimension of the local ownership question, another concern is that the broad outlines of security policy for the post-conflict state are often set by outsiders at an early stage of the peace process, when domestic political institutions remain largely incapable of strategic goal-setting. This raises a concern that too often in peacebuilding contexts, security governance reflects the concerns and priorities of the international community rather than the political realities and interests of the post-conflict state. Local ownership, in this context, risks becoming a process whereby the locals are expected to implement an externally-imposed agenda. Part of the dilemma of security governance, therefore, involves thinking through more carefully how to empower local ownership of the peacebuilding agenda without at the same time compromising broader peacebuilding goals.

Sequencing. How peacebuilding activities are sequenced is key to their long term sustainability. Sequencing of post-conflict peacebuilding activities in an 'ideal' model would interweave national level policy development, constitutional and legal reform within a framework of local capacity building. In the inevitable absence of such ideal situations the integration and sequencing of related peacebuilding activities is required. This requires the mapping of related actors and issues but must avoid the temptation to provide laundry lists which give little concrete guidance for planning interventions. Pursuing these linkages in policy and programming terms is essential in order to address the consequences of coordination and cooperation problems, as well as to inform priority-setting in current and future interventions. For example, decisions on demobilisation of former combatants will have a significant impact on the parameters for security sector reconstruction so the composition and numbers of the different post-conflict security forces would be best dealt with at the outset of DDR activities rather than later. Clearing schools of landmines is only meaningful if teachers have been trained and are ready to take up their duties. A key issue of sequencing concerns the question of when to hand over responsibility to local actors. There are no fixed answers to this question but the tendency to date has been to hand over responsibility too soon as part of a politically driven exit strategy rather than a planned transfer based on a clear assessment of the governance capacities of the state in question by the international community.

While, as argued above, security governance in post-war contexts can be considered as a single, integrated complex, with a range of inter-connected issue areas and actors, for both practical and analytical purposes it is possible to distinguish three over-arching themes within this broader set of issues which mirror the discourse on post-conflict peacebuilding within the UN Security Council.[8] The first relates specifically to questions of security sector reform (SSR) and governance, which addresses not only the imperative of reconstructing the security sector commensurate with the principles of good, and preferably democratic, governance, but also the challenge of dealing constructively with armed non-state actors while at the same time carving out a meaningful role for local civil society actors in security governance issues. The second theme emphasises questions linked to DDR, which encompasses not only the challenges of transforming soldiers

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8 See, inter alia United Nations Security Council, 2005. Statement by the President of the Security Council, S/PRST/2005/30 of 12 July 2005, Remarks to the Open Meeting of the Security Council on "Maintenance of International Peace and Security – The Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned, the Way Ahead"; United Nations Security Council, 2005. Statement by Mr. Jean-Marie Guéhenno, Under Secretary-General for Peacekeeping Operations, S/PV.5225, of 12 July 2005; Permanent Mission of Greece to the United Nations, 2005. Concept Paper for the July 12th Security Council Thematic Debate on "Maintenance of International Peace and Security, The Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned, the Way Ahead".

(including child soldiers) into civilians in the after-war period, but also the necessity of confronting the legacies of small arms and anti-personnel landmines. The third central theme focuses more on the justice dimension of security, and addresses questions of the rule of law and transitional justice from an explicitly security governance perspective. The following sections address each of these three themes in turn. Analysis of specific issues is followed by concrete policy recommendations linked to the cross-cutting themes outlined above. These recommendations are intended to suggest ways in which the broad notion of security governance can be operationalised in specific post-conflict contexts.

3. Security Sector Reform and Governance

Given its role as the sole agent of the exercise of legitimate force in the nation-state, there are good reasons to expect that the shift from *government* to *governance* has generally been rather modest in the security sector. However, focusing on a security sector understood to be confined to state institutions falls short of reality in many countries, and in post-conflict states in particular. More often than not, non-state actors, armed groups as well as civil society organisations play an important role in providing as well as undermining security. From a *governance* perspective, this calls for a broader understanding of the security sector to include non-statutory security forces and non-statutory civil society groups as well. Reconstructing the state security apparatus commensurate with the principles of democratic governance is key to the success of post-conflict peacebuilding. In order to facilitate this task, however, two difficult and therefore often neglected tasks have to be tackled: to engage constructively the remnants of armed non-state actors to prevent them from spoiling the fragile peacebuilding process; and, to enable civil society in order to help strengthen the governance of the security sector.

3.1. Reforming and Reconstructing the Security Sector[9]

Security sector reform[10] is a relatively new concept that has received growing support among actors involved in such diverse fields as development assistance, security cooperation, democracy promotion, and post-conflict peacebuilding. It is driven by the understanding that an unreformed security sector represents a decisive obstacle to the promotion of sustainable development, democracy and peace, thus bridging those previously separate international discourses of security policy, peace and democracy promotion, and development assistance. Despite its growing ubiquity in international relations discourse, SSR remains an essentially contested concept. There does appear, however, to be a convergence around both broad and narrow conceptions of the term. The narrow notion reflects traditional state-centric understandings of security, focusing on those public sector mechanisms responsible for the provision of internal and external security, as well as on the relevant civilian bodies responsible for their oversight, management and control. Broader understandings of SSR emphasise governance as much as government and expand the definition of the security sector to include non-

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9 See: Bryden, A., and Hänggi, H., 2005. 'Reforming and Reconstructing the Security Sector', in: Bryden, A., and Hänggi, H. (eds.), pp. 23-43.

10 'Security sector reform' is the term of choice in this chapter because it is most commonly used by practitioners as well as analysts. Reference is made, however, to alternative terms such as 'security system reform', used by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD); 'justice and security sector reform', introduced by the United Nations Development Programme (UNDP); and 'security sector transformation', which is increasingly being used in the African context to underline the need for fundamental change in governance processes in the security sector.

statutory actors such as non-state armed groups and civil society. This broader notion has particular relevance in post-conflict situations since such contexts tend to be characterised by the absence of direct state control over the security sector. Of particular note is the fact that in most post-conflict environments, security has in important respects been both privatised and internationalised, suggesting that SSR entails far more than simply the reconstruction of the state security apparatus.

Whether SSR is understood in broad or narrow terms, however, the status, role, and effectiveness of state-controlled security mechanisms remains a central preoccupation of SSR efforts, as well as a crucial factor in the success or failure of broader peacebuilding. With regard to the sphere of governments, SSR is aimed at overcoming both security and accountability deficits. On the one hand, while the notion of restoring to the post-conflict state a monopoly over the legitimate use of force within its territory may be a realistic goal only over the long term (if at all), a central component of the peacebuilding project involves the consolidation of an affordable, effective and efficient security apparatus under state control. On the other hand, an important element of the post-conflict SSR agenda centres on the challenge of ensuring that this security apparatus is constrained by, and operates within, a framework of democratic governance. This double objective of generating effective state-controlled mechanisms for the provision of both state and human security while at the same time ensuring that such mechanisms are controlled and held accountable through civilian oversight mechanisms constitutes the uncontested core of the SSR concept and a key objective of any post-conflict peacebuilding effort.

Post-war states generally represent particularly hostile environments in which to engage in fundamental and far-reaching reforms of the security sector. While it is true that the 'post-conflict moment' does create a window of opportunity for security sector reconstruction, in most other respects war-torn states are far from ideal reform laboratories. Peace agreements rarely reconcile the competing interests of the former warring parties, and the struggle for control over components of the security sector (and the use of such elements for political purposes) may continue long into the post-conflict period. Mutual mistrust and animosity, similarly, seldom provide the foundations for a genuine national consensus on the shape and direction of SSR. At the same time, the security governance agenda is typically divided between the imperatives of providing minimal levels of security in the immediate post-war period and laying the foundations for a long-term reform agenda: short-term crisis management is, understandably, often prioritised at the expense of long-term strategic reform. Given these circumstances, promoting effective and sustainable SSR in post-war contexts is almost by definition a long-term enterprise, measured in years and even decades rather than in weeks and months, and external actors genuinely committed to SSR must be prepared to stay for the long haul.

A further complication in this regard is that SSR processes in post-war situations tend to be externally-driven. With few exceptions, SSR programmes are initiated and funded by donor states or multilateral organisations, which generally also provide the bulk of implementation expertise and, more often than not, the political pressure to move the process forward in the face of local resistance or inertia. Given this reality, the natural tendency is for external actors to promote their own reform models, which rarely fit neatly with the prevailing political and cultural circumstances of the reforming state. In practice, however, externally-generated reform prescriptions inevitably collide with the unique 'framing conditions' present in each post-conflict context, which can include the extent to which the conflict continues (through non-military means) in the post-war

period, the nature of the pre-conflict security sector, and the relative strength of inclusive, pro-reform political forces within the domestic political sphere. In most cases, these conditions impose real limits on the scope, speed, and depth of SSR, and limit the willingness of local political actors to support such initiatives. Despite these constraints, questions of local ownership remain crucial to the long-term success and durability of SSR processes. As difficult as it may be, domestic actors need to be involved in security sector reconstruction processes from the outset if domestic institutions are expected to eventually re-gain ownership over the security sector. Finding a balance between external imposition and local ownership, while at the same time ensuring that SSR processes contribute to long-term peacebuilding and are not hijacked by local political actors for partisan gain, represents a particularly difficult yet crucial challenge. In this context, an early and sustained effort to broaden the constituency for SSR in post-conflict contexts through consultation and discussion fora, through explicit efforts to empower civil society actors vis-à-vis security issues, and by drawing on local (and ideally non-partisan) expertise on security issues in strategic planning processes might help square this particular circle.

Given the complex considerations involved in carrying out effective SSR programmes in post-war situations, then, the challenge is not merely one of staying power but also one of coordination and coherence. Given their broad scope and transformative potential, SSR processes have attracted a wide range of external actors, but rarely have these efforts coalesced into a coherent, long-term approach to the challenge of security sector transformation. In fact, international policy coherence with regard to the SSR agenda has been singularly lacking, partly because of overlapping policies, strategies, and priorities of the actors involved and partly because of the disinclination of most bilateral and multilateral actors to be 'coordinated'. Given the complex and interconnected nature of the SSR agenda, however, finding ways to overcome this coordination gap is essential.

Recommendations concerning SSR

• SSR in post-conflict contexts poses special challenges based on the legacies of the previous conflict. Actors must address the need to reconstruct or transform (rather than reform) the security apparatus. Taking into account broader security-related issues such as DDR or rule of law and transitional justice are therefor essential elements of post-conflict SSR.

• SSR efforts must pay due attention to concerns of democratic governance as well as the effectiveness dimension of the concept. It is essential to focus not only on security provision, but the development of domestic capacity for (democratic) security governance.

• A holistic understanding of the security sector which goes beyond the state to include non statutory civil society groupings and armed non-state actors is essential if SSR programmes are to address all influential stakeholders in post-conflict environments.

• SSR programmes must be context-specific and not transplanted from other regions. Local realities and needs must be reflected through exploiting expertise, external and local, from a range of security and development backgrounds.

• SSR in post-conflict settings has a cross-sectoral character, linking activities across the post-conflict peacebuilding agenda. Stakeholders should look at ways to integrate peacebuilding activities through applying the principles of security governance in order to foster synergies between related but disconnected endeavours.

• (see general recommendations)

3.2. Engaging Armed Non-State Actors in Post-Conflict Settings[11]

The persistence of armed non-state actors – whether in the form of rebel groups, anti-government paramilitaries, or armed groups loyal to local warlords – is usually presented as a key obstacle to security governance and to the re-centralisation of armed force in the hands of the state. Indeed, it is precisely such non-state actors who have the capacity to emerge as spoilers in the post-conflict period and fatally undermine the broader peacebuilding process. Yet it is also the case that non-state actors act as security providers, and their emergence is often directly linked to the presence of ineffective or oppressive state security forces. Negotiating the terms of the re-entry of such groups into civil society in the post-conflict transition period represents an essential component of SSR, and strategic choices with regard to whether (and how) such groups should be accommodated can make or break a peacebuilding process.

Since armed non-state actors often represent wild cards in any peacebuilding process, there is a strong argument to be made for the adoption of more coherent strategies to engage with such groups long before the signing of a formal peace agreement. Since international law provides little concrete guidance concerning their legal status, engagement by international organisations, NGOs, or multinational corporations with armed non-state actors tends to be marked by incoherence and inconsistency, reflecting the lack of established principles guiding such interactions. The same groups may be treated as pariahs or as valuable allies, depending on the context. This points to the need to establish broad guidelines on the status and responsibilities of armed non-state actors with regard to international law as well as to bring such actors within the broad umbrella of security governance if they are expected to contribute to, rather than undermine, peacebuilding efforts.

Even before the end of active hostilities, engagement with armed non-state actors could take the form of broader sensitisation campaigns focusing on the importance of respecting international humanitarian law and human rights standards. Depending on the nature of the armed group, such campaigns could be directed either at potentially receptive constituencies within the group, such as women or youth, or at the leaders themselves. While the extent to which warlords can be transformed into 'peacelords' through open and constructive engagement remains largely untested, what does seem clear is that the failure to engage increases the odds of having to confront them as spoilers in the period following the end of hostilities.

Private security companies (PSCs) represent a specific type of armed non-state actor with an increasingly important – if controversial – place in conflict and post-conflict environments. PSCs play a range of roles from logistics and communications to combat support services or the provision of training and advice. On the one hand, there is a danger that sub-contracting security provision to external actors can short-circuit longer-term SSR processes by ignoring the need to build capacity among domestic security forces. At the same time, the selective use of PSCs has often meant – in Iraq and elsewhere – that these firms contribute to the creation of secure enclaves in otherwise deeply insecure environments. On the other hand, however, PSCs bring with them resources and expertise that are in critically short supply in post-war contexts, and if sufficiently regulated, have the potential to make significant contributions to SSR and to post-conflict peacebuilding more generally. Given the problematic nature of PSCs in

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11 See Holmqvist, C., 2005. 'Engaging Armed Non-State Actors in Post-Conflict Settings', in: Bryden, A., and Hänggi, H. (eds.): pp. 45-68.

terms of both accountability and legitimacy, there is a pressing need both to establish broad international standards for their operations and to find means through which these companies can be held accountable to such standards. Given the global reach of the private security industry – and the ability of individual PSCs to shift country of registration as circumstances dictate – it is unlikely that any single standard-setting instrument could successfully regulate PSC activity; overlapping structures of regulation, at both state and international levels, offer a more promising approach to this challenge.

Recommendations concerning Armed Non-State Actors

• Armed non-state actors should be identified and engaged at the earliest possible stage of the peacebuilding process in order to influence their conduct, practices, and attitudes. There is a need for a more coordinated, coherent approach to dealing with armed non-state actors by the international community, part of which should include the development of broad guidelines on the status and responsibilities of armed non-state actors with regard to international law.

• Although post-conflict political authorities will be reluctant to legitimise such groups, specific mechanisms to engage them must be identified and applied. The UN and regional organisations represent focal points for developing strategies and coordinating activities. Approaches developed by civil society organisations, tailored to specific local contexts, may provide valuable lessons.

• The positive role that PSCs can play in post-conflict peacebuilding will be lost if governance deficits implicit in their use are not addressed. Home states for international PSCs should enact national legislation to hold individual security contractors to standards of legal accountability e.g. through the establishment of licensing schemes. A complementary measure should come from the industry itself. An international code of conduct for the operation of private security companies could be adopted by companies as a standard contractual clause. This would preferably be drawn up by members of the industry in cooperation with other stakeholders.

• Crucial to any regulatory framework is the question of oversight and monitoring. The UN should consider the development of standards for the industry's operation, leading to the development of an 'audit capacity' to monitor PSC operations. Such a capacity could conceivably be developed under the new UN Special Rapporteur on Mercenaries' Office, preferably in conjunction with the UN Peacebuilding Commission.

3.3. Enabling Civil Society in Security Sector Reconstruction[12]

In contrast to the ambivalent role played by armed non-state actors in post-war security governance, non-statutory civil society groups are generally viewed as unambiguous forces for good in peacebuilding processes. According to UN Secretary General Kofi Annan, "peacebuilding missions should seek to create a synergy with those civil society groups that are bridge-builders, truth-finders, watchdogs, human rights defenders, and agents of social protection and economic revitalisation. This can build reconciliation and lessen the appeal of those who might try to reignite conflict, help ensure that national and international actors are held accountable, and assist in building national consensus on the design of post-conflict structures and programmes. It can also help prepare local communities to receive back demobilised soldiers, refugees and internally displaced persons, and give a voice to the concerns of the marginalised."[13] The involvement of

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12 See: Caparini, M., 2005. 'Enabling Civil Society in Security Sector Reconstruction', in: Bryden, A., and Hänggi, H. (eds.), pp. 69-91.

13 United Nations Security Council, 2004. Secretary General's opening remarks at the Security Council debate on "The role of civil society in post-conflict peacebuilding", New York, 22 June 2004, URL <www.un.org/apps/sg/printsgstats.asp?nid=989>.

civil society is considered a vital element in effective and accountable governance of security institutions, and in the long-term success of democratic reform efforts. Ideally, civil society institutions play a key role in monitoring government policy and the activities of state security institutions, in presenting alternative assessments of security issues, and in identifying alternate policy options.

Harnessing the positive benefits of civil society involvement in post-conflict peacebuilding, however, means overcoming several challenges. The first is that the idealised conception of civil society presented above usually represents a significant departure from reality. If civil society is understood in broad terms as the 'organisational realm' between the state and the citizen, then it must be recognised that not all civil society actors espouse civic values and some may instead be exclusionary and promote illiberal and undemocratic values or even intra-communal conflict.[14] Particularly in post-conflict environments, certain groups may have an interest in perpetuating instability in order to exploit and profit from the state's inability to maintain control and public order. Actors such as mafia groups, warlord gangs, militias and paramilitary organisations have sometimes been referred to as 'uncivil society', and managing civil society engagement in peace processes is as much a matter of isolating and marginalising 'bad' civil society as it is a matter of carving out a greater space for the involvement of 'good' civil society.

At the same time, recent experience suggests that empowering civil society actors in peacebuilding processes is harder than it looks, particularly given the power imbalances between foreign donors and local civil society actors. All too often, local civil society has been willingly co-opted by international donors and used as local service providers. While there is nothing inherently wrong with such relationships, particularly in the context of collapsed states where local NGOs substitute for the state in the provision of key services, the service-provider model tends to substitute foreign agendas for local ones, and often does little to foster longer-term civil society development or facilitate local NGO engagement with the broader peacebuilding process. In other words, while recognising the value of local civil society, peacebuilding processes have in most cases made sub-optimal use of this resource.

With regard to civil society involvement in peacebuilding, therefore, a key challenge for the international community lies in assisting local civil society actors to develop the expertise and the capacity to play a more active and positive security governance role, while at the same time resisting the temptation to impose foreign priorities and solutions. As noted above, finding the right balance between support and co-optation can make a significant contribution to fostering local ownership. Beyond the provision of direct financial and technical support to individual organisations, this would involve carving out meaningful space for local experts and civil society representatives in key decision-making fora as early as possible in the peacebuilding process, while broad reform parameters are still being established. Knowledge of the local context is essential, both for planning and implementing post-conflict peacebuilding. Involvement of appropriate local experts would help to avoid inappropriate or overly general assessments of what needs to be done, and would help to inject local concerns and requirements into the national policymaking level.

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14 Chambers, S., and Kopstein, J., 2001. 'Bad Civil Society', in: Political Theory vol 29, no 6, (December 2001), pp. 837-865.

4. Disarmament, Demobilisation and Reintegration

Beyond the imperatives of managing and re-aligning specific state and non-state actors, security governance in post-conflict situations also necessarily involves measures to deal with the legacies of conflict in terms of both arms (especially landmines, SALW) and the armed (disarming, demobilising and reintegrating combatants). These measures represent an indispensable component of the broader process of moving from conflict to sustainable peace. While these tasks are often conceived in technical terms, they are also inherently political, and the ways in which they are managed can have profound impacts – both positive and negative – on the broader security environment.

4.1. Embedding DDR Programmes in Security Sector Reconstruction [15]

In most cases DDR programmes are largely disconnected from broader considerations of security governance. This is due to the fact that the negotiation of DDR arrangements is typically based on a narrow perception of post-conflict security, which is rooted in the interests, priorities, and security concerns of the warring parties themselves. In other words, DDR arrangements usually reflect the security demands of the conflict parties – who has the right to be part of re-constituted state security forces, for example, and what compensation is to be available for the excluded – rather than the broader security needs of the post-conflict state and its citizens. Questions related to the size and composition of post-war security forces are directly linked to negotiations around DDR, yet there is often little connection between how these issues are resolved and broader questions of what mix of security forces, in what numbers, are required to guarantee the post-war security of the state and its citizens.

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15 See: Brzoska, M., 2005. 'Embedding DDR Programmes in Security Sector Reconstruction', in: Bryden, A., and Hänggi, H. (eds.), pp. 95-113; Singer, P.W., 2005. 'Addressing the Global Challenge of Child Soldiers', ibid., pp. 115-135.

Beyond this disconnect, which emerges from the fact that DDR issues are usually up for discussion well before the broader shape of the SSR agenda becomes clear, there are also important links between the success or failure of DDR initiatives and the overall security context. Failure to successfully reintegrate demobilised combatants back into civilian life – whether the cause be ineffective or insufficient training or a moribund economy offering few economic opportunities – has direct impacts in terms of post-conflict crime, as ex-soldiers transform themselves into 'violence entrepreneurs'. Moreover, dealing with ex-combatants by absorbing them into reconstituted security forces – as in the case of Haiti, where demobilized soldiers have been transformed into police officers – can also foster insecurity by putting authority in the hands of those with dubious human rights records. Given that reintegration is the most difficult component of the DDR triad, and the least likely to be adequately funded, there may be some justification for a slower, more deliberate approach. Depending on the nature of the conflict and the state of the post-war economy, armed combatants may pose fewer risks to post-war security if they are maintained (and contained) within formal force structures. Measures such as counselling and retraining could thus be done within the context of existing security structures, with the reintegration process unfolding as circumstances permit, and as the broader needs and requirements of security sector restructuring become clear.

Ideally, DDR questions would be negotiated and implemented as one element of a broader SSR process, particularly since DDR represents not only an effort to demilitarise post-war societies but also an important element of defence reform, with major consequences for security sector governance. Post-conflict contexts are far from ideal environments, however, and comprehensive SSR strategies are rarely in place before questions of DDR must be addressed. Managing the two processes effectively, therefore, requires greater attentiveness to their inter-connectedness, as well as more strategic use of international resources and leverage to ensure that DDR processes respond both to the immediate security needs of a post-war situation (by encouraging the warring parties to disengage) and to the longer-term requirements for effective security sector governance. For example, since funding for DDR activities comes primarily from international donors, financial leverage could be applied to all sides to ensure that DDR processes aren't used by local leaders to reinforce their hold over domestic security structures (by rewarding loyalists, for example) in ways that compromise longer-term goals. Similarly, decision-making processes must include constituencies beyond the warring parties and the international agencies prepared to fund DDR initiatives. Since DDR is not just a concern of the parties to a peace deal, but crucial to broader questions of post-war stabilisation and human security, creating space for a broader range of stakeholders – especially civil society groups – to have their voices heard on these issues would be an important step in ensuring that the full implications of DDR policies on post-war security and stabilisation are taken into consideration.

Child soldiers represent a special case of DDR with little attention paid to date to the specific problems of re-integrating child combatants in the aftermath of conflict. Typically, international peacebuilding missions arrive in theatre unprepared to deal with child soldiers, who all too frequently fall through the cracks when it comes to access to educational programmes, vocational training, family reunification, or even food and shelter, all of which they need to successfully rejoin civilian society. While part of the problem is the unwillingness of conflict parties to acknowledge their use of child soldiers, the phenomenon is now sufficiently well understood that the DDR challenges of child soldiers should increasingly be brought into the mainstream of post-conflict security planning by the introduction of a number of specific measures.

4.2. Combating Small Arms Proliferation and Misuse after Conflict[16]

However crucial to the long-term sustainability of peacebuilding, converting soldiers into civilians is only one aspect of the broader process of disarming post-conflict societies. Of no less importance is the challenge of addressing and reversing the proliferation of SALW that typically accompanies conflict and its aftermath. This proliferation has obvious implications for peace processes: SALW are inextricably linked to post-conflict criminality; they endanger the work of peacebuilding personnel; and they undermine the re-establishment of the rule of law by perpetuating the notion that whoever has the gun has power. At the same time, addressing the small arms crisis which persists in most post-conflict situations means confronting a vicious cycle: not only are small arms a source of widespread insecurity, but large-scale civilian possession of small arms is also a *response* to widespread insecurity.

The fight against SALW represents a prototypical case of a multi-level, multi-actor security governance challenge. Addressing this issue is no longer the sole responsibility of government institutions, structures and processes, and there has of late been a marked increase in the number and profile of non-state actors involved in SALW programming. Similarly, the UN has been increasingly active in this area, both through a broader norm-setting role (which has tended to focus more on supply than on demand) and through concrete actions taken by field-level UN missions to get small arms off the streets of war-affected communities. Regional approaches to addressing SALW have also

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16 See: Ebo, A., 2005. 'Combating Small Arms Proliferation and Misuse After Conflict', in: Bryden, A., and Hänggi, H. (eds.), pp. 137-158.

expanded in recent years, with West Africa's small arms moratorium being the most prominent example. There is also a strong case to be made for placing particular emphasis on local actors and local ownership in this area. This is partly a matter of finding ways to engage armed non-state actors more effectively on SALW issues, and partly of fostering notions of community-level small arms governance. DDR programmes, no matter how effective, have a limited lifespan and a narrow focus, and while internationally-led weapons amnesty and arms-for-development initiatives have shown some results in particular circumstances, they cannot ensure the removal of weapons from local communities on a systematic, longer-term basis. Community-based approaches to disarmament are therefore essential, and helping communities develop local capacity to manage SALW issues should be seen as a key governance priority in this field.

At a different level of local ownership, dealing with the demand side of the SALW problem means addressing security governance deficits, which is where SSR and SALW initiatives intersect. The most effective long-term strategy for countering SALW proliferation is through the development of sustainable, effective, and accountable security sector institutions capable of convincing individuals and groups that there is no compelling need to be armed. As in other areas of the security realm, therefore, effective governance of the SALW issue in post-conflict situations requires long term, coordinated, coherent, and integrated responses at local, state, regional, and international levels.

Recommendations concerning SALW

• SALW programmes should be mainstreamed into broader peacebuilding initiatives. In particular, addressing the government deficits that create the conditions for SALW proliferation will require the development of coordination mechanisms between disconnected security and development actors and local stakeholders.

• Disarmament efforts must be complemented by demand-focused efforts to reduce insecurity and provide alternatives for violence entrepreneurs. The capacity of regional and sub-regional organisations should be strengthened given the regional dimensions of SALW proliferation.

• A key focus of measures to address SALW must be on the users and their motives rather than on numbers of weapons. Community-based approaches and weapons for development schemes should therefore be encouraged and developed; civil society and community-based small arms governance initiatives should also be supported as sustainable long term approaches to demand management.

4.3. Optimising Mine Action Policies and Practice[17]

Landmines and unexploded ordnance (UXO) pose a unique set of challenges to post-conflict recovery. Not only do they present an ongoing threat to human security in the aftermath of conflict, their presence can present a major obstacle to the return of refugees and displaced persons, inhibit the implementation of humanitarian assistance programmes, and can obstruct economic recovery by denying communities access to valuable agricultural land. There is also an important security risk from abandoned explosive ordnance stockpiles or caches which if not properly secured or destroyed offer

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17 See: Bryden, A., 2005. 'Optimising Mine Action Policies and Practice', in: Bryden, A., and Hänggi, H. (eds.), pp. 159-184.

rich pickings for insurgents, rebel groups, criminals and other disaffected elements that mark the post-conflict landscape.

Addressing this challenge effectively can serve as an important source of momentum for the peacebuilding process. Early and effective mine action initiatives not only enable other peacebuilding activities, such as refugee return, but can demonstrate a clear peace dividend, display an early positive role for the international community, and serve as an important confidence-building measure that can have spillover effects in other areas of the peace process. It is somewhat curious, then, that while the link between mine action and peacebuilding is generally acknowledged, in practice these links are relatively poorly developed and mine action is disconnected from other aspects of the peacebuilding process. However, given that humanitarian demining often serves as an enabling activity for other peacebuilding activities, there is an obvious need to integrate mine action with other peacebuilding tasks.

The governance of mine action involves a wide range of stakeholders both at the strategic policy level and in the implementation of mine action programmes on the ground. Actors within the UN system, donor governments, international organisations and specialised NGOs all have a stake in mine action policy making, coordination and programming. The complexity of this governance framework, involving overlapping mandates and particularistic interests throws up barriers to effective decision-making which can have a direct impact on the speed, sustainability and effectiveness of mine action programmes. A related problem has been the provision of support by the international community – both individual experts and equipment – ill-fitted to distinct demining contexts or indeed the specific demands of humanitarian demining and how it should be linked with broader peacebuilding efforts.

Recommendations concerning Mine Action

• Coordination mechanisms for mine action at the strategic level need to be streamlined in order to better integrate efforts and cut through bureaucratic inertia. This includes coordination within and between multi- and bilateral assistance efforts to ensure that consistent goals and priorities are set in relation to other peacebuilding tasks.

• Donors must address problems of short-term or slowly distributed funding and provide in-kind support (human and material) that are appropriate to the needs of mine action programmes in specific contexts. Knowledge of local contexts and the sharing of relevant information is therefore essential. Using expertise from the development community is one important way to improve results, notably in the key area of building local capacity.

• The coordination role of the UN must be respected on the ground through clarifying roles, responsibilities and communications mechanisms between peacekeeping forces, transitional administrations, international and local mine action stakeholders.

As with other dimensions of the post-conflict security governance complex, local ownership presents both a challenge and an imperative for any successful mine action programme. Mine action has emerged as a field involving many actors at multiple levels, but the management of what is necessarily a long-term problem requires the development of genuine national capacity. This balance has proven difficult to manage well in the case of mine action given the ready availability and provision of foreign mine action experts. Experiences with returning responsibility for mine action to local actors have not been particularly inspiring: in Kosovo, the decision to hand over mine action responsibilities to local authorities was later reversed as serious deficiencies with regard to capacity and management become evident.

5. Rule of Law and Transitional Justice

Questions of legitimacy and accountability are crucial in peacebuilding contexts, and such issues are often particularly contested in the security sector. While attention has been paid to the importance of establishing the rule of law in post-conflict situations, far less emphasis has been placed on the question of whether, and how, the rule of law applies to international actors. With regard to domestic political actors, issues of accountability are most pronounced when it comes to accounting for war crimes, and in this context questions of transitional justice have become integral to broader peacebuilding efforts, even if the precise relationship between justice and peace is notoriously difficult to pin down. Similarly, the reality that most post-conflict situations are characterised, to greater or lesser degrees, by the absence of the rule of law has created space for all manner of organised criminal activities to proliferate, and trafficking in human beings has emerged as one of the most pernicious outcomes of the rule of law deficit in post-war environments.

5.1. Re-establishing the Rule of Law under Transitional Authority[18]

By their very nature, post-war environments exist in a kind of legal limbo. In most cases, the pre-war legal framework has been either discredited, dissolved, or distorted beyond recognition, while the post-war context continues to be characterised more by the rule of force than the rule of law. At the same time, the multiplicity of actors involved in the peacebuilding process raises profound questions about which laws apply, to whom, and what means of accountability and enforcement are available. While this reality throws up a range of legal and political dilemmas, one of the most significant concerns the legal obligations of intervening forces and international transitional administrations.

In this confused context, international human rights law (HRL) and international humanitarian law (IHL) have an important, yet presently underdeveloped, role to play. Until now, external military forces and civilian transitional administrations have been seen as largely self-policing, leading to questions concerning the legitimacy and accountability of these efforts. Individual military peacekeepers, for example, are bound only by the laws of their home states, and in practice few states have shown any willingness to hold their nationals accountable for inappropriate actions while serving abroad. Transitional administrations, similarly, typically grant themselves wide latitude in terms of legal immunity. Despite these trends, there is a strong case to be made that elements of international peacebuilding missions can and should be held more accountable in accordance with HRL and IHL. In fact, rather than limiting capacities to guarantee the protection of civilian populations, the obligation to abide by these legal regimes is key to the legitimacy of international peacebuilding efforts and therefore a major contribution to long-term reconstruction and development. No confidence in the transitional authorities and the future government can be established if the use of force has been indiscriminate, if minorities are not protected, if individuals are detained without judicial review or if security forces enjoy immunity. Therefore, respect for IHL and HRL is not a separate objective that international operations must seek to achieve but is the common denominator in which all aspects of post-conflict peacebuilding must be rooted.

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18 See: Vité, S., 2005. 'Re-establishing the Rule of Law Under Transitional Administration', in: Bryden, A., and Hänggi, H. (eds.), pp. 187-208.

In practice, however, serious obstacles must be overcome if IHL and HRL are to be operationalised in peacebuilding contexts. First, while the UN has made it explicit that the rules and principles of IHL are applicable to UN forces in conflict zones, no such declaration exists concerning HRL. At the same time, different institutions may take contrasting positions regarding the extent to which they are willing to be bound by international law: NATO's Kosovo operation, for example, functions from a legal perspective completely independently of the UN Transitional Administration. In such situations, where legal uncertainties can have serious practical consequences, one solution would be for the UN Security Council, when establishing the mandate of a peace operation, to give a clear and comprehensive definition of the applicable legal regime and state that all actors deployed on the territory concerned must abide by this framework. Secondly, even if ambiguities surrounding the applicable legal framework governing peace operations can be ironed out, there remains an enormous gap between principle and implementation. While implementation mechanisms exist for both IHL and HRL, in practice such mechanisms remain weak and inefficient in normal circumstances, and have proven to be of even less value in the extraordinary circumstances found in states emerging from conflict. One way around these issues in the case of peacebuilding missions is through the increased use of special rapporteurs on human rights issues, whose mandates can include, and indeed have included, oversight over the activities of transitional administrations.

No less important in this context are efforts to develop and strengthen *local* mechanisms of implementation. Indeed, it is often the very weakness or absence of such mechanisms that gives rise to local challenges to the legitimacy of international actors. If local populations are expected to buy into the principle of 'accountability under the rule of law,' the unwillingness of international actors to be held accountable for their actions breeds cynicism and the widespread belief that peacebuilding is simply another exercise in power politics. Strengthening local implementation mechanisms requires an acknowledgement on the part of international security forces and transitional administrations that they can and should be held accountable not only by the broader UN system but by the citizens of the state or territory under administration. In practice, this means placing greater limits on the ability of intervening forces or institutions to grant themselves legal or diplomatic immunity, while at the same time continuing to ensure that they are protected against politically-motivated charges. It also means empowering local administrative tribunals and ombudspersons institutions, through which legitimate claims against international actors can be pursued. In other words, access to effective internal remedies should be a key component of any peace operation, representing a basic condition for ensuring the legitimacy of the reconstruction process, and thus its support by the local population.

The importance of empowering local mechanisms points to the broader imperative of re-establishing domestic justice institutions. There is little point taking measures to hold international transitional administrations to high standards of international law if similar efforts are not made to ensure that local justice institutions are held to the same standards. The provision of effective human rights training to all local authorities involved in upholding and enforcing the rule of law – from police to judges to prison guards – should therefore be an obvious priority in any justice sector development strategy. In many cases, local political circumstances will necessitate the use of international judges to ensure impartial and effective judicial decision-making in the immediate aftermath of a peace settlement, but the use of such personnel must always be balanced against the necessity of long-term capacity-building, firmly grounded in human rights principles, of the domestic judiciary. In the justice sector as elsewhere, there is no

escaping the imperative of fostering long-term local ownership as the only sustainable transition strategy.

Recommendations concerning the Rule of Law

• All international actors need to be formally and uniformly bound by clear legal norms, emphasising respect for IHL and HRL. Accountability mechanisms for ensuring these norms are respected must be enhanced at both the international level and within the territory of the post-conflict state. Legal immunity for international missions and their staff should be restricted, the use of human rights rapporteurs with oversight responsibilities over international military and civilian organisations in transitional and post-conflict situations should be increased.

• The internationalisation of justice provision in post-conflict situations must be carefully balanced against the need to develop and foster local capacity in the justice sector and the capacity and authority of local mechanisms (claims commissions and ombudspersons offices, for example) to adjudicate local claims against international actors should be strengthened. Adequate training and supervision for domestic justice institutions is provided and prioritised.

5.2. Promoting Transitional Justice in Post-Conflict Societies[19]

Transitional justice represents a second dimension of the broader 'rule of law' *problematique* in post-conflict settings. Understood broadly as a set of strategies for confronting and addressing war-related crimes and their legacy, transitional justice should be understood as an important component of peacebuilding in so far as it addresses the needs and grievances of victims, promotes reconciliation, reforms state institutions, and re-establishes the rule of law. While it true that justice claims must sometimes be deferred or moderated in order to keep peace processes on track, failing to address transitional justice issues can have a corrosive effect on long-term peacebuilding efforts.

With regard to the nexus between transitional justice and security governance, several issues stand out. At the broadest level, mechanisms of transitional justice can contribute to diagnosing root causes, dealing with concrete grievances, and de-legitimising undemocratic and repressive forms of rule, all of which help dispel tensions and lay the foundations for a new social and political order. In other words, transitional justice strategies can help generate a consensus for broad and deep reforms to security governance arrangements. At the same time, post-conflict legal tribunals send important signals about the importance of the rule of law and the willingness of state institutions to protect, rather than violate, the rights of citizens. More specifically, justice processes can contribute to SSR by exposing abuses within military, police and intelligence services, thereby facilitating the departure of those whose crimes have been revealed and beginning the process of restoring public confidence in official security sector institutions. With regard to DDR, the way in which transitional justice is pursued can have a powerful impact on the willingness of various warring factions to lay down their arms and commit to a peace process. The right balance may involve offering lenient treatment to low-level perpetrators in return for symbolic acts of contrition, while focusing prosecutorial efforts on those accused of more serious crimes. The DDR/transitional justice nexus is also the point at which an equitable balance must be struck between the resources devoted to the victims of conflict in terms of reparation

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and those devoted to the perpetrators of conflict in terms of demobilisation and reintegration assistance.

Recommendations concerning Transitional Justice

• Coordination and planning mechanisms for transitional justice should be integrated much more closely with broader peacebuilding processes, especially SSR and DDR programmes in order to take full advantage of complementarities. Institution-building and vetting offer two evident areas where activities should prove mutually reinforcing.

• The first task of any transitional justice process is to ensure adequate levels of political and public support for the legitimacy of post-war criminal tribunals and truth commissions. Processes should only be supported by the international community where they are likely to contribute to sustainable peacebuilding.

• Questions of efficiency must be balanced against those of accountability in transitional justice processes. Locally-specific solutions should be promoted where feasible, but great care must be taken to ensure that such solutions aren't hijacked for partisan political purposes.

It is clear that the concrete implications of transitional justice issues go far beyond questions of punishing the perpetrators and consoling the victims, and that transitional justice strategies have enormous potential to advance the goals of peacebuilding generally and security governance specifically. It is also clear that this potential can only be effectively harnessed through comprehensive strategies that effectively link transitional justice processes to other elements of the peacebuilding project, including notably SSR (where the institution-building linkage is crucial) and DDR (where the vetting and resource linkages are vital). Yet ensuring that the greatest peacebuilding potential is squeezed out of transitional justice efforts means not only coordinating the efforts of a broad range of external actors, but also coming to terms with two significant obstacles, one related to timing and the second related to local ownership.

(1) Transitional justice mechanisms are highly complex in both technical and political terms, and cannot easily be put into place in the immediate aftermath of conflict. While transitional justice processes can support other aspects of the peacebuilding process, the benefits of this support – in terms, for example, of cleansing war criminals from security institutions – are often not available until well into the peacebuilding process. In many cases DDR and SSR processes cannot be put off long enough to allow the maximum synergies to be extracted. While this dilemma is unavoidable, it does suggest the need to start thinking in terms of transitional justice from the very beginning of the peace process, and ideally build justice commitments into the language of peace agreements. Thinking through how these processes are, and should be, linked to broader security governance strategies will at least ensure that as and when the justice process unfolds, earlier work on security governance issues can benefit from it.

(2) In the absence of broad public and political support, and a clear acknowledgement of the legitimacy of post-war tribunals or commissions, the benefits that such processes can bring will be lost. The first priority in confronting war crimes must therefore be to construct a national consensus around the importance of such an effort. At the same time, a balance must be struck between reliance on external tribunals and empowering local judicial mechanisms to manage transitional justice processes. While there is much merit to the notion that war crimes trials and truth commissions should be locally-owned and operated, the highly-political nature of such processes generates obvious risks that domestic authorities will use them to either whitewash their own records or discredit political opponents. Indeed, a core dilemma is what to do when the host government is

hostile to the very notion of transitional justice. In some cases governmental indifference or hostility can be neutralised by insulating tribunals from state ownership while at the same time actively reaching out to civil society groups (as happened with truth commissions in both El Salvador and Guatemala). In others, it may be better to defer processes of transitional justice rather than allow them to be hijacked for partisan political purposes. In either case, careful management of transitional justice efforts is essential to ensuring that they contribute to rather than undermine the broader peacebuilding process.

5.3. Designing Effective Measures against Trafficking in Human Beings[20]

While organised crime and corruption have emerged as a serious obstacle to post-conflict peacebuilding, trafficking in human beings has proven, in some contexts, to be a particularly unwelcome consequence of the collapse of rule of law in war-torn societies. Not only is trafficking a human rights issue, it also poses major challenges to the restoration of the rule of law and the stabilisation of security governance arrangements, since trafficking networks all too often link organised criminal elements with government officials and members of domestic security institutions.

Indeed, the challenges posed by the organised trade in human beings clearly demonstrates both the applicability and the necessity of a security governance approach in post-conflict settings. One of the key lessons to emerge from Southeastern Europe in recent years is that effectively addressing this problem necessitates coordinated action on a variety of fronts. A wide range of organisations and institutions has become active in the broader effort to stamp out trafficking in human beings, from regional organisations, international non-governmental organisations, and national security sector institutions to a multitude of local human rights NGOs. Not only is coordination among these different sets of actors essential to combat well-organised and well-integrated trafficking networks, it is also essential both within and across each of the following issue levels: (1) the supply side, involving long-term approaches aimed at addressing the economic inequality, underdevelopment, and lack of opportunity that generates a large and vulnerable pool of potential victims; (2) the demand side, including efforts to regulate prostitution and limit its appeal as well as longer-term measures aimed at easing migration restrictions and promoting gender equality; (3) prevention and prosecution, involving strengthening of national and regional security institutions and mechanisms though training, networking, and promoting greater awareness of trafficking and its consequences; (4) and victim assistance, including the provision of documents to victims, shelter services, referral mechanisms, and repatriation services.

Within Southeastern Europe in particular (where the problem has been particularly virulent), three nexus gaps have emerged in recent years despite the presence of relatively well-developed governance strategies. The first is the gap between the human rights and the national security components of anti-trafficking policies. While there has been growing recognition that trafficking in human beings is fundamentally a human rights issue, many countries continue to treat it primarily as a national security concern, and therefore to treat trafficked persons as illegal migrants rather than victims. Secondly, there continues to be a persistent gap between anti-trafficking and socio-economic

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20 See: Ghebali, V-Y., 2005. 'Designing Effective Measures Against Trafficking in Human Beings', in: Bryden, A., and Hänggi, H. (eds.), pp. 233-250.

policies. While long-term prevention through measures aimed at reducing poverty, unemployment, and gender discrimination are widely accepted as necessary, concrete results to date have been limited, even at the level of strategic planning. Along the same lines, little has been done to address the impact of restrictive Western European migration policies on the development and persistence of trafficking networks. Thirdly and finally, anti-trafficking and security sector governance strategies continue to be insufficiently integrated. Given the substantial and negative impacts of trafficking networks on post-conflict security governance, not least through strengthening the hand of organised crime, there is a pressing need to move beyond the piecemeal and ad hoc manner in which anti-trafficking initiatives have been incorporated into the security sector reform agendas of affected states.

Recommendations concerning Trafficking in Human Beings

• Anti-trafficking training programmes should be mainstreamed into broader SSR strategies, especially with regard to police, immigration officers, border guards, judges, and other law enforcement personnel. Such an approach would require the strengthening of regional criminal intelligence structures and the development of early warning mechanisms.

• The fight against trafficking in human beings must involve a sustained, holistic approach, which targets networks rather than simply individual cases. Supply-side measures need to be complemented by commensurate efforts to address the victims of trafficking through e.g. better linkages with poverty reduction and anti-discrimination strategies.

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6. Conclusion

The debate which preceded the decision to establish the UN Peacebuilding Commission underscored the point "that security sector reform is an essential element of any stabilization process in post-conflict environments" and "that it is inextricably linked with the promotion of the rule of law, transitional justice, DDR and the protection of civilians, among others".[21] Yet as the modalities and mandate of the new Commission are being worked out, it must also be acknowledged that while this new body can make an important contribution to shaping a holistic agenda for security governance in post-conflict peacebuilding, it will not and cannot single-handedly overcome all the deficiencies in current peacebuilding practice. What it can do, however, is to ask the right questions about where the roots of these current deficiencies lie, and begin the long and painstaking process of putting in place institutional mechanisms aimed at ensuring a more coherent, consistent, strategic and sustained international approach to the difficult challenge of moving war-torn countries from conflict to peace.

This paper suggests that the concept of security governance represents a useful lens through which to approach questions of post-conflict peacebuilding. Not only does this approach properly locate security questions at the very heart of the peacebuilding process, it also facilitates a greater understanding of the multiple actors and issues that must necessarily be engaged in the process of moving towards stable peace, and focuses attention on the ways in which specific security issues are related not only to other security issues, but also to broader socio-economic and political dimensions of the peacebuilding process. Security governance, in other words, requires effective

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21 United Nations Security Council, 2005. Statement by the President of the Security Council, S/PRST/2005/30, of 12 July 2005, para. 1.

coordination among a range of actors on various levels and across multiple issue areas, and encompassing both effectiveness and accountability. While there is a danger in the potential to generate policy-making paralysis – if success requires that everything must be done at the same time, perhaps it is better to do nothing at all – this paper has tried to identify means and strategies through which a security governance perspective can be operationalised at specific points in the peacebuilding process.

A number of themes will have to be taken up by the Peacebuilding Commission, whatever its make-up or mandate, that are central to the international community's commitment to post-conflict peacebuilding:

Framing conditions. Knowledge of the specific context for post-conflict peacebuilding is essential for targeted and effective interventions. Various security, political and socio-economic framing conditions must therefore be taken into account. In security terms, an identity dimension to the conflict such as race, religion or ethnicity can be particularly antagonistic. In political terms, perceptions of the role of the pre-conflict security apparatus will strongly condition attitudes following the end of hostilities, while social exclusion and the absence of economic opportunities are major factors in limiting the possibilities for post-conflict peacebuilding. External actors may only be able to address these underlying issues to a certain extent but they must be taken into account if peacebuilding is to be sustainable.

External involvement. Successful peacebuilding cannot be done quickly or cheaply, and external actors must be prepared to make long-term commitments if sustainable peace is to be the ultimate pay-off. Such commitments must be geared towards the short-term provision of security and stability, the medium-term establishment of democratic institutions and effective, accountable security structures, and the longer-term consolidation of peace, democracy, and socio-economic development. As part of this long-term commitment, external actors also need to pay closer attention to questions of legitimacy and accountability, since the resistance of local communities and local political actors to the sustained, intrusive presence of outsiders in their affairs will vary in direct proportion to the degree that outside actors are perceived as self-serving and unaccountable.

Local ownership. There is a pressing need to think through the appropriate role of local ownership in peacebuilding processes, since the mere recognition that this issue matters offers little guidance as to how the balance between local ownership and international trusteeship should play out in specific contexts and on specific issues. In this sense, the local ownership question applies to the proper role for local actors – both official and unofficial – in establishing the broad parameters within which both peacebuilding and security governance strategies should unfold, *and* to the question of how, and when, full ownership over peacebuilding processes is transferred from international to domestic authorities. While there are few easy answers to these questions, it has become clear that international disengagement should be based on transfer rather than exit strategies, and that if such strategies are to be successful a major component of the broader peacebuilding process must involve a sustained and long-term process of domestic capacity-building.

Sequencing. There are serious challenges to sequencing post-conflict peacebuilding in a coherent and integrated manner. Grey areas between conflict, emergency and reconstruction phases are a contributing factor. Similarly, the involvement of a complex mix of actors and institutions, internal and external, at global, regional, state and sub-state

levels, greatly complicate the task of developing synergies in a given context, regardless of the apparent linkages between them. However, pursuing these linkages in policies and programming is essential if scarce resources are to be better targeted and stakeholders are to seize opportunities while windows of opportunity remain open in fragile post-conflict environments. Finally, knowing when to hand over responsibility to local actors is essential and will only be successful in the long run if local capacity has been nurtured in all the preceding steps of the peacebuilding process.

A final issue lies in the potential offered by SSR in bridging the different activities that comprise the peacebuilding agenda. Although this is an emerging and therefore contested proposition, requiring significant further research and analysis, the holistic nature of the SSR concept spans a wide range of activities from political dialogue, policy and legal advice to training programmes, technical and financial assistance. Although comprehensive integration of these mechanisms and the wide range of actors with a stake in them may be unrealistic, there are clear opportunities for cross-fertilisation of expertise and the development of synergies: a security governance approach would inform decision making on questions such as the use of former soldiers in policing roles; expertise drawn from the field of transitional justice, notably vetting and institutional reform, could also make a much greater contribution to SSR; while a security governance perspective would also call for greater emphasis on addressing armed non-state actors in DDR efforts as well as in their use of SALW and landmines. In sum, security governance provides a frame of reference for all these concerns, including SSR, DDR and rule of law issues, which merits further exploration – not least with a view of facilitating the work of the new UN Peacebuilding Commission.

General Recommendations

• Advantages gained by external actors through political commitment and resources will be undermined if interventions in the security governance dimension of post-conflict peacebuilding lack legitimacy. Linking interventions to the provisions of peace agreements or broader international mandates are therefore crucial. Ensuring the participation of national security sector governance actors in the implementation of post-conflict peacebuilding is equally important.

• At the strategic level this means that coordination mechanisms should be simplified and key goals, based on needs assessments that are comprehensive and context specific, agreed upon by donors, international organisations and other major actors. On the ground, cooperation strategies must be based on information sharing and the selection of appropriate human and technical resources.

• As difficult or seemingly counterproductive as it may seem in the short-term, participatory reform processes involving a broad range of local actors with a stake in security governance are critical in order to embed reform in wider societal structures. Capacity building among the institutions of security governance will promote transparency, accountability and, consequently, reduce corruption.

• Transferring of authority to local actors should be a gradual process reflecting the development of governance capacities at the national level. Mechanisms that incorporate the building of local capacity should therefore be integrated into the full range of policies and programmes implemented by external actors from the earliest stages.

• Security governance must be recognised as a core theme of post-conflict peacebuilding with strong linkages to the political and socio-economic dimensions of the peacebuilding challenge. SSR is an essential activity in its own right but can also build bridges between related activities such as DDR and rule of law issues. These linkages must be further developed if the efforts of all those with a stake in post-conflict peacebuilding are to be maximised.