

Timothy Donais (Ed.)

**Local Ownership and Security Sector Reform**

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

LIT

# Local Ownership and Security Sector Reform

edited by

Timothy Donais

LIT

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## Preface

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in promoting good governance and reform of the security sector. Beyond a range of publications linked to its activities, each year DCAF dedicates one volume to a topic that is particularly relevant to our research and operational priorities. The first volume, *Challenges of Security Sector Governance*, was published in 2003. Since then, titles have included *Reform and Reconstruction of the Security Sector*, *Security Governance in Post-Conflict Peacebuilding*, *Private Actors and Security Governance* and *Intergovernmental Organisations and Security Sector Reform*.

The sixth edition in the DCAF Yearly Book Series is not dedicated to an identified priority for the Centre but to an imperative that underpins all of DCAF's analytical and operational activities: local ownership. This concept has become a *sine qua non* of good practice in the field of security sector reform (SSR). It is prominent in such important points of reference as the recent report of the United Nations Secretary-General on SSR and the *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*. However, it is widely recognised that local ownership is less evident in terms of its implementation on the ground in concrete SSR programming. This gap between policy and practice provides the point of departure for the 2008 DCAF Yearly Book on *Local Ownership and Security Sector Reform*.

This year's edition represents a change from past practice in that for the first time we have welcomed a guest editor for this publication project: Dr. Timothy Donais, Assistant Professor at the Wilfrid Laurier University in Canada and a long-standing DCAF collaborator. This is not a change of DCAF policy but rather an opportunity seized to build on Dr. Donais' particular research expertise on this issue and more generally on his experience in previous years as an external reviewer for the Yearly Book series. I am most grateful for his commitment and excellent contribution to this work.

It would not have been possible to successfully complete this volume, particularly in light of the tight timescales involved, without the invaluable support of a number of people. In particular, thanks go to Fairlie Chappuis for research and editing assistance and Oliver Wates for his excellent copy-

editing. Paul Jackson and Herbert Wulf provided incisive comments and inputs on earlier drafts of the manuscript. Veit D. Hopf and Frank Weber of LIT Verlag once more guided us through the publication process with much patience and encouragement. I would also like to acknowledge the contributions of DCAF colleagues Alan Bryden, Heiner Hänggi and Yury Korobovsky who oversaw the editing process and provided valuable comments on different parts of the publication. But thanks go in particular to the contributors, who agreed to write under significant time pressure. Many contributors also made themselves available for an authors' workshop, held in Geneva on 23 May 2008, which greatly enriched the development of this volume.

Ambassador Dr. Theodor H. Winkler  
DCAF Director

Geneva, 16 September 2008

## Abbreviations

ABRI	<i>Angkatan Bersenjata Republik Indonesia</i> , Indonesian Defence Forces
ADP	Active duty personnel
AFL	Armed Forces of Liberia
AIHRC	Afghan Independent Human Rights Commission
AMF	Afghan Military Forces
ANA	Afghanistan National Army
ANBP	Afghanistan New Beginning Programme
ANC	African National Congress
APLA	Azanian People's Liberation Army (former armed wing of the PAC)
AZAPO	Azanian People's Organisation
BiH	Bosnia and Herzegovina
CFC-A	Combined Forces Command – Afghanistan
CIA	Central Intelligence Agency
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPA	Comprehensive Peace Agreement (Liberia)
CSCAP	Council for Security and Cooperation in the Asia-Pacific
DAT	Defence Advisory Team
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDR	Disarmament, demobilisation and reintegration
DFID	UK Department for International Development
DIAG	Disarmament of illegal armed groups
DISEC	District Security Committee
DPA	Dayton Peace Accords
ECOWAS	Economic Community of West African States
EPG	Eminent Persons Group
EU	European Union
EUPOL	European Union Police Mission
EUPOL COPPS	EU Police Co-ordinating Office for Palestinian Police Support
FAS	<i>Femmes Afrique Solidarité</i> , African Women's Solidarity
FGD	Focus group discussions

GC	Governance Commission
ICHR	Independent Commission for Human Rights
ICTY	International Criminal Tribunal for the former Yugoslavia
IET	Initial Entry Training Course (Liberia)
IMF	International Monetary Fund
IPS	Iraqi Police Service
ISAF	International Security Assistance Force in Afghanistan (NATO)
IWG-SSR	Indonesian Working Group on Security Sector Reform
JSSR	Justice and security sector reform
MDM	Mass Democratic Movement
MK	<i>Umkhonto we Sizwe</i> , Spear of the Nation (former armed wing of the ANC)
MoD	Ministry of Defence
MoI	Ministry of Interior
MPR	<i>Majlis Permusyawaratan Rakyat</i> , People's Consultative Assembly (Indonesia)
NACCSOL	National Coalition of Civil Society Organisations in Liberia
NAM	Non-Aligned Movement
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
NIS	National Intelligence Service (South Africa)
NPA	National Peace Accord (South Africa)
NPKF	National Peace Keeping Force (South Africa)
NSC	National Security Council
OAU	Organisation of African Unity
OHR	The Office of the High Representative
OECD	Organisation for Economic Co-operation and Development
OECD DAC	Development Assistance Committee of the Organisation for Economic Co-operation and Development
OMC-A	Office of Military Cooperation (Afghanistan)
ONSA	Office of the National Security Adviser
OSCE	Organization for Security and Co-operation in Europe
OVI	Objectively verifiable indicators
PAC	Pan Africanist Congress
PAE	Pacific Architects and Engineers

PEGASE	<i>Mécanisme Palestino-Européen de Gestion de l'Aide Socio-Économique</i> , Euro-Palestinian mechanism for socio-economic aid
PfP	Partnership for Peace (NATO)
PICCR	Palestinian Independent Commission for Citizens Rights
PKI	<i>Partai Komunis Indonesia</i> Indonesian Communist Party
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organisation
PMC	Private military company
PNA	Palestinian National Authority
PRDP	Palestinian Reform and Development Plan
PROSEC	Provincial Security Committee
PSC	Private security company
RS	Republika Srpska
SAA	Stabilisation and Association Agreement (EU)
SADF	South African Defence Force
SANDF	South African National Defence Force
SAP	South Africa Police
SBiH	<i>Stranka za Bosnu i Hercegovinu</i> , Party for Bosnia and Herzegovina (Bosnia)
SBS	State Border Service (Bosnia)
SDA	<i>Stranka Demokratske Akcije</i> , Party of Democratic Action (Bosnia)
SDP	<i>Socijaldemokratska Partija BiH - Socijaldemokrati</i> , Social Democratic Party of Bosnia and Herzegovina - Socialdemocrats (Bosnia)
SDR	Strategic Defence Review
SNSD	<i>Savez nezavisnih socijaldemokrata</i> , Alliance of Independent Social Democrats (Bosnia)
SSDAT	Security Sector Development Team
SSR	Security sector reform
TEC	Transitional Executive Council
TIM	Temporary International Mechanism
TNI	<i>Tentara Nasional Indonesia</i> , Indonesian Armed Forces
UN	United Nations
UNAMA	United Nations Assistance Mission to Afghanistan
UDF	United Democratic Front
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNMIL	United Nations Mission in Liberia

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UNOPS	United Nations Office for Project Services
USAID	United States Agency for International Development
USSC	United States Security Coordinator
WIPNET	West African Women in Peacebuilding Network
WIPSEN-A	Women, Peace and Security Network-Africa

**PART I**

**LOCAL OWNERSHIP IN THEORY  
AND IN PRACTICE**



## Chapter 1

# Understanding Local Ownership in Security Sector Reform

*Timothy Donais*

Over the past two decades, in response to the underwhelming results of international development efforts across the Third World, arguments concerning the importance of local ownership have been gaining currency within the international development community.<sup>1</sup> At its core, the discourse around ownership revolves around fundamental questions of agency: who decides, who controls, who implements, and who evaluates. The growing emphasis on local ownership, then, emerged as a critique of mainstream development practice and the broader cult of Western expertise which underpins it. As Joseph Stiglitz argued a decade ago, a vision of development in which all the answers and all the agency are seen to lie in the hands of foreigners is inherently problematic and ultimately self-defeating: ‘We have seen again and again that [local] ownership is essential for successful transformation: policies that are imposed from outside may be grudgingly accepted on a superficial basis, but will rarely be implemented as intended’.<sup>2</sup> Since then, the principle of local ownership has been viewed increasingly as a precondition for effective development assistance, even if the translation of the principle into actual practice remains an ongoing challenge.<sup>3</sup>

In recent years, local ownership has also emerged as part of the contemporary commonsense of security sector reform (SSR).<sup>4</sup> Indeed, in an important ministerial statement by the OECD’s Development Assistance Committee (DAC), fostering local leadership and ownership is identified as one of three overarching objectives for donor engagement with SSR, on the now familiar grounds that ‘reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained’.<sup>5</sup> While it is hard to find fault with this argument in principle, it is also increasingly clear that ownership questions in SSR are far from straightforward, and the wide gulf between donor policy (expressed most clearly in the official documents

of the OECD DAC) and donor practice testifies to an ongoing and widespread unease with the idea that SSR should be ‘owned and operated’ by local actors. Just as donor countries remain unwilling to write blank cheques to reforming states in the name of local ownership, those undertaking reforms have often proven unwilling to uncritically embrace the normative underpinnings of the broader SSR enterprise. Even more profoundly, serious questions remain concerning what ownership actually entails, and to whom precisely we are referring when we talk about locals.

As the various chapters that comprise this study underline, there are no easy answers to the questions posed here, and despite the common emphasis on local ownership there is no consensus that an abrupt shift from ‘foreign’ to ‘local’ ownership of SSR would produce superior results in terms of long-term security provision. This is especially so in post-conflict contexts, where the interests of local elites may not be compatible with the vision of a professional, democratically accountable security sector guided by a public service approach to security provision which underpins mainstream SSR thinking. Even in more stable political environments, it is rare that either the political consensus or the political will exists within a particular polity to transform the security sector along democratic, professional lines. At the same time, the broader international community is often rightly criticised for SSR paternalism, for deficiencies in long-term commitment and strategic thinking, for its manifest absence of coherence and coordination, and – especially after 9/11 – for putting the security interests of donors above those of recipients.<sup>6</sup> Simply put, the paradox is that while neither insiders nor outsiders represent ideal delivery vehicles for SSR, in the vast majority of cases effective, sustainable SSR requires the consistent support of both international and local actors. Rather than viewing ownership in binary, either/or terms, then, it perhaps makes more sense to view ownership as a specific configuration of political authority that emerges from a process of negotiation across the local/international divide, in which both international and local actors claim legitimacy. What must be negotiated, in this sense, is not only the specific content of reforms to various security institutions, but also the ultimate locus of decision making authority. In other words, whose agenda prevails? In most cases, this negotiation process also takes place across a cultural divide, as the conventional SSR model, rooted in a liberal-cosmopolitan set of values emphasising human rights, the rule of law and democracy, encounters a more communitarian reality on the ground, where a very different set of norms, political structures and traditions may prevail. In a very fundamental way, therefore, both security sector reform and the broader debate over

ownership revolve around the question of how international norms can be reconciled with local realities in ways that actually enhance the day-to-day security of those living within the reforming state. This cultural dimension is inevitably intertwined with SSR's more explicitly political dimensions, especially as they play out in the relationships between locals and internationals and in power struggles among local actors themselves over the most sensitive area of national political life: the management and control of armed force.

While local ownership remains a contested concept in both theory and practice, it needs to be acknowledged that so too does security sector reform. While the security sector (or security system in OECD parlance) is generally understood to refer to those institutions authorised to use or threaten force in the name of the state as well as to those bodies and agencies responsible for the oversight of such institutions, in practice the borders of the SSR domain remain elastic. Even in the context of this volume, understandings of SSR range from those of the Indonesian reformers described by Riefqi Muna in Chapter 12, with their narrow emphasis on the military dimensions of reform, to that of Eric Scheye in Chapter 4, who employs the term 'justice and security sector reform' (JSSR) to emphasise that institutions of justice are also a crucial, and often neglected, component of the agenda at hand. The term 'reform' in SSR is even more controversial, and indeed, to the extent that it suggests an image of 'the reformed reforming the unreformed', the notion of security sector reform may convey a hierarchy of actors that undermines the very idea of local ownership. For similar reasons, in Chapter 5, Alex Martin and Peter Wilson eschew SSR in favour of a more locally-ground notion of security sector evolution. Despite these caveats and exceptions, the volume generally follows convention in its use of the SSR terminology, which has over the past decade gained credence as a relatively coherent and interlinked set of activities aimed at the sustainable enhancement of security in specific national contexts.

This introductory chapter outlines some of the key debates that emerge both within and across the various chapters that follow with regard to both the meanings and the relevance of local ownership in SSR processes. Rather than attempting to resolve these issues – indeed, it is not clear that they can be resolved, at least not at a macro level – the aim here is to demonstrate that the broader discussion of ownership offers a useful pathway into some of the most important issues confronting the contemporary SSR enterprise.

### **What Is “Ownership”?**

Largely bypassed in the broader discussion of who should “own” SSR is the question of what exactly ownership means. Formal dictionary definitions are of limited utility in the SSR context, since a notion of ownership as a “legal right of possession” suggests that what is owned is a fixed, ontologically stable object, which SSR is clearly not. In the SSR context, a better understanding of ownership would emphasize control or influence, over both the design and the implementation of reform initiatives. Perhaps the clearest definition of local ownership comes from Laurie Nathan in Chapter 2, long the leading advocate of the position that substantive local ownership is a prerequisite to sustainable and effective SSR. In his words, ‘the principle of local ownership of SSR means that the reform of security policies, institutions and activities in a given country must be designed, managed and implemented by domestic actors rather than external actors’.<sup>7</sup> The role for outsiders, in this sense, is to support local actors in fulfilling their SSR ambitions; while donors can foster and encourage local interest in SSR, control over the broader process, from inception to implementation, must remain in local hands. For Nathan, the South Africa experience, where SSR was both primarily a domestic affair and a significant success story, continues to serve as the exemplar of how SSR processes should unfold.

While straightforward and compelling, Nathan’s definition of local ownership remains tied to a fundamentally normative conception of SSR, one which is people centred and based on democratic norms, human rights principles and the rule of law. In this context, then, local ownership of SSR must unfold within this broad normative framework; if it does not, then what is being undertaken is by definition not SSR.<sup>8</sup> While the normative principles underlying the mainstream conception of SSR may be inherently defensible, one need not look particularly hard to find situations – especially in states emerging from conflict or embroiled in difficult transitions from authoritarianism – where key local actors may not wholeheartedly embrace the normative underpinnings of SSR, and where tensions emerge between the norms of good governance and those of local ownership. In post-Dayton Bosnia, as Slobodan Perdan notes in Chapter 13, these tensions have been particularly apparent in police reform questions, as political elites on all sides of the country’s ethnic divide strive to maintain control of policing for political purposes against an international community intent on de-ethnicising and de-politicising the country’s police forces. In such contexts, as Annika Hansen suggests in Chapter 3 on post-conflict SSR, straightforward commitments to local ownership become more difficult to

sustain, in part because of the lack of capacity on the part of local actors and in part because of a lack of local political will to carry out SSR. In the most difficult cases, the dilemma is that it may be possible to have either SSR or local ownership, but not both.

Because of the inherently messy and contentious nature of the political environments in which many SSR initiatives unfold, and especially the very real possibility of conflicts between international norms and the priorities of key local actors, in practice SSR has been donor driven far more than it has been locally owned. Indeed, the very idea of SSR initially emerged out of a Western liberal-democratic framework; from a donor perspective, the prevailing sentiment continues to be that SSR is about making “their” security institutions look more like “our” security institutions (in this volume, Adedeji Ebo’s Chapter 8 on Liberia and the Friedrich/Luethold Chapter 10 on Palestine offer the clearest examples of such thinking in practice). Thus, a clear tension has emerged between a vision of SSR as an outside-in process, driven by external actors armed with a purportedly universal set of norms and institutional blueprints, and a contrasting inside-out vision, which holds that sustainable SSR must not only be rooted in the values and traditions of the reforming state, but also produced by locals themselves. The attempt to resolve this tension has produced an understanding of local ownership that contrasts sharply with the idea that locals must be in the driver’s seat when it comes to SSR. In its more liberal formulations, local ownership is both about local actors embracing the responsibilities of good governance and about ensuring local “buy-in” for what are essentially externally-generated models of reform. The implication is that SSR is, at least in part, an exercise in social engineering in which internationals “teach” domestic counterparts how to construct and manage a Western-style security sector. A key assumption is that local actors can only exercise ownership once they have begun to adopt and embrace liberal-democratic norms, with ownership progressively transferred from outsiders to insiders as the latter develop capacity, discipline, and responsibility. Indeed, in many accounts locals are viewed as the objects to be transformed rather than as agents of transformation themselves. As Simon Chesterman has argued, writing about ownership questions in the context of transitional administrations, ‘such operations have tended to be undertaken precisely because of the malevolence or incapacity of existing governance structures ... ownership is certainly the intended end of such operations, but almost by definition it is not the means’.<sup>9</sup>

Part of the challenge in attempting not only to pin down precise definitions of ownership in SSR contexts but also to answer the question of

what mix of local and international ownership will produce sustainable security gains is, of course, the enormous variation in the environments in which SSR initiatives unfold. The stable, strong state situation of Indonesia, in which outsiders have played a very modest SSR role, is a world away from the fragile state context of Afghanistan, where local actors remain deeply divided over ongoing international efforts to restore to the state a monopoly on the legitimate use of force. While substantive local ownership is a given in the former context, in the latter troubling questions persist about whether a domestic consensus on SSR can be constructed with international support, and whether, in the face of Afghanistan's daunting security challenges, local ownership represents the problem or the solution. In comparing these two circumstances, what emerges clearly is that the challenges of both understanding and operationalising local ownership are particularly profound in conflict and post-conflict contexts. In relatively stable environments such as Indonesia, the locus of political authority is clear, and outsiders can either choose to offer assistance or not depending on their assessment of the intentions of the national government (while the government, in turn, can choose whether or not to accept such assistance). In Afghanistan – admittedly an especially difficult place to engage in SSR, as Antonio Giustozzi's Chapter 11 makes clear – political authority remains highly contested, profound levels of insecurity ensure that locals are more preoccupied with short-term survival than with long-term reform, domestic capacity to initiate or manage reform has been seriously degraded by years or decades of conflict, and SSR is deeply intertwined with the politically charged state-building effort. Given the stakes involved in Afghanistan, it is also far from clear that there is any viable choice other than to press on with externally led reforms even in the absence of genuine local ownership.

Ultimately, then, thinking through ownership means coming to terms not only with the ongoing contestation between internationals and locals over the exercise of political authority, but also with the nature and motivations of local actors themselves. While internationals have been rightly criticised as being far from altruistic in their engagement with reforming societies, it is also the case that local actors – particularly in the aftermath of war – possess a range of goals and objectives that may conflict with SSR's broader goal of generating a professional, public service oriented, democratically accountable security sector. When there is genuine local commitment behind such a goal, SSR can proceed in a relatively unproblematic manner, with international resources supporting domestic initiative. Where it is absent, however, serious questions persist around whether it can be nurtured and generated by outside pressures, inducement

or socialisation, or whether SSR can proceed on the basis of outside initiative alone.

### **Which Owners?**

As Alex Martin and Peter Wilson point out, the local ownership discourse has yet to provide an adequate answer to the question of which locals. To the extent that this question gets addressed at all, the positions tend to fall along a minimalist-maximalist continuum. The minimalist response suggests that those locals who really matter are national-level political elites, who are presumed to possess both the capacity to implement reforms (with outside support) and the legitimacy to ensure broad public support for such reforms. Maximalist arguments, conversely, insist that SSR needs to have a far broader local constituency, with domestic civil society in particular cited as a key set of local owners. In Chapter 9, for example, Sandy Africa cites the absence of serious civil society involvement in South Africa as a possible explanation for the gap between what is widely held to be an exemplary SSR process and the ongoing reality of persistent insecurity for many South Africans. Others, such as Martin and Wilson, go further in suggesting that the locals who matter are in fact the entire citizenry of the country in question.

Neither position, however, is inherently unproblematic. While a focus on national level elites may be entirely appropriate in a context of a well established democracy, where leaders can legitimately claim to be both responsive to, and products of, the popular will, few states undertaking SSR fall into the category of well established democracies. In many cases, political elites may be neither representative nor enjoy widespread legitimacy, with the resulting gap between government ownership and national ownership producing only a thin veneer of reform that fails to penetrate into society at large. At the same time, as Hansen suggests, because SSR at its core involves redistributing the way power is exercised within a particular society, 'those that are the most dominant players are also the ones least likely to be cooperative in a reform effort because they have the most power to lose'.<sup>10</sup> In other words, while local political elites may be the most obvious local owners, they can also be the most problematic. Another set of potentially problematic elite owners are the generals and commissioners who occupy the upper echelons of the security sector itself. While these security elites possess important resources in terms of knowledge and legitimacy and can make crucial contributions to advancing

SSR, they also tend towards conservatism, and the close bonds of institutional solidarity characteristic of security forces may create conflicts of interests (on issues such as military downsizing) in which institutional interests may trump the broader public interest; as such, security elites may not always be the most effective agents of change either.

At the same time, the maximalist position also tends to underestimate the extent of social fragmentation within societies undertaking SSR. Indeed, the very notion of local ownership carries with it an assumption of coherence and commonality of purpose among domestic political forces that is rarely present in any state, let alone those emerging from either conflict or authoritarianism. In the Kosovo context, for example, ethnic Serbs and Kosovar Albanians are likely to possess radically different conceptions of the security threats they face and the appropriate means to address them. Similarly, Sanam Anderlini's Chapter 6 highlights tensions between those demanding gender sensitive and gender inclusive SSR and more conservative forces who see SSR in terms that leave patriarchal social structures unchallenged. Returning to the car and driver metaphor, while the overarching principle may be to have locals in the driver's seat, if the consequence is multiple factions fighting over the steering wheel, the results may well be disastrous. In addition, then, to the very practical question of how to engage society writ large in a broader debate on the future of the security sector (often in the absence of an overarching agreement that those involved in fact comprise a coherent society), there is the broader challenge of achieving a minimal level of social consensus on the shape of the security sector to be constructed. Indeed, to expect widespread public consultation and engagement on security issues may be unrealistic, particularly since there are few countries in the developed world where the public is deeply engaged in, or even informed about, the nuances of security sector management. As Hansen notes, therefore, there is an inevitable trade-off to be made between the principles of inclusion and representativeness on the one hand, and efficiency and progress on the other; in other words, how wide must the ownership net be cast to ensure a broadly democratic form of SSR?

Another dimension of the which local owners question concerns unofficial providers of security. Conventional SSR focuses primarily on the so-called statutory security forces – police, military, judiciary, border services, etc. – in the name of consolidating in the hands of the state a monopoly on the legitimate use of force. Thus in most SSR programming, the primary local interlocutors are members of these key security sector agencies, as well as the political authorities and bodies responsible for their oversight. As Eric Scheye notes, however, in many fragile and post-conflict

societies it is non-state actors that provide the vast majority of justice and security, yet such actors are largely overlooked by SSR programming. A key unresolved question on the SSR agenda, therefore, is how to engage with such actors: should they be integrated in broader SSR processes because they represent, in many ways, the primary manifestation of existing, legitimate, and locally owned security and justice provision, or should they be progressively marginalised because they stand in the way of the development of modern institutions and/or because the values they uphold may fit uncomfortably with existing international norms?<sup>11</sup> At stake in this debate is not only the question of who gets to participate in the processes of reform, and on what terms, but also the question of the appropriate balance between modern and traditional in contemporary SSR processes.

Two additional points emerge from this broader discussion of relevant local owners. The first is that the greater the level of political instability, the more weight wielded by international actors – by virtue of their vastly superior resources and their ability to “choose” local partners – in deciding which local actors are relevant and which are not. Even in these cases, however, this authority is conditioned by the reality that ownership (at least in the negative sense) may still be exercised in the absence of a formal international endorsement. Local ownership over SSR in post-Taliban Afghanistan, as Antonio Giustozzi suggests, has been dominated by “shadow ownership”, as various actors and factions struggle to assert control over SSR processes in ways that serve their own interests. While this may not be the kind of local ownership desired by SSR proponents, it is arguably no less consequential in terms of its influence on the course of security sector development. There is no escaping the fact, therefore, that SSR itself, as well as the process of deciding who gets to sit – either formally or informally – at the table around which SSR decisions get made, is inherently political and politicising.

The second point is that the idea of consensus-building should be central to any discussion of local owners and local ownership. If SSR processes cannot be imposed, then they must be supported by a minimal level of consensus among key actors concerning the legitimacy of such processes. While results, in the form of concrete security dividends for important constituencies, may be one source of legitimacy for SSR processes, these almost by definition come towards the end of the SSR cycle, not at the beginning. At the inception phase, therefore, a key challenge is generating a critical mass of social and political consensus behind a specific reform strategy. Since international actors must also view an SSR process as legitimate before committing resources to it, such consensus must arise not

only along a horizontal axis among the wide range of local actors, but also along a vertical axis, from grassroots civil society to the national government to the international community. The wider and deeper the consensus, in other words, the greater the likelihood of an SSR process being sustainable over the longer term.

Indeed, given the range of actors either contributing to or having a legitimate stake in SSR processes, there is a compelling case for viewing SSR through the lens of security governance. Governance, generally, refers to the process of making and implementing binding policy decisions in the absence of central authority.<sup>12</sup> The concept of security governance captures the idea that in an environment where no single agent enjoys definitive decision making authority, the management of security issues involves ‘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’.<sup>13</sup> From the perspective of local ownership, then, what is crucial is not only the extent to which various local actors – such as parliaments or civil society representatives – are integrated into the broader security governance complex, but whether these actors possess the capacity to make a meaningful, substantive impact within it. As Olawale Ismail notes in Chapter 7, viewing SSR in terms of process rather than outcome necessarily focuses attention on the vital importance of local participation and local capacity, and on the need for external actors to support both.

### **Capacity for What?**

Capacity-building – whether it involves re-constituting state-level institutions, enabling domestic civil society organisations to engage in SSR processes, or providing technical training or material support – is the most visible manifestation of contemporary SSR. As Nathan notes, capacity generally refers ‘both to people with the requisite knowledge, expertise and skills and to the required material resources, including funds and equipment’.<sup>14</sup> Viewed in this light, capacity-building can be viewed as an important prerequisite to local ownership, particularly in poor, fragile, and war torn states: unless local actors possess both the skills and the resources not only to participate in the re-organisation of the security sector but also to manage it sustainably, they cannot credibly exert effective ownership.

However, while it is tempting to argue that substantive local ownership of SSR should be deferred until sufficient capacity exists at the

state level to permit the effective exercise of ownership, this argument ignores the reality that capacity-building is not simply a value neutral exercise in technical training and resource transfer. It is also an inherently political process, in the sense that it involves decision making not only about what kind of capacity is being built, but also about the prioritisation of capacity-building needs. Those designing and implementing capacity-building programmes make crucial decisions, in other words, about what kind of security sector is being built, how, and for whom. The dilemma that emerges, therefore, is that by the time key local actors are both organised and capable of engaging in the processes of security sector reform, the broader shape of the reform process may have already been established and may prove difficult to alter. It is an open question therefore, whether local actors whose input into the initial framing of SSR has been minimal will feel any ownership over, or commitment to, the subsequent processes of elaboration and implementation.

It is in part a discomfort with the notion of SSR as a process in which outsiders dominate the initial period when goals and objectives are established that has led Peter Wilson and Alex Martin to dispense with the notion of SSR entirely in favour of the idea of security sector evolution. As they note, donor insistence on knowing the answers to key SSR questions in advance is in fact inimical to the very idea of local ownership. At best, what is left in such a scenario is the much narrower question of who owns the process, rather than the more substantive questions of how the process is defined, whose interests it serves (and undermines), and what it is meant to achieve. Drawing on their own experiences in Iraq and elsewhere, and starting from a broader conceptual argument that the security sectors in Western states have developed not through a directed process of reform but through an open-ended iterative process in which security providers adapt and evolve in response to pressures from security consumers (i.e. the wider public), Wilson and Martin emerge with a somewhat non-traditional understanding of capacity-building. What needs to be built, they suggest, is not so much the technical skills necessary to conduct Western style community policing or carry out counter-insurgency operations, but rather the critical capacity to plan, to problem solve and to adapt. Such capacity-building efforts should be geared at providing decision makers within security institutions with the ability to read, interpret and respond to signals from society at large, as well as at providing civil society actors with the capacity to effectively articulate social concerns and demands regarding key sources of insecurity. Within such a framework, what is to be locally owned is not a top-down process, but the actual provision of security itself;

furthermore, this is substantive local ownership, since the outcomes are not and cannot be pre-determined, but rather emerge through an iterative process, over a considerable time period, between the security sector and the public at large. While questions remain, particularly regarding the extent to which external donors – with their ongoing emphasis on time-bound and concrete deliverables – can be convinced of the wisdom of open-ended approaches to SSR and regarding the willingness of domestic security actors to prioritise public accountability in their own actions, the Wilson/Martin framework does extend the broader debate on SSR, and challenges conventional understandings of the link between capacity-building and local ownership.

A slightly different take on capacity-building is offered by Olawale Ismail. While sceptical of capacity-building as a simple technical matter of outsiders transferring skills, expertise and resources to insiders, and the implication of ‘donor mastery of the knowledge and skills required to do SSR’, Ismail makes the point that reforming societies are far from blank slates in terms of their SSR-relevant capacity.<sup>15</sup> Thus, in some cases capacity-building may be a matter of upscaling, while in others it may involve the patient search for ways to reconcile bureaucratic-institutional capacity with more traditional sources of capacity through which local actors have historically addressed the challenges of insecurity. Drawing on the case of Nigeria, Ismail notes for example how vigilante groups find legitimacy and accountability both in a belief in the efficacy of charms and in observance of universal principles of justice, fairness and the “public trust”. Capacity-building, therefore, should be seen as a two-way street, with outsiders having as much to learn from locals in terms of the contextual intricacies of engaging in SSR in specific cultural contexts as locals have to learn from outsiders in terms of the technical capacity to manage or oversee modern security institutions.

## **Conclusion**

One of the more remarkable features of the SSR agenda as it has evolved over the past decade is the extent to which it incorporates, at least in principle, key features of the broader human security agenda. From the generally accepted notion that SSR should be people centred to the idea that any security agency should be guided by a fundamental commitment to public service, within the broader SSR framework the referent object question seems to have been definitively resolved; it is people, not states,

that are to be secured by contemporary security practices and institutions. In this sense, SSR is very much about advancing human security's "freedom from fear" agenda.

What the broader debate on local ownership attempts to illuminate is a related set of questions concerning agency. If people are to be the referent objects of security, must they also be themselves agents of security? In other words, can freedom from fear be sustainably provided through the deployment of a relatively formalised set of SSR practices designed and managed primarily by external actors, or must the beneficiaries of this security provision – individuals, communities and societies – also be active agents in initiating, designing and delivering their own security arrangements? Should SSR be seen as part and parcel of a broader process of modernisation in which developing countries catch up with their more developed counterparts in terms of their security architecture, or must the practices of security – like those of justice – necessarily be rooted in and legitimised by the culture, history, norms and traditions of the societies in which they unfold?

Much of what is at stake in the local ownership debate, in fact, concerns fundamental questions of change versus continuity. Whether conceived of in terms of reform, evolution or development, the notion of change is inherent in SSR. What has existed in terms of security architecture is widely perceived as no longer adequate to meet the needs of present or future generations, even if fierce debates typically persist about the direction of change, and about whether international or local actors are best placed to both design and implement it. At the same time, however, the local ownership debate also suggests the importance of continuity, not least in the notion that to be sustainable, any change must resonate with existing norms and values of the society in question. Thus, at the core of the local ownership lies a profound tension between the pressures of transformation and those of preservation. This tension plays out in the context of issues such as whether SSR is part of a broader process of social engineering meant to transform societies whose histories of war and oppression mark them as dysfunctional, or whether SSR processes must instead be adapted to, and fit within, the socio-cultural contexts in which they are enacted. A similar set of issues animates the debate about whether SSR is about redistributing political power within particular societies, or whether SSR processes must recognise and respect existing authority structures if they hope to gain traction and legitimacy among locals, who must ultimately live with the results of such processes.

As numerous contributors to this volume note, a consideration of local ownership issues in the context of SSR highlights the extent to which SSR is deeply and unavoidably political. At its heart SSR is about the allocation and distribution of scarce resources, about the exercise and control of power, and about the struggle for legitimacy and authority. For practitioners, policymakers and analysts alike, acknowledging the inherently political nature of SSR, and carefully thinking through the implications that flow from this reality, may ultimately lead to more nuanced approaches to the challenges of SSR. For those on both sides of the local ownership debate, it may also lead to a recognition that in most cases, effective SSR will be the product of careful, patient consensus-building not only among the wide range of relevant local actors, but between local and international actors as well, concerning fundamental norms and principles of social organisation.

## Notes

- <sup>1</sup> On the concept of ownership more generally, see Gerry Helleiner, 'External conditionality, local ownership, and development' in *Transforming Development: Foreign Aid for a Changing World*, ed. J. Freedman 82-97 (Toronto: University of Toronto Press, 2000); *Strengthening the Effectiveness of Aid: Lessons for Donors* (Washington: World Bank, 1995); John Saxby, *Local ownership and development co-operation: The role of northern civil society* (Ottawa: Canadian Council for International Co-operation, 2003); Samuel Choritz, *Literature Review of Evaluative Evidence of the Three Drivers of Effective Development: Ownership, Policy, and Capacity Development* (New York: UN Development Programme, 2002); Kenneth King and Simon McGrath, 'Who is in the driving seat? Development cooperation and democracy' in *Learning Democracy and Citizenship: International Experiences*, eds. M. Schweisfurth, L. Davies and C. Harber 175-191 (Oxford: Symposium Books, 2002).
- <sup>2</sup> Joseph Stiglitz, 'Towards a New Paradigm for Development: Strategies, Policies and Processes' (1998 Prebisch Lecture, UNCTAD, Geneva, 19 October 1998).
- <sup>3</sup> Felix Zimmerman, 'Draft Report: Ownership in Practice' (paper prepared for Informal Experts' Workshop, Sevres, France, 27-28 September 2007).
- <sup>4</sup> Important statements on the relevance of local ownership to SSR, in both conflict and non-conflict contexts, include: Laurie Nathan, ed., *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham: University of Birmingham Press, 2007); Eric Scheye and Gordon Peake, 'Unknotting Local Ownership' in *After Intervention: Public Security Management in Post-Conflict Societies. From Intervention to Sustainable Local Ownership*, eds. Anja Ebnöther and Philipp Fluri (Geneva/Vienna: DCAF/PfP Consortium of Defence Academies and Security Studies Institutes, 2005); Annika S. Hansen and Sharon Wiharta, *The Transition to a Just Order – Establishing Local Ownership after Conflict: A Policy Report* (Sandoverken: Folke Bernadotte Academy, 2007); Hannah Reich, "Local Ownership" in *Conflict Transformation Projects: Partnership, Participation or Patronage?* Berghof Occasional Paper No. 27 (Berlin: Berghof Research Center for Constructive Conflict Management,

September 2006); Simon Chesterman, 'Ownership in Theory and in Practice: Transfer of Authority in UN Statebuilding Operations', *Journal of Intervention and Statebuilding* 1, No. 1 (2007): 3-26.

- <sup>5</sup> 'Ministerial Statement' in *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, 10 (Paris: OECD Publishing, 2007).
- <sup>6</sup> On this latter point, see Necla Tschirgi, 'Post-Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges' (paper prepared for the WSP International/IPA Peacebuilding Forum Conference, 7 October 2004, New York). On the role of intergovernmental organisations in SSR, especially regarding the promotion of SSR norms, see David Law, ed., *Intergovernmental Organisations and Security Sector Reform* (Zurich: Lit Verlag, 2007).
- <sup>7</sup> See Chapter 2 of this volume.
- <sup>8</sup> This contrasts with Giustozzi who uses the term 'shadow ownership' to describe situations where local actors actively subvert SSR. While Nathan's notion of local ownership is conditional, Giustozzi's understanding points to ownership as a site of contestation, in which insiders and outsiders struggle to define and control the substantive content and scope of reforms. See Chapters 2 and 11 of this volume.
- <sup>9</sup> Chesterman, 'Ownership in Theory', 7.
- <sup>10</sup> See Chapter 3 of this volume.
- <sup>11</sup> For an interesting discussion of this debate in the context of justice reform in Afghanistan, see *Afghanistan Human Development Report 2007* (Kabul: UNDP/Center for Policy and Human Development, 2007).
- <sup>12</sup> Elke Krahmman, 'Conceptualizing Security Governance', *Cooperation and Conflict* 38, No. 1 (2003): 11.
- <sup>13</sup> Alan Bryden, Timothy Donais and Heiner Hänggi, *Shaping a Security Governance Agenda in Post-Conflict Peacebuilding*, DCAF Policy Paper, No. 11 (Geneva: Geneva Centre for the Democratic Control of Armed Forces 2005), 3; See also Alan Bryden and Heiner Hänggi, eds., *Security Governance in Post-Conflict Peacebuilding* (Munster: Lit Verlag, 2005).
- <sup>14</sup> See Chapter 2 of this volume.
- <sup>15</sup> See Chapter 7 of this volume.



## Chapter 2

# The Challenge of Local Ownership of SSR: From Donor Rhetoric to Practice

*Laurie Nathan*

### **Introduction**

In policy statements on security sector reform (SSR), the OECD Development Assistance Committee (DAC) and donor countries have embraced the principle of local ownership.<sup>1</sup> In practice, however, the principle is sometimes very difficult to apply, it is frequently breached by external actors and it has not been translated into a set of donor strategies and methods of working in the field. As currently conceived, local ownership is more of a rhetorical device than a guide for donor officials engaged in SSR.<sup>2</sup>

The debate on local ownership of SSR is characterised by much scepticism and cynicism on the part of donors, much anger and frustration on the part of domestic actors and much philosophising and hand wringing by observers and analysts. What is most required, however, are political and practical solutions to the political and practical challenges of local ownership.

This chapter provides a definition of local ownership of SSR and seeks to contribute to operationalising the donors' policy commitment to the principle.<sup>3</sup> The first part of the chapter lays out the key strategic issues and the second part makes proposals on ways in which donor governments can promote and support national ownership of security reform.

### **Getting It Wrong**

In many emerging democracies and post-conflict countries, external actors flout the principle of local ownership and impose their models and programmes on local actors. There are several reasons for this, some of

which are demand-side problems. Developing countries invariably have weak states and weak civil societies. Particularly in the aftermath of war and state collapse, the government might lack legitimacy, local actors might lack the expertise to prepare sound policies and plans, and these actors might be too divided and disorganised to reach consensus on priorities and policies.

Donor governments also impose their models and programmes for supply-side reasons that reflect a mixture of arrogance and naivety:

- The donors are imbued with a sense of superiority and believe that Western models of governance are applicable everywhere.
- They lack respect for domestic actors and regard them as incompetent.
- They underestimate the difficulties of state building and transformation, and become overly frustrated with the slow pace or lack of reform.
- Their financial and bureaucratic systems require programmes with a high level of predetermined detail, inhibiting flexibility and responsiveness to local circumstances.
- Their short term funding cycles require deliverables within unrealistic time frames.
- They are sometimes intent on pursuing their own political agendas at the expense of local interests.

Donor governments tend to worry a great deal about the demand-side problems and very little about the supply-side problems, but it is the latter and not the former that lie substantially within their power to address.

Whatever the reasons for the absence of local ownership, it is inimical to development and democracy. Domination and paternalism by external actors generate resentment, resistance and inertia among local actors, who have little commitment to externally imposed products. These products do not adequately reflect local needs and dynamics, and democracy cannot take root other than by democratic means.

The imperative of local ownership is both a matter of respect and a pragmatic necessity. The bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained. In the absence of local ownership, SSR is bound to fail. Local ownership is therefore more than an important theme. It should be a primary objective of all external programmes to support SSR.

The underlying assumption is not that domestic actors will necessarily develop good policies. Rather, the assumption is that a process-oriented approach that respects and empowers local actors is more likely to yield good results in the long term than a product-oriented approach that undermines local actors and is not sustainable. However good the content of an SSR initiative, a process that treats people as objects rather than subjects will lead to flawed outcomes.

Donors often justify the absence of local ownership of SSR in post-conflict countries on the grounds that domestic actors lack legitimacy and/or capacity. Yet these are exactly the problems that SSR is meant to address! They do not constitute valid grounds for bypassing local actors. If the security of citizens in a given country is to be enhanced, and if the provision of security is to conform to democratic norms, then it is essential to build the capacity and legitimacy of the institutions and actors that comprise the security sector in that country.

These assertions are based on experience and evidence. Local ownership has led to positive security reforms, and its absence has led to dysfunctional outcomes and little or no sustained reform, in a variety of places, including Bosnia and Herzegovina, Guatemala, East Timor, Kosovo, Bougainville, Sierra Leone, Liberia, Ethiopia, South Africa and Afghanistan.<sup>4</sup> While case studies of these countries acknowledge the difficulties related to local ownership of SSR, they also reveal the greater problems associated with a lack of ownership.

### **Getting It Right**

The principle of local ownership of SSR means that the reform of security policies, institutions and activities in a given country must be designed, managed and implemented by domestic actors rather than external actors.

The principle is misconstrued if it is understood to mean that there must be a high level of domestic support for donor activities. What is required is not local support for donor programmes and projects but rather donor support for the programmes and projects initiated by local actors. The question for donor governments is not how they can undertake SSR in partner countries but how they can support local actors who want to undertake SSR.

The principle of local ownership does not preclude donors seeking to stimulate and encourage local interest in SSR. Nor does it preclude international actors putting pressure on governments whose security forces

violate human rights. Nevertheless, the actual reform of the security sector must be shaped and driven by local actors.

It has been argued that local ownership is a vague and ambiguous concept because public policies always have a range of disparate local owners who are unlikely to agree on any single approach or desired outcome.<sup>5</sup> This argument is mistaken for two reasons. First, free and open contestation of politics and interests is integral to democracy and entirely consistent with local ownership. SSR seeks to ensure the legitimacy of the security services. This requires building a public consensus on their roles and orientation, a process that cannot be achieved other than through open debate.

Second, the disparate domestic actors have different functions, responsibilities and authority in relation to governance. Put crudely, local ownership of SSR does not mean that the minister for police affairs, police constables, community leaders and gangsters have similar responsibility for policing reforms. One of the objectives of SSR is precisely to ensure that decision making and governance in the security sector conform to democratic norms. A further goal is to make sure that local ownership is not confined to the executive but broadened to include parliament and civil society. The overarching goal is national ownership rather than government ownership of security reforms.

According to the OECD DAC Policy Statement on Security System Reform and Governance, donor support for SSR ‘seeks to increase the ability of partner countries to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance and the rule of law’.<sup>6</sup> The DAC donors are committed to SSR that is ‘people centred, locally owned and based on democratic norms and human rights principles and the rule of law, seeking to provide freedom from fear’.<sup>7</sup>

In these formulations, SSR is a democratic project and a democratising project. It has technical components but it is not a technical endeavour and it is not simply concerned with making the security services more efficient and effective. When external actors provide security support to repressive regimes, or support in any fashion security activities that entail human rights abuses, they are not engaged in SSR and they undermine the potential for SSR. Their behaviour is reprehensible and warrants radical reform.

Donors must acknowledge that SSR is profoundly political. It focuses on the most sensitive sector of the state and challenges power relations, vested interests and dominant paradigms. It can provoke significant

contestation within the state and between the state and other actors, and it is influenced by and can exacerbate broader political struggles. Moreover, donor supported SSR inevitably reflects the political goals of the donor and entails a complicated political relationship between external and local actors with unequal strength.

It is consequently not possible for donors to adopt an apolitical humanitarian, development or technical approach to SSR. They have to recognise that the domestic politics of security reform are its most important dimensions. They have to grasp the peculiarities of these politics wherever they wish to support SSR and they have to gauge the risks and dangers of their interventions.

There is always a risk that local actors will view donor involvement in security reform as political interference in domestic affairs and resist it for that reason. This risk can only be mitigated if donors are sensitive, respectful and supportive of local actors. The highly political nature of security strongly reinforces the need for national ownership of SSR.

### **Donor Strategies**

The degree to which security reform is achievable in a given country depends on three main factors. The first is the nature of the political system. SSR requires a context of democracy or democratisation. Authoritarian regimes do not undertake democratic reform of their security sector. The democratisation of the political system, which typically occurs after the end of a civil war or the collapse of an authoritarian regime, creates the space for SSR. The extent of democratisation is a key determinant of the potential for security reform.

The second critical factor is political leadership. In the context of democratisation, SSR is possible but not inevitable. There is invariably resistance from political and security groupings. At least some members of the executive must want to reform the security community; if none of them want reform in this area, it will not happen. In many instances the executive is ambivalent, divided and constrained by conservative elements in the security services.

The third critical factor is capacity. If the executive wants to undertake SSR, it needs the capacity to design, manage and implement reforms. The term “capacity” refers both to people with the requisite knowledge, expertise and skills and to the required material resources, including funds and equipment. Governments in low income countries, fragile states and war torn

societies usually lack the necessary capacity.

Other contextual issues that have a strong bearing on the potential for SSR include the strength of the state, the strength of civil society, the level of development and the nature and intensity of conflict. Context matters greatly when designing security reforms and a formulaic approach by donors is ill-advised.

In light of the contextual factors outlined above and the imperative of local ownership, the main donor strategies can be summarised as follows:

- If a state is authoritarian, there is little potential for SSR. Instead, as often occurs, the international community should focus on the broader challenge of political democratisation by supporting pro-democracy groups, engaging in diplomacy and advocacy, and exerting pressure on the regime.
- If a state is democratic or undergoing a process of democratisation, donor strategies should be geared to supporting local actors that want to pursue SSR. The nature of the support will depend on whether these actors are located in the executive, the security services, parliament or civil society. It will also depend on the nature of their activities and their requests for donor assistance. Where there is no will on the part of the executive, there might be civil society groups that advocate SSR and need support.
- Where domestic actors want to engage in SSR but lack the capacity to do so, donors can provide valuable assistance. There is no possibility of sustainable reform unless local actors have the capacity to ensure sustainability; and without sufficient capacity, the state cannot provide adequately for the security of citizens. Long term support for capacity-building on terms acceptable to local actors is probably the most useful contribution that donors can make to SSR.

SSR initiatives must be grounded in the circumstances of each country. They will fail if they are undertaken in a mechanical fashion. They are only likely to succeed if they are flexible, creative, responsive and finely tuned to local conditions. There are no formulas applicable to all situations and there are no general remedies for the problems that so frustrate donors, such as corruption, spoilers and inertia.

Local ownership is clearly more difficult in some contexts than in others and especially difficult in situations of war and the immediate aftermath of war. But the logic remains the same: no ownership, no

commitment. In the case of Darfur, for example, the Darfur Peace Agreement of 2006 failed chiefly because it was drawn up by the African Union mediators and was not owned by the Sudanese parties.<sup>8</sup> By way of further example, it is hard to imagine a place less conducive to SSR than Palestine, which is not democratic, does not have a state and is not post-war; yet here as elsewhere, donor initiatives that bypass local actors have failed in the past and are bound to fail in the future.<sup>9</sup>

There are no viable quick fix options for donor governments with short time frames. In the relatively favourable conditions of post-apartheid South Africa, it took eight years to prepare a White Paper on Defence, a Defence Review and a new Defence Act. In less favourable conditions, the duration might be longer. Donors, on the other hand, have a project funding cycle of one to three years. This puts considerable pressure on the donor officials responsible for projects and grants, and the pressure for results is transferred to the local recipients with negative consequences. It leads to shortcuts, haste and frustration, generates inappropriate and unsustainable solutions, undermines local ownership and damages partnerships between domestic actors and donors.

Donors also compromise the democratic process when local dialogue, debate and consensus-building are bypassed or truncated in order to satisfy external time frames.

There is a great need to overcome the donor preoccupation with short term objectives and results. Short and long term objectives should be seen as complementary. Short term objectives in the absence of a long term programme do not lead to systemic and sustainable change, and any long term programmatic endeavour requires short and medium term objectives.

### **The Challenge of Legitimacy and Democracy Deficits**

Some donors are understandably loath to provide SSR support to governments that lack legitimacy and do not endorse democratic norms. Donor decisions in this regard have to be made on a case-by-case basis but some general considerations should be borne in mind.

It is in the nature of SSR that it typically takes place in the grey zone between a full democracy and a wholly authoritarian state. It is a democratising project, which is to say that it is part of the struggle to construct and entrench democracy. It does not assume the existence of legitimate actors but endeavours to establish legitimate institutions, processes and policies. This is a slow and precarious endeavour that may

suffer setbacks and never be completed. The democratisation of the security sector, in particular, entails intense political and organisational struggles.

Consequently, donors should focus less on the legitimacy of governmental actors than on the legitimacy of SSR initiatives. The critical question is whether these initiatives are geared to strengthening repressive machinery and methods or to promoting democratic practices and governance. Where this is unclear in practice, donors should err on the side of caution and refrain from providing security support.

Donors should also avoid confusing democracy with Western models. Western models of security governance are highly varied, each of them a product of historical and constitutional developments. So too in the case of countries undergoing SSR, the details of new security systems must be determined by local actors according to their circumstances.

Ironically, donors that are concerned about legitimacy often undermine it. The domestic legitimacy of security reforms depends very much on the process by which they are designed. The more consultative and inclusive the process, the more likely it is that the results will enjoy public acceptance. When donor governments manipulate the process – because they do not like certain local actors, seek to advance their own interests or insist on tight deadlines – they compromise the credibility and integrity of security reforms.

### **Supporting Capacity-Building**

This section presents five capacity-building strategies that donors could support. They are not the only capacity-building strategies but they provide concrete answers to the donor question: what can we do to support local ownership? The key premise is that countries that lack the requisite capacity cannot engage in SSR, maintain professional security services and provide adequate security to citizens. New democracies and post-war societies typically lack this capacity.

Where governments in developing countries lack the expertise to perform certain SSR functions, such as drafting legislation, external actors often fill the breach and perform these functions for them. This strategy is not effective. Domestic actors resent external solutions of this kind, they have little commitment to the outputs and they remain ill-equipped to perform the functions in question.

### *Research Support for Parliamentary Committees*

Donors should support the provision of research capacity to parliamentary committees responsible for defence, policing, intelligence, prisons and justice. The aim would be to equip the committees with greater knowledge of technical issues, international norms and comparative experience so that they are better able to engage in informed debate, play a critical oversight role and promote a progressive security agenda.

Donor governments working on SSR in new and emerging democracies tend to focus on the executive, the security services and civil society. They neglect parliaments on the grounds that the parliamentarians are corrupt or that the parliaments have little or no influence. Instead of attempting to address this problem, the donors help to perpetuate it.

Parliaments in emerging democracies are potentially vital institutions. Even if they do not have real decision making power, they can be forums for transparency, open debate and the provision of information on government policy and spending. They can thereby contribute significantly to executive accountability and checks on executive power.

If there is even a semblance of open debate in parliament, opposition parties and courageous MPs can shed light on security issues that would otherwise lie outside the realm of public knowledge. Parliamentary debate can thus help to create the political space for broader public discussion on security. Parliamentary consideration of security legislation and budgets, and question time in parliament, are key opportunities for this.

Donors could provide funding for researchers to be appointed to the parliamentary committees that deal with security. If this is politically or bureaucratically too difficult, the research posts could be created in a non-governmental organisation (NGO). In addition, donors could support NGO programmes that provide security assistance to parliamentarians.

### *Security Policy and Planning Units*

Donors could support the establishment and functioning of security policy and planning units in partner governments. The aims would be to build the partner government's capacity to plan and implement SSR and thereby enhance the quality and effectiveness of the reforms.

In new democracies and post-conflict countries there is often no civilian office and little civilian capacity in government for conceptualising, designing, planning, managing, coordinating, monitoring and evaluating SSR programmes and projects. Where political leaders are willing to embark

on security reform, there is a need for one or more civilian units that comprise officials with the necessary expertise to do the technical work.

This work includes undertaking research on SSR and security models in other countries; preparing policies, legislation and strategic plans; briefing and consulting the security services, other government departments, parliament and civil society; liaising with local and foreign experts; performing an SSR coordination function within the state; and playing a liaison and coordination role with donors that want to support SSR.

In the absence of such units there will be insufficient coordination, continuity and momentum, and in the absence of civilian leadership, security policy will remain the preserve of security officers. The establishment of civilian policy and planning units is thus a key reform in its own right. It can strengthen civilian governance of the security services and be a crucial vehicle for driving and sustaining SSR.

Policy and planning units should exist in each of the departments that deal with security (i.e. police, intelligence, defence, etc.). Where a government seeks to effect comprehensive sectoral-wide SSR, then a high level unit is also required in a central location such as the office of the president or national security adviser.

The units would typically have a range of needs that donors could help to meet. In addition to computers and other office equipment, they will have to acquire knowledge and skills in a range of areas. Donors could provide support for seminars, research budgets, study visits to other countries, attendance at local and foreign courses, and short or long term secondments.

Security policy and planning units in post-conflict countries and new democracies are unlikely to be strong politically or organisationally. In these circumstances there is a danger that donor governments provide the wrong kind of support and provide too much support. They should be responsive to the units' requests and allow the units to set the pace.

#### *Small Grants Scheme for Civil Society*

Donors should establish a small grants scheme for civil society activities on security and SSR. The aims would be to enable greater public participation in debates on security and SSR and to promote civil society perspectives on these topics. The point is not that civil society is inherently progressive and supportive of SSR but rather that citizens and their organisations have a basic right to express their views on security.

In established democracies, public engagement with security issues helps to ensure that the government is answerable for its security decisions, is held accountable for the actions of the security services and is responsive to the concerns of citizens. In emerging democracies, civil society's involvement in security debates is indispensable to progress in this direction. It is vital if security is to be brought out of the dark corridors and become a public good. In addition, progressive academics and activists can be influential in shaping democratic SSR through research, advocacy and support to government.<sup>10</sup>

In developing countries, however, the majority of civil society organisations are unable to raise large sums of money and donors tend to favour elite NGOs headed by well educated professionals. In order to broaden civil society involvement, the application and reporting requirements of the small grants scheme should not be onerous.

It is not essential that all the funded activities are of a high quality. What is more important is that there is a multitude of constructive civil society initiatives on security. The cumulative effect is a significant contribution to democracy and SSR. As discussed further below, donors should be especially supportive of activities that contribute to addressing the security needs of women, poor communities and other marginalised and vulnerable groups.

The activities that are eligible for funding should include facilitation of dialogue and confidence-building; surveys, research and publications; specialist resource centres; conferences and workshops; radio and other media productions; public advocacy; policy support to the executive and the legislature; training for civil society, security personnel and parliamentarians; and monitoring the conduct of the security services.

#### *Drafting Security Legislation*

Donors should provide support for building domestic capacity to prepare security legislation. The aims would be to develop the skills of local actors involved in drafting security laws and to help ensure that these laws are consistent with democratic precepts and the standards of sound legislation.

The introduction of security legislation based on democratic norms is a key component of SSR. It is a necessary condition for entrenching the rule of law, establishing the accountability of the security services, promoting respect for human rights and ensuring that the durability of reforms is not dependent on a few individuals.

Two types of expertise are needed to draft the legislation. First, the drafters must have a good understanding of democratic security norms and the ways in which these norms can be expressed in legislation. Second, the drafters must have the technical skill to prepare laws that are precise and unambiguous. In developing countries undergoing SSR, one or both types of expertise might be lacking.

Donors could provide funding for local actors to acquire the relevant expertise or arrange for legal experts from another country to assist these actors. The donors should not attempt to reproduce the security legislation of their own country, however. The point of this endeavour is to equip domestic actors with the skills to write legislation they consider appropriate to their situation.

Specialist training would be very useful for government officials who are responsible for drafting legislation. In addition, basic training could be provided to parliamentarians and members of civil society groups that focus on SSR. This would enhance their ability and confidence to scrutinise security bills, identify problems and propose solutions.

#### *Comparative Exchange and Study*

Donors should support efforts by domestic actors to learn about the SSR experiences and security models and laws of democratic and democratising countries elsewhere. The aims would be to build up the knowledge, expertise and confidence of local actors engaged in SSR and to contribute to the promotion and adoption of democratic models and processes.

Domestic actors involved in designing and implementing security reforms can find it immensely helpful to study relevant processes and outputs from other countries. There might be strong local support for progressive concepts such as community policing but little idea on how to implement the concepts. Similarly, a government might want to establish a civilian defence secretariat but be unclear about its structure and relationship to military headquarters.

It is politically advantageous for local actors to be aware of democratic security practices elsewhere. This knowledge is useful in their struggles against conservatives and in their efforts to win public and parliamentary support. In countries emerging from authoritarian rule, efforts to establish robust mechanisms of accountability, transparency and oversight in the security arena might appear less irresponsible when viewed in the light of comparative experience.

There is considerable psychological benefit to domestic actors in overcoming a lack of knowledge and sense of ignorance about security matters. Feeling ignorant leads to inertia and a lack of knowledge contributes to domination by external actors. Comparative exchange and study can embolden domestic actors and enhance the extent and quality of local ownership.

Donors must not be prescriptive about which countries should constitute the focus of comparative study and exchange. People involved in SSR can learn equally from emerging democracies and long established ones and they can learn from colleagues in the same region and those in other regions. South-South exchanges are particularly productive because of similar political conditions.

The emphasis of donor support should be on comparative study and exchange. Donor governments should abandon their habit of promoting assiduously the security models of their own countries. This provides limited opportunity for learning and leads to resentment among local actors, whereas exposure to a variety of models is empowering.

### **Support for Vulnerable Groups**

SSR should serve the interests of citizens in four ways. First, it should ensure that the security services respect human rights and are not themselves a threat to citizens. Second, it should lead to the government and the security services becoming more responsive to the security concerns of citizens. Third, it should enhance public safety by raising the efficiency and effectiveness of the security services and related institutions. Fourth, it should attend to the needs of the most vulnerable groups in society.

The extent to which a state provides for the security of citizens and vulnerable groups depends on macro factors like the nature and strength of the state, the level of development and the nature and intensity of security threats. It also depends on the strength of civil society. In the best of political circumstances, political parties and other organisations that represent the interests of citizens can influence security policy and the allocation of security resources by lobbying the executive and parliament, participating in public consultation processes and mobilising voters during elections.

Even in relatively favourable conditions and certainly in the worst, vulnerable groups might be extremely insecure but lack the organisational and other means to influence security policy. Without a strong voice, and often as a result of prejudice, they are neglected in governments' security

priorities and allocation of resources. Such groups might include women, children, the elderly, disabled people, minorities, rural communities and working class people.

The ways in which SSR can target vulnerable groups obviously differ among countries. Given the wide range of situations and the diversity of vulnerable groups and security threats, the most pertinent generalisation is that donor governments should be responsive to local requests and sensitive to local conditions rather than attempt to deliver prepackaged programmes.

Depending on the circumstances, donors can provide financial support to the following:

*Organisations that represent vulnerable groups.* Such organisations would include, for example, women's organisations that address rape and sexual abuse through survivor support programmes or public awareness and advocacy campaigns. Donors are often willing to fund the projects but not the core costs of these organisations. This makes no sense where the organisation's viability depends on external funds for its core functions.

*Cross-organisational programmes that address security issues.* For example, in some countries there might be a need for donors to support civic and school programmes that raise children's awareness of the dangers of joining gangs.

*Special units or projects within the security services.* In countries where the government is sympathetic to the needs of vulnerable groups, donors could support initiatives such as child protection units in the police; gender sensitivity training for security personnel; juvenile rehabilitation programmes in prisons; and child care facilities for women prisoners.

*Public consultation processes.* These processes are not very expensive but they require funds that might not be available locally. Donors can support vulnerable groups by, for example, covering the costs of workshops in rural areas or enabling women in rural areas to attend workshops held in cities. Donors could also fund consultation processes that are designed to maximise the participation of vulnerable groups.

*Capacity-building.* The obstacles to vulnerable groups being assertive about their security needs include lack of power, lack of expertise and lack of confidence. Donors can help to raise the voices of these groups by funding their efforts to acquire expertise in security matters. The small grants scheme proposed in the previous section could be used for this purpose.

*Local security surveys.* Donors can provide financial support for the design and administration of surveys that identify the security needs of vulnerable groups.

*Meeting security needs.* Donors can provide funding to meet security needs that emerge from public consultations and surveys. Some of these needs can be met through relatively modest amounts of money. For example, proper street lighting around train stations and in the streets of working class communities could make women and other commuters less vulnerable to criminal activity after nightfall.

### **Institutionalising Local Ownership in Donor Governments**

Much thought has been devoted to the incentives and pressures that might encourage politicians and security personnel in new democracies and post-conflict countries to implement security reforms. Little thought has gone into the incentives and pressures that might encourage donor governments and their officials to abide by the principle of local ownership. The officials are under no pressure to do so and they are not held to account if they ignore the principle.

Donor governments should institutionalise the principle of local ownership by including it in their funding, evaluation, reporting and other bureaucratic procedures. For example, when donor officials apply for inception funding or renewed funding for an SSR programme or project, the application form should include the following requirements:

- Describe the ways in which this programme/project will promote local ownership of SSR, and provide objectively verifiable indicators (OVIs).
- Describe the ways in which this programme/project will build local capacity for security or SSR, and provide OVIs.
- Describe the involvement of local actors in the design of the programme/project. If no local actors were involved in the design, explain the reasons for this.
- Indicate which local actors support the programme/project. If no local actors support the programme/project, explain the reasons for this.
- Indicate which local actors will be involved in implementing the programme/project.
- Describe the ways in which the programme/project will enhance the security of citizens in general or vulnerable groups in particular.
- If local ownership is impossible because of the circumstances in-country, describe these circumstances and the obstacles to local

ownership; describe the ways in which the programme/project will contribute to addressing these obstacles; and indicate how local ownership could be built over time.

Including these requirements in a log frame application form or similar document used by donor governments would help to ensure that local ownership was not neglected. It would compel government officials to think seriously about the general imperative of local ownership and its practical application in partner countries.

Similarly, the evaluation forms used by donor governments when assessing their SSR programmes and projects should have a section on local ownership. This section should require a description and evaluation of the way in which the programme or project promoted local ownership of SSR, built local capacity and involved domestic actors in the design and implementation of the activities.

There are other ways in which the principle of local ownership of SSR could be institutionalised in donor governments:

*Criteria for allocating funds.* Local ownership and local capacity-building should be among the foremost criteria that donor governments use when evaluating in-house funding proposals on SSR. There should be a general presumption against funding programmes and projects that do not meet these imperatives.

*Policy statements.* When donor governments issue policy statements on SSR, they should not merely assert their commitment to the principle of local ownership. The statements should include a proper description of the strategies that are used to give effect to that commitment.

*Pledge to recipients of donor support.* The OECD DAC donors should formulate a pledge to support local ownership of SSR, publicise the pledge and include it in their funding contracts and partnership agreements with domestic actors.

*Annual reports.* All annual reports that cover donor support for SSR – whether prepared for departmental purposes, parliament or the public – should include a proper account of activities undertaken in support of local ownership.

*Capacity-building for donor officials.* There is a need to educate donor officials on the rationale and strategies for local ownership and capacity-building. Educational events should target, in particular, the departments and agencies that are least supportive of local ownership.

## Conclusion

There is no denying the difficulties associated with local ownership of SSR in many partner countries, especially where the country is emerging from war or authoritarian rule. Yet the difficulties are no excuse for bypassing national ownership. If reforms are not designed and embraced by domestic actors, they will either not take off or they will bumble along in a desultory fashion and eventually peter out.

Donors that are preoccupied with producing outputs and creating structures should instead focus on empowering people and supporting sound processes. If donors are serious about local ownership, they should institutionalise the principle in their bureaucratic procedures and systems. Where they are not serious about local ownership, governmental and non-governmental actors in states undertaking SSR, and their progressive partners in the North, should pressure donors to move beyond rhetoric towards a substantive commitment to operationalising local ownership in their SSR programming.

## Notes

- <sup>1</sup> See, for example, 'Ministerial Statement: Key Policy and Operational Commitments from the Implementation Framework for Security System Reform (IF-SSR)', signed by OECD DAC ministers and heads of agency in Paris on 4 April 2007 and published in OECD, 2008, *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD Publishing, 2007), 10-12.
- <sup>2</sup> Eric Scheye and Gordon Peake, 'Unknotting Local Ownership' in *After Intervention: Public Security Management in Post-Conflict Societies. From Intervention to Sustainable Local Ownership*, eds. Anja Ebnöther and Philipp Fluri (Geneva/Vienna: DCAF/PfP Consortium of Defence Academies and Security Studies Institutes, 2005).
- <sup>3</sup> The chapter is based on Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, 2nd ed. (Birmingham: University of Birmingham, 2007).
- <sup>4</sup> See Chapters 8-13 of this volume; the case studies in Nathan, *No Ownership, No Commitment*; Scheye and Peake, 'Unknotting Local Ownership'; and Mark Sedra, 'Security Sector Reform in Afghanistan: The Slide Towards Expediency' *International Peacekeeping* 13, no. 1 (2006): 94-110. For case studies that highlight the importance of local ownership in the broader development context, see Shantayanan Devarajan, David Dollar and Torgny Holmgren, eds., *Aid and Reform in Africa* (Washington: World Bank, 2001).
- <sup>5</sup> Scheye and Peake, 'Unknotting Local Ownership', 235-6.
- <sup>6</sup> OECD DAC, *Security System Reform and Governance* (Paris: OECD Publishing, 2005), 11.
- <sup>7</sup> OECD DAC, *Reform and Governance*, 12. See also OECD DAC, *Handbook*.

- <sup>8</sup> See Laurie Nathan, *No Ownership, No Peace: The Darfur Peace Agreement*, Working Paper, Series 2, No. 5, (London: Crisis States Research Centre, London School of Economics, September 2006).
- <sup>9</sup> The author was involved in SSR initiatives in Palestine in 2005 and 2007. See also Chapter 10 of this volume, and the case studies of SSR in the post-war states of Ethiopia, Guatemala, Liberia and Sierra Leone in Nathan, *No Ownership, No Commitment*.
- <sup>10</sup> For a good example of a significant role played by academics and other civil society actors, see Bernardo Arévalo de León, 'Guatemala Case Study: Inter-Sectoral Dialogue on SSR', in *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, ed. Laurie Nathan, 2nd ed. (Birmingham: University of Birmingham, 2007), 68-77.

## **PART II**

# **BRIDGING THE LOCAL- INTERNATIONAL DIVIDE IN SSR**



## Chapter 3

# Local Ownership in Peace Operations

*Annika S. Hansen*

The notion of local ownership is not new. The development community has long highlighted sustainability and empowerment and has employed grassroots approaches. In conflict management and conflict transformation, advocates of fostering peace or pro-reform constituencies have implicitly built their arguments on the principle of local ownership.<sup>1</sup> But it was the peace operations in Kosovo and East Timor that led to a debate on the extent of international authority and to more candid calls for greater local ownership in devising and implementing reform measures in a post-conflict context. This was both a matter of principle and pragmatism. As a principle, it was recognised that sustainability hinged on a peace process being locally owned, supported and ultimately carried forward. But this was also based on the pragmatic realisation that transitions had been badly planned, if at all, that long-term strategies had been neglected and that a lack of consultation with local stakeholders had resulted in inappropriate and unsustainable solutions. Local ownership was therefore to be placed at the core of any exit strategy.<sup>2</sup> But while the principle of local ownership has rapidly found its way into the policy documents of international organisations and into donor principles, little thought has gone into how to ensure local buy-in and sustainability and how to transfer authority in the wake of a conflict.

In the specific context of security sector reform (SSR), two aspects are pivotal to the debate on local ownership: first, reform processes are long-term endeavours that marry short-term crisis management tasks with the long-term development of institutions, capacity and culture. Local ownership will have to be promoted across the entire spectrum of SSR activities to varying degrees and at varying stages. The theme of short-term versus long-term demands recurs throughout this discussion of local ownership in post-conflict contexts. It manifests itself when time pressure becomes an excuse for bypassing local partners, when security concerns override ownership and when deals are made that ensure immediate progress but that undermine consolidation and sustainability in the long run. Second, the rule of law has a normative component beyond being a set of rules to be applied fairly and

impartially. In the same way, democratic governance is at the heart of SSR. The inherent commitment to individual human rights as a set of internationally accepted norms has implications for how and when to promote local ownership and how to address dilemmas that arise in implementation.

This chapter illustrates that the specific traits of a post-conflict context heighten the challenges involved in developing ownership, given that the way forward is contested and residual violence hampers the consolidation of peace.<sup>3</sup> It suggests that local ownership has to be brought about incrementally in a process that balances security concerns with the need for genuine ownership. First, it describes key features of post-conflict contexts that affect how and when local ownership might be promoted. It goes on to suggest fundamental dilemmas tied to the fact that the international-local partnership is deeply unequal, that some local owners are disingenuous and that the normative agenda of international post-conflict engagement may be at odds with the desire to allow local authorities and populations to decide their own fate. At the same time, the way in which international assistance is organised and funded can undermine efforts to promote ownership. The chapter looks more closely at the short-term demands of stabilisation that leave little room for ownership and the long-term role of capacity-building as a foundation for ownership.

### **The Legacy of Conflict**

Before moving on to the nature of the partnership between international and local actors and issues that arise when promoting local ownership after conflict, it is useful to identify some of the traits that differentiate post-conflict settings from other transition contexts. First of all, there is an intimate relationship between the rule of law and conflict. Breakdown of rule of law – accompanied by systemic human rights violations and abuse – is a hallmark of weak states, and often cause and consequence of conflict. These breakdowns entail a collapse of public order as well as other features of a malfunctioning rule of law, such as confusion over or absence of applicable laws, the lack of a functioning court system or a non-existent or dysfunctional penal system, all of which contribute to a general sense of instability. Resurrecting justice and the rule of law is therefore an essential goal of peacebuilding, and SSR, which focuses on precisely these issues, has moved centre-stage.

Some of the challenges that the principle of local ownership faces in implementation are exacerbated in a post-conflict context. The post-conflict challenges to local ownership can be grouped under three main headings: security, governance and social fragmentation. The immediate post-conflict phase is often plagued by elevated levels of violence and is dominated by armed groups – state and non-state – and their leaders. Security is a pressing issue in the stabilisation phase and calls for heightened security often override other concerns. Threats to public security can hardly be expected to be met by the former warring parties and leave little room for a lengthy process of establishing local ownership. Moreover, the degree of international authority is closely tied to the level of violence in a given area. Where conditions are volatile, international forces usually have a more prominent role. This is explored in more detail in the discussion on the nature of international intervention and the role of ownership in stabilisation.

In the wake of conflict, the realisation of local ownership is hindered by shortfalls in local capacity, willingness and legitimacy. During the conflict, power constellations have shifted, legitimacy of current authorities is blurred or contested, informal networks have gained influence, and corruption has either gained a foothold or spread. In addition, security forces and justice institutions lack professionalism and capable leadership.<sup>4</sup> The dilemmas involved in strengthening local ownership are heightened by the fact that SSR entails reconstructing governance structures, by the complex nature of security governance, and by the instability that reform inevitably entails.

Finally, most conflicts leave a legacy of fragmentation, distrust and tension. Not least, there is friction and discord within security sector institutions. This legacy makes it difficult to develop a rule-of-law culture and reach a local consensus on the form, purpose and priorities of the security architecture. For the population, redress for crimes committed during the conflict is often a central concern. Popular expectations in the field of transitional justice may, however, be difficult to meet given the fragmentation, instability and capacity shortages that characterise the immediate post-conflict phase and may run counter to efforts to overcome tensions and find common ground in which ownership can take root. Since fragmentation and ownership are difficult to reconcile, issues of substance (what kind of security sector) and of participation (who gets to take part in decision making) will have to be continuously renegotiated until common parameters can emerge in which disputes can play out without capsizing the broader agreement on how society ought to be governed.

## **An Unequal Partnership**

### *The Nature of International Intervention*

Clearly, the dynamics of local ownership are affected by the nature of the international presence and the extent of international authority, both of which are elevated in post-conflict settings. While the degree of the international agencies' authority may vary, they will in any case be dominant partners. This is less true on the political side, where the UN has seldom enjoyed excessive clout; East Timor and Kosovo are the exceptions that confirm the rule. But the power imbalance is obvious with respect to international security forces. Peace operations have become more forceful, the UN routinely issues Chapter VII mandates and military forces – by virtue of this shift – no longer play the passive role characteristic of early monitoring operations. Also, despite a peace agreement, residual violence persists and international forces are keen to have sufficient military capacity to be able to escalate and respond flexibly.

True partnership is hampered by an inherent imbalance and uneven power relationship between international and local actors. For starters, international agencies control the money flow. As a result, available funding rather than an overall strategy determines reform priorities. Hannah Reich maintains that the asymmetry that derives from the assigned roles of internationals as providers or patrons and local actors as victims or clients, reinforces passivity among recipients and undermines their sense of responsibility for outcomes.<sup>5</sup> She concedes that increasing consideration is given to local preferences, but that 'the mode of organisation, planning and time management [of how assistance is provided] seems to be non-negotiable', thereby seriously curtailing ownership.<sup>6</sup> However, the alternative – '[g]iving up complete control over the development of a project as an outside funder' – is understandably unpalatable to international donors.<sup>7</sup> International impatience with slow progress in a peacebuilding process, as well as a notion that Western models are inherently superior, are usually to blame for the distance between rhetoric and practice of local ownership. In reality, the term "ownership" creates expectations of participation and influence that are seldom, if ever, met.<sup>8</sup>

In an effort to define what ownership consists of, it is useful to consider ownership as a matter of degrees, in which the quality of involvement shapes the nature of partnership. Transition, too, takes place in different sectors in different ways and at different paces. Otwin Marenin underlines the need to delineate 'what are the proper relationships between

international and domestic (sovereign) actors ... and what forms of participation in decision making, policy planning and implementation, and impact assessment will legitimately reflect the values and interests of all relevant actors'.<sup>9</sup>

One way of assessing the partnership is to consider five types of local involvement in a reform process: initiative, decision making, consultation, information sharing and legitimisation. The extremes range from a programme that is locally initiated and where decision making is joint or in local hands to a situation in which internationals initiate and run reform and use local counterparts as figureheads or other means to legitimise the reform effort.<sup>10</sup> In the context of transitions, Laurie Nathan argues in favour of a maximalist approach,<sup>11</sup> while Hannah Reich similarly suggests that if ownership is to be a 'guiding principle for action', it must mean decision-making authority rather than a 'consulting or participatory role'.<sup>12</sup> In a post-conflict context, full local ownership in which local authorities make decisions based on a considered and balanced assessment of popular preferences is generally impossible early on. Even where there is the political and administrative capacity, authorities and leaders of security institutions with a tenuous hold on their power are rarely willing to act in the pursuit of a common good – the definition of which is likely to be contested in fragmented post-conflict societies. As Simon Chesterman has pointed out, while lip service is often paid to the need for local involvement in the post-conflict phase, in practice 'ownership ... is usually not intended to mean control and often does not even imply a direct input into political questions'.<sup>13</sup> This is, however, aiming too low, and a minimum amount of outreach, consultation, participation and partnership is necessary if the society in question is to feel any allegiance to the peace process.

#### *Partners, Spoilers and Pacts with the Devil*

International interveners consistently struggle with identifying appropriate local partners. At times, there are obvious candidates, at other times, there appears to be a vacuum. The pressing need for security may also necessitate talking to and thereby legitimising "undesirable" but influential partners, such as informal armed groups that may control parts of the territory. In many cases, choosing a partner involves a choice between effectiveness, i.e. working with those that wield the most power, and legitimacy, i.e. working with those that have either the best international standing or the greatest public support. Often, those with the most capacity to cooperate with

international agencies may not be the most appropriate partners.<sup>14</sup> International reformers have to decide in each case, how much pragmatism is acceptable, without endangering the viability and legitimacy of the rule of law reform project as a whole. But when international actors deviate from the status quo, it is critical to recognise that whomever they endorse as the legitimate counterpart, the choice is highly political and will have profound implications for the future political development of the host state or territory.<sup>15</sup> When the interventions in Kosovo and East Timor were launched, this was precisely the point, namely to change the polity. This view has been increasingly challenged with the ascendancy of local ownership as a guiding principle. In line with arguments in favour of ownership, international organisations are accused of social engineering and distributing power without regard for local circumstances when they intervene and back a horse other than the established authorities. In most cases, this undermines sustainability and is likely to be too ambitious for international funds and commitment over time. David Law underlines the need for ownership to be popularly legitimised to be viable.<sup>16</sup> As the international influence will wane over time, it is important early on to begin creating the space and putting mechanisms in place that allow legitimate and representative leaders to emerge and ascend to power.

A key feature of an established democracy is the existence of competing views on a country's future path. When local parties disagree amongst themselves with regard to preferred outcomes in a post-conflict setting, where power structures are fluid and societies are fragmented, the stakes are high.<sup>17</sup> Not least, because SSR is highly political. In many cases, political authorities are not particularly interested in relinquishing or regulating their own power, in fact gain from a certain amount of instability and a non-functional rule of law and still pursue an agenda that seeks to discriminate against their opponents. As Eric Scheye points out, 'those wielding power may well have gained ascendancy because of the war; their continued enjoyment of the prerogatives of power may be dependent on the unsavoury and often illegal methods by which they acquired it, and the legitimacy of their exercise of political authority may be at best tentative'.<sup>18</sup> In these circumstances, sustained local commitment to engage in rule of law reform is tenuous at best. Those that are the most dominant players are also the ones least likely to be cooperative in a reform effort because they have the most power to lose.<sup>19</sup> Authority will still have to be transferred eventually, but putting in place the minimum requirements for local ownership in areas related to corruption, crime and political interference may take longer, may involve delving deeply into the fabric of society and may

require international oversight for an extended period of time even after formal authority has been handed over. Then again, vigorous efforts to combat crime and corruption may also alienate local partners at the political level, whose support may be necessary for the successful promotion of reforms in other areas.

Another unfortunate outcome, when international actors choose their partners, is the issue of elite capture. Elite capture denotes the international actors' tendency to talk only to the top levels of government and other elites, in short, the stakeholders with whom donors are already most accustomed to interacting. But the degree to which local elites are representative of the wider population and have the capacity to mobilise support may well be limited.<sup>20</sup> Choosing partners will always mean balancing the desire to be as inclusive and representative as possible with the danger of making arrangements for consultation and decision making unwieldy and unmanageable.<sup>21</sup> At the same time, civil society involvement is often not possible early on in post-conflict contexts where civil society is weak and there is no tradition, little appetite, or limited political space for social activism.<sup>22</sup> Initial fact-finding and diagnostics are too often focused exclusively on the strategic rather than the grassroots level. Beatrice Pouligny suggests that the inability to grasp the plurality of host societies can account for both the failure to identify sources of support for the reform agenda and missed opportunities to consolidate change.<sup>23</sup> This also points to a wider challenge of understanding the dynamics of societies and the factors that drive development.

The presence of armed elements – former combatants, rebel groups or other non-statutory security forces – distinguishes the post-conflict setting from other transition processes and complicates the transfer of authority to local partners. Disarmament, demobilisation and reintegration and a restructuring of security forces are central tasks in a peacebuilding process and former combatants are key players.<sup>24</sup> How this process is handled, and whether it adds to fragmentation or reconciliation within the security sector affects the extent to which local ownership is viable. More generally, tackling informal actors involves deciding on the extent to which they should be integrated into or associated with the formal security sector. Michael Brzoska warns that marginalising formerly powerful groups may bring short-term benefits, but usually comes back to haunt the peace process later on.<sup>25</sup> Instead, the question is how incentive structures can be changed to make SSR an attractive proposition for as many as possible.<sup>26</sup>

*Rights or Righteousness?*

Although the provision of security is a central objective of SSR, reform is anchored in a wider human rights agenda and is only meaningful in a context of democratic governance. Michael Brzoska argues that '[s]ecurity sector reform cannot work on the assumption that security problems can and should be solved prior and independently of the level of modernity, degrees of democracy, or even an existing nation-state'.<sup>27</sup> Similarly, Laurie Nathan has described SSR as a 'democratic project'.<sup>28</sup> The United Nations, the OECD Development Assistance Committee (DAC) and others have all adopted and integrated this view into their policy documents.<sup>29</sup> This clear normative starting point sits uncomfortably with the nature of international intervention and may run up against the emphasis placed on local ownership.

The end goal of a democratic, effective, fair and not least locally-owned rule of law is undisputed, but there are competing theories as to how best to get there.<sup>30</sup> The practice in international interventions has tended towards imposition of values and concomitant organisational reforms. Proponents have argued that international assertiveness has been indispensable to bring about change.<sup>31</sup> In contrast, unflinching supporters of ownership argue in favour of creating the political and social space for these values to emerge on a local footing. One of the most fundamental debates with respect to local ownership therefore concerns accusations of social engineering by internationals and the disconnect between the rhetoric of the democratic agenda and the reality of imposition.<sup>32</sup>

In the context of local ownership, the sincerity of the international commitment to ownership is called into question when international actors purport to engage with and respect their local partners' preference while insisting on a specific normative framework for those preferences. This reflects a dilemma of involving local stakeholders in the process of implementing institutional reform versus allowing local actors to determine the objectives and outcome of the process, especially where the desired outcome may be contrary to international standards and human rights. This is particularly sensitive in cases where local law and traditions run up against western legal systems in issues such as the death penalty and humane punishment and gender equality before the law or against notions of democratic governance.

Disagreements over rights may be a product of varying cultural traditions. But, in line with the description of potential partners and their motives above, a lack of respect for human rights may also be due to the fact that local owners have less than serene intentions. Stephen D. Krasner

underlines the importance of asserting formal local authority, but advocates a stronger international role where local capacity is insufficient or driven by more or less sinister motives:

Left to their own devices, collapsed and badly governed states will not fix themselves because they have limited administrative capacity, not least with regard to maintaining internal security ... [Moreover] leaders are better able to enhance their own power and wealth by making exclusionist ethnic appeals or undermining even the limited legal routinized administrative capacity that might otherwise be available.<sup>33</sup>

This also makes the case for temporarily qualifying the primacy of ownership in a fragmented post-conflict context, where dominant local groups may be reluctant to afford minorities and vulnerable groups equal access and equal rights. Here, international pressure may be decisive in preventing future grievances and return to conflict. In a recent report to the Security Council, the UN Secretary-General identified a particular role for “outsiders” in ensuring the inclusion of groups that are marginalised or have traditionally been excluded, such as minorities or women, and that might not have made it to the table had local dynamics been left to their own devices.<sup>34</sup>

In short, the dual goals of establishing a democratically accountable security sector and of promoting local ownership are not easily reconcilable. In many cases, though, the key lies in an iterative approach in which values are introduced gradually and in ways that are amenable to the local society. While local preferences may not correspond with Western models of governance and individual rights, international agencies can be far more tolerant of different ways in which human rights can manifest themselves or be operationalised in local security arrangements. Similarly, international security forces can focus on creating a non-violent space, but they will nonetheless want to and perhaps have to steer the process in the direction of good governance.

## **Local Ownership in Practice**

### *Ownership in the Stabilisation Phase*

In the early post-conflict days when the remnants of the prior conflict threaten to derail the consolidation of peace and the rule of law, security forces – local or international – are sometimes called upon to stabilise an

area, for instance by managing hostile, often armed crowds, or preventing looting. In the past, these initial security challenges have been severely underestimated, such as during the burning of the Sarajevo suburbs in early 1996 and the looting of Baghdad in 2003. But violence can flare up later on as in Kosovo in March 2004 or continuously as in Afghanistan and Iraq. In the context of the initial anarchy, there is a valid argument to be made that the principle of local ownership is only applicable to a very limited degree if at all. In part this is due to the lack of local capacity to deal with the security situation and in part because local stakeholders are themselves responsible for the mayhem. Security challenges can only be met by tackling the sources of instability, which comprise the very local owners and arise because 'indigenous public security organizations have either been part of the problem, have collapsed with the old regime, or have been destroyed'.<sup>35</sup> In that way, the demands of security may be in direct contradiction to the principles that underlie local ownership.

Ultimately, authority for meeting these threats to stability has to be transferred to local security forces, but the examples mentioned illustrate that it is difficult for local police to be perceived as impartial security providers where tensions flare into violence. Security challenges may also be too reminiscent of the preceding conflict to allow local forces to conduct crowd and riot control in a non-partisan manner, with a proportionate use of force and without escalating the situation. An ill-conceived and premature transfer to local owners may therefore threaten or even unravel hard wrought progress towards stabilisation.

Also, in the immediate post-conflict phase, the most visible potential partners are likely to be the ones that were the most active during the conflict or are the most heavily armed – neither of which are likely to have a de-escalating effect. It is theoretically possible that there are credible forces of peace in a conflict area, but it will be exceedingly difficult to identify and assess these sufficiently to entrust them with handling security challenges in the wake of the conflict. The wisdom of training and arming other non-statutory forces as part of peacebuilding is also questionable. Among other things they might be regarded as a new opponent by the (former) warring factions. Clearly, deploying local security services at this early stage may worsen the security situation rather than contribute to stability.

Linking the rule of law with good governance is also a challenge in the stabilisation phase, where tension often arises between the goals of order and justice. As pointed out above, a reform process will only take hold where there is a minimum degree of order – irrespective of who enforces it. In a highly unstable environment, measures to establish order and ensure

stable conditions are at times carried out at the expense of justice. For example, dealing with past crimes may be postponed in order to prevent destabilisation or security forces may take a heavy-handed approach in quelling violence, disregarding rights of due process.<sup>36</sup> Prioritising stability is not just an international preference. Local actors that have recently emerged from conflict are often likely to put a high premium on order. Addressing the short-term challenges increases the sense of security, but it can also foster popular willingness to embark on reform even if local ownership is not prominent in the process of meeting short-term security challenges. Given that a minimum of stability is necessary for local ownership to be meaningful and as the transition to ownership can take time, internationally imposed order provides a breathing space in which peace can be consolidated.

#### *Laying Foundations for Lasting Peace*

Immediate and sustained benefits and tangible changes will be instrumental in securing continued support for reform among political authorities and the security sector institutions themselves. But in the long run, the ability to enact local ownership in indigenous institutions is contingent upon having built the necessary capacity. Much has been written about institution- and capacity-building, identifying a variety of activities ranging from technical training to transposing values and reforming organisational culture. Organisational culture is notoriously difficult to reform, even more so by outsiders. In essence, technical measures, such as teaching skills or putting in place a set of regulations that promotes desired conduct, can lay the foundations for change but not enact that change. In a post-conflict context, a shift towards a democratic rule of law culture within and outside security sector institutions is dependent on a wider process of reconciliation and political change.

Still, institution- and capacity-building can contribute to strengthening local ownership in three main ways. First, it seeks to fill the gaps in ability that stand in the way of a transfer to full local authority. A key criticism directed at the principle of local ownership is that the international intervention would hardly be necessary if local capacity had not “failed” or worse created the conflict in the first place. According to Otwin Marenin, ‘[a]lmost by definition, post-conflict societies are not capable of providing the minimal services expected of a state, nor does civil society have sufficient social capital to support reconstruction, including in the public

security field'.<sup>37</sup> Second, the process of institution- and capacity-building aims at enhancing the legal system's credibility and trustworthiness and thereby at encouraging greater popular confidence and anchoring the rule of law more securely in local society. This is unlikely to happen quickly but remains a pivotal goal throughout. Third, the process of institution- and capacity-building can form part of the transition, where local stakeholders and decision makers are gradually integrated into the reform process.

The scope of the undertaking of building capable institutions goes far beyond the limited timeframes of most interventions.<sup>38</sup> Too often the time it takes to develop popular views on the rule of law is also underestimated and local options are bypassed because they may take more time.<sup>39</sup> Ball suggests that '[w]hile most countries recognise that the long-term solution to these security problems lies both in the realm of development policy and in developing professional and accountable security forces, few feel that they have the luxury of investing in such a long-term agenda as they struggle to cope with current problems'.<sup>40</sup> In many cases, this has led to a zero-sum game, where providing security was emphasised at the expense of institution-building which was left to a later stage of the peacebuilding process.

Similarly, the need for stability is at odds with the time it takes for local ownership to emerge, i.e. for partners to reveal themselves or for capacity gaps to be filled. This creates a perception of time pressure and leads to bypassing, conditionality or imposition. Often, substantive local capacity is not unearthed until later on, when an international mission is better acquainted with conditions or until the security situation has been stabilised. In volatile conditions, there may be real time pressures, but at times the urgency is self-imposed or the result of donor cycles. In the long-term, the discourse is all too often turned on its head when international actors lack the stamina to see the process through and use the principle of local ownership to pass the buck. A more sophisticated approach where it is possible to distinguish which issues demand instant control (often related to security) and which allow time and space for local preferences and players to emerge, can alleviate some of the pressure and lighten the demands on capacity.

The technical and cultural faces of institution- and capacity-building and how they relate to ownership can be illustrated by the example of leadership and change management. In the past, international contributors have seldom displayed a clear understanding of how to resurrect rule of law institutions, especially in a post-conflict setting.<sup>41</sup> International efforts to build capacity have been preoccupied with developing and assessing

operational personnel. But it is a lack of managerial capacity ‘to plan, execute and evaluate operational policies’ that forms a central obstacle to sustainable local ownership.<sup>42</sup> The cultural and technical dimension are revealed in calls for ‘transformational leadership’ which can signal a commitment to change at the senior management level, but which can also take a more active part in directing a reform process.<sup>43</sup> International staff may themselves have to fulfil such a role early on in order to launch a reform process. In the long run, however, reform efforts are dependent on identifying and fostering capable local partners, where they exist, or emphasising management training and mentoring, so that institutional reform can be credibly promulgated by local leadership. In addition, Janet Foster suggests that a ‘*climate* for change needs to exist; and the *need* for change must be either widely acknowledged or prompted by a significant catalyst’.<sup>44</sup> In a post-conflict context, the catalyst is the prior conflict and the breakdown in the rule of law that accompanied or triggered it. As reform proceeds, incentives for change, such as increased professional pride or the timely payment of salaries in more functional and effective institutions, can be lower order catalysts.

In post-conflict SSR, the need to develop mission statements and strategic guidance documents, such as a National Security Strategy, is gradually being recognised as a priority. It not only outlines a way ahead, but is part of a process to develop ‘a common identity, ethos, culture, [and] consistent policies’, which post-conflict security institutions, such as dysfunctional police services, often lack.<sup>45</sup> Although a common direction and commonly defined objectives are essential, reaching agreement on a strategy is challenging and may be resisted in a fragmented, fluid post-conflict setting where local actors may have sinister ambitions, and therefore prefer to retain flexibility and not be tied to a fixed policy.<sup>46</sup> Choosing whom to involve is politically charged and the process of defining a National Security Strategy will need to straddle demands of speedy progress, inclusiveness, and a lack of local strategic perspective. In addition to substantive and technical advice, the international role lies in allowing space and time for local positions to develop and in facilitating consensus-building by furthering representativeness and transparency.

Delineating a National Security Strategy should go hand in hand with a budgetary process to ensure that the security sector is in fact affordable.<sup>47</sup> Promoting local ownership has meant finding the balance between assistance, dependency and affordability, but this is also difficult and has generally been neglected in policy planning.<sup>48</sup> But the goal of sustainability

is at odds with the needs of the post-conflict context in the light of prior overspending on security and the fact that SSR costs money. Middlebrook and Peake also warn that too much attention on ‘constraints could lead to the underprovision of security’ and destabilise a fragile peace process.<sup>49</sup> Aside from the size of the budget, the timing of the provision of funds is problematic. When efforts are made to promote local ownership by creating space for local preferences to unfold, reform cannot be a slave to funding cycles, short timelines and pressures to deliver results.<sup>50</sup> Also, while reform should take advantage of the fact that there is generally more funding available in early stages when key components can be put in place as a foundation for local ownership, it is also during these stages that the local absorption capacity is most limited. Corruption is another obstacle and can prevent budgets from being channelled through local authorities as soon as possible. A transfer of fiscal responsibility into local hands can only take place where a transparent system and functioning oversight mechanisms are in place. Otherwise rather than strengthening local authorities, increased corruption and power – over purse strings – will only further undermine popular confidence in their leaders.

A final point to make is the fact that the absence of transition strategies has hindered local ownership. A transition strategy is a necessary framework for capacity-building, in order to ensure that local ownership is constantly strengthened and increased by building the right capacity at the right time in the right institutions or target audiences. The fact that a transition needs to take place has to be considered from the outset, so that parameters can be put in place to allow transition.<sup>51</sup> The strategy should be adjusted as capacity grows or becomes available, but the awareness of local ownership needs to be enshrined from the beginning. How and when to develop the capacity for managing budgets should be a pivotal part of the international strategy for transition.<sup>52</sup> Although a strategy for transition is critical, it has been virtually non-existent in practice. Instead, SSR is increasingly seen through the lens of a broader international preoccupation with exit strategies, while local ownership is, in turn used as an exit strategy for SSR – reducing success to a formal question of whose authority rather than gauging to what extent the performance of security sector institutions lives up to international standards.<sup>53</sup>

#### *International Coordination and Accountability*

The absence of a transition strategy is the harbinger of a wider failure of coordination both among international agencies and between international

and local actors. The attraction of SSR is partly tied to its comprehensive nature and its success depends at least in part on cohesion and involving a wide range of actors, though in practice it is often plagued by discontinuity and a lack of strategy.<sup>54</sup> The absence of an overarching decision-making framework is especially problematic and has implications for how and how effectively local ownership can be promoted.<sup>55</sup> This is especially challenging because SSR encompasses both security and development. The existence of these two strands entails significant challenges for coordination between different actors, different goals and contrasting timelines. Local ownership should be pursued across the whole spectrum of international engagement, but the fact that international crisis managers and international development agencies have distinct local partners can increase the polarisation between short- and long-term measures and lead to an even more disjointed reform effort. Ideally, a locally devised strategic vision, for instance in the shape of a National Security Strategy, ought to guide coordination, but in a post-conflict setting this will take some time to fall into place and coordination instead is a madcap attempt to bring a variety of actors into the semblance of a line.<sup>56</sup>

When international actors fail to convey a consistent and cohesive message or to address post-conflict challenges comprehensively, local ownership is in fact undermined. While local actors tend to perceive the international community as an amorphous mass, they are really facing a wide range of conflicting priorities and incompatible methodologies. Where the national authorities in the host country are weak, the lack of coordination among international actors can increase the degree of fragmentation at the national level. Having to cater to various international programmes, projects and partners, often exacerbates local capacity and staff shortages. The competition for funding and for scarce local resources/capacity results in inefficiency and infighting among international agencies.<sup>57</sup> Conversely, a more coordinated, comprehensive approach can make better use of conditionality to push a reform process forward in the face of potential spoilers.

A serious problem lies in the fact that where there are no commonly agreed objectives and strategies, it is excessively difficult to hold anyone accountable for results or the lack thereof. This is especially true in post-conflict security sectors that have a legacy of poor oversight.<sup>58</sup> But the buck ultimately has to stop somewhere and it is unfortunate that local ownership too often presents an opportunity for international actors to let themselves off the hook and avoid being held accountable.

In addition to those who believe that conditionality runs counter to the spirit of ownership, there are other transaction costs that arise with too much coordination. When the international presence in a given post-conflict arena becomes too introspective and focused on its inner workings, there is a clear danger that it is rendered less transparent and accessible to local partners. Too much coordination can lead to a centralisation of power and a bureaucratisation which can get in the way of developing flexible programme portfolios. Flexibility is critical if local input is to have any chance of being taken seriously in the design and implementation of reform efforts.<sup>59</sup> Excessive international introspection can also delay the transition to ownership and result in the international and local efforts developing in different directions, becoming disjointed or incompatible. In some cases, responsibility has ultimately been transferred to wholly unprepared local owners, who had been excluded from consultations and decision making up until the point of transition.

### **Best Practices or the Rock and the Hard Place**

The ultimate goal of local ownership ought to be part of the international approach from the very beginning. The pressure on time and resources often leads to shortcuts in fact-finding and diagnostics, and opportunities to foster ownership and build on existing indigenous mechanisms are lost. As capacity may be scarce, an iterative approach to planning, where increasing heed is paid to local input as capacity becomes available and accessible, is imperative to ensure that assistance is as demand-driven as possible.<sup>60</sup> Hannah Reich describes this as a process of localisation that moves towards increased local control over funding, project design and implementation.<sup>61</sup> As planning is a continuous process that is – ideally – informed by experiences and assessments, mechanisms to define benchmarks, make assessments and identify best practices need to be put in place from the outset. Difficult questions concerning who determines what is progress, who decides on objectives and whether or not a course of action is desirable will always persist. One way of enhancing ownership and promoting as cohesive an approach as possible is for all concerned parties to enter into a framework agreement at the outset. This compact should be separate from a peace agreement, as it needs to be more open to adjustment without calling into question the hard won compromise embodied in a peace agreement. Still, it can outline relationships, roles and responsibilities, as well as benchmarks.<sup>62</sup>

But the question of benchmarks points back to the fundamental criticism of local ownership in a post-conflict context. The goals of local ownership and of a democratic rule of law may not always be reconcilable. The assumption that there is one commonly agreed local agenda and that the agendas of local stakeholders match the international one is flawed. Instead, predominant local views on how the security sector should be organised and which principles it ought to adhere to can differ significantly from international models. In part, this is due to diverging rationales and assessments of costs and benefits. But often, fragmentation and disingenuous and corrupt local leaders plague efforts to put the principle of ownership into practice and challenge the wisdom of promoting local ownership at all costs. In such contexts, local ownership should be seen as no more than a means to an end. The end – the rule of law, effectively and fairly applied – is rendered more sustainable if it is locally owned, but it is not changed in normative substance.

In any case, there is a need to manage expectations – internationally and among all strata of local owners. Both SSR and local ownership are ambitious projects and a balance between pragmatism, realism and idealism needs to be found continuously. Rama Mani has described this as “minimal maximalism”, where the rule of law, implemented fairly, effectively, and within a democratic context is the long-term goal, but where steps towards that goal reflect what is realistically achievable within shorter timeframes. In every post-conflict setting, there is an initial window of opportunity when violence has ceased and the interveners are given the benefit of the doubt. Instead of focusing on outreach, this opportunity is often squandered.<sup>63</sup>

Overall there is reason to be humble. A reform project as comprehensive and disrupting as SSR would be a challenge in an established democracy with leaders that enjoy popular legitimacy and that have the necessary political wit and ability to manoeuvre. Instead, a typical post-conflict setting features a fragmented, inexperienced and politically inept local leadership to be guided by a set of incoherent and overbearing international actors. Well-intentioned international ambitions are often out of sync with their actual ability to control or direct a reform process.<sup>64</sup> Still, it is helpful to distinguish between when local ownership is difficult and when it is impossible. The latter is virtually only the case where security concerns are overwhelming and capacity non-existent. In all other instances, far more can be done to develop equitable and effective partnerships. This requires both significant effort and patience, but the potential payoffs are invaluable.

## Notes

- <sup>1</sup> Hannah Reich, "Local Ownership" in *Conflict Transformation Projects*, Berghof Occasional Paper, No. 27 (Berlin: Berghof Research Center for Constructive Conflict Management, September 2006), 10-13.
- <sup>2</sup> For more on the origins of the concept, see Simon Chesterman, 'Ownership in Theory and Practice: Transfer of Authority in UN Statebuilding Operations', *Journal of Intervention and Statebuilding* 1, No. 1 (March 2007): 3-26.
- <sup>3</sup> Because of the particular role played by international actors in post-conflict environments, this paper's primary focus is on how international actors deal with ownership questions in peacebuilding contexts, rather than on locals themselves.
- <sup>4</sup> Michael Brzoska, 'Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations', *International Peacekeeping* 13, No. 1 (March 2006): 1; Laurie Nathan, *Local Ownership of Security Sector Reform: A Guide for Donors* (study commissioned by the Security Sector Reform Strategy of the UK Government's Global Conflict Prevention Pool, January 2007), 39-41.
- <sup>5</sup> Reich, *Conflict Transformation Projects*, 13, 19-22.
- <sup>6</sup> *Ibid.*, 15.
- <sup>7</sup> *Ibid.*, 16.
- <sup>8</sup> Nathan, *Guide for Donors*, 13.
- <sup>9</sup> Otwin Marenin, *Restoring Policing Systems in Conflict-Torn Nations: Process, Problems, Prospects*, Occasional Paper, No. 7 (Geneva: Geneva Centre for the Democratic Control of Armed Force, 2005), 7.
- <sup>10</sup> Annika S. Hansen and Sharon Wiharta, *Local ownership in the rule of law: from principle to practice* (Stockholm/Oxford: SIPRI/OUP, forthcoming), Chapter 2.
- <sup>11</sup> Nathan, *Guide for Donors*, 9.
- <sup>12</sup> Reich, *Conflict Transformation Projects*, 15.
- <sup>13</sup> Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and State-building* (New York: IPA, 2003), 4.
- <sup>14</sup> International Alert, *Supporting and Enhancing Community-based Peacebuilding*, Global Issues Policy Notes, No. 1 (November 2002); Brzoska, 'Criteria for Evaluating', 6.
- <sup>15</sup> Chesterman, 'Ownership in Theory', 19.
- <sup>16</sup> David Law, 'Conclusion: Security Sector (Re)Construction in Post-Conflict Settings', *International Peacekeeping* 13, No. 1 (March 2006): 120.
- <sup>17</sup> Stephen D. Krasner, 'Sharing Sovereignty: New Institutions for Collapsed and Failing States', *International Security* 29, No. 2 (Fall 2004): 100; Chesterman, 'Ownership in Theory', 19.
- <sup>18</sup> Eric Scheye, 'Transitions to local authority', in *Executive Policing: Enforcing the Law in Peace Operations*, ed. Renata Dwan, SIPRI Research Report, No. 16, (SIPRI: Stockholm, 2002), 104.
- <sup>19</sup> Eric Scheye and Gordon Peake, 'Unknotting Local Ownership', in *After Intervention: Public Security in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, eds. Anja Ebnöther and Philipp Fluri (Geneva/Vienna: DCAF/PfP Consortium of Defence Academies and Security Studies Institutes, 2005).
- <sup>20</sup> Beatrice Pouligny, 'Peacekeepers and Local Social Actors: The Need for Dynamic, Cross-Cultural Analysis', *Global Governance* 5, No. 4 (October-December 1999): 403-425.
- <sup>21</sup> Nathan, *Guide for Donors*, 29-30; Law, 'Security Sector (Re)Construction', 119.
- <sup>22</sup> Brzoska, 'Criteria for Evaluating', 9.

- <sup>23</sup> Pouligny, 'Peacekeepers and Local Social Actors', 403-425.
- <sup>24</sup> Edward Rees, *Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field* (New York: United Nations Department of Peacekeeping Operations, March 2006), 9.
- <sup>25</sup> Brzoska, 'Criteria for Evaluating', 6-7.
- <sup>26</sup> Ibid., 8; Nathan, *Guide for Donors*, 30.
- <sup>27</sup> Ibid., 6; Brzoska, 'Criteria for Evaluating', 2, 4, 5.
- <sup>28</sup> Nathan, *Guide for Donors*, 13, 17; DfID, *Security Sector Reform Policy Brief* (London: Department for International Development, 2003); Jane Chanaa, *Security Sector Reform: Issues, Challenges and Prospects*, Adelphi Paper, No. 344 (Oxford: International Institute for Strategic Studies/Oxford University Press, 2002).
- <sup>29</sup> See for example United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies*, Report of the Secretary-General, Document No. S/2004/616, 23 August 2004; OECD DAC, *Security System Reform and Governance* (Paris: OECD Publishing, 2005). The UN stipulates human rights as one of the organisation's three most central goals alongside security and development. See United Nations General Assembly, *In larger freedom: towards development, security and human rights for all*, Report of the Secretary-General, Document No. A/59/2005, 21 March 2005.
- <sup>30</sup> Timothy Donais, 'Empowerment or Imposition? Dilemmas of Local Ownership in Post-conflict Peacebuilding Processes' (paper presented at International Studies Association 48th Annual Convention, Chicago, 2007).
- <sup>31</sup> Brzoska, 'Criteria for Evaluating', 7; Richard Caplan, *A New Trusteeship? The International Administration of War-torn Territories*, Adelphi Paper, No. 341 (London: International Institute for Strategic Studies, 2002).
- <sup>32</sup> Reich, *Conflict Transformation Projects*, 16. For a critique of the High Representative's interventionist approach in Bosnia-Herzegovina, see Gerald Knaus and Felix Martin, 'Lessons from Bosnia-Herzegovina: Travails of the European Raj', *Journal of Democracy* 14, No. 3 (July 2003): 60-74.
- <sup>33</sup> Krasner, 'Sharing Sovereignty', 86, 89, 98.
- <sup>34</sup> United Nations Security Council, S/2004/616, 6; Nathan, *Guide for Donors*, 16, 34-38.
- <sup>35</sup> USIP, *Building Civilian Capacity for U.S. Stability Operations. The Rule of Law Component*, USIP Special Report, No. 118 (Washington D.C.: United States Institute for Peace, April 2004), 2; Marenin, *Restoring Policing Systems*, 35-36, 54.
- <sup>36</sup> Brzoska, 'Criteria for Evaluating', 6-7.
- <sup>37</sup> Marenin, *Restoring Policing Systems*, 10.
- <sup>38</sup> Jarat Chopra and Tanja Hohe, 'Participatory Intervention,' *Global Governance* 10(2004): 289; Scheye, 'Transitions to local authority', 106-7.
- <sup>39</sup> Caplan, *A New Trusteeship*, 51. See also Scheye and Peake, 'Unknotting Local Ownership'.
- <sup>40</sup> Nicole Ball, 'Reforming security sector governance', *Conflict, Security and Development* 4, No. 3 (2004): 517.
- <sup>41</sup> J. D. Fearon and D. D. Laitin, 'Neotrusteeship and the Problem of Weak States', *International Security* 28, No. 4 (Spring 2004): 37.
- <sup>42</sup> Marenin, *Restoring Policing Systems*, 35. Laurie Nathan suggests a number of areas in which capacity-building is critical: oversight, civil society, legislation and management of security institutions. Nathan, *Guide for Donors*, 44.
- <sup>43</sup> Janet Foster, 'Police cultures', in *Handbook of Policing*, ed. Tim Newburn (Cullompton, Devon: Willan Publishing Ltd., 2003), 220-21.

- <sup>44</sup> Foster, 'Police cultures', 219-19.
- <sup>45</sup> Marenin, *Restoring Policing Systems*, 35.
- <sup>46</sup> Rees, 'Improvisation and Confusion', 12-13, 24; Brzoska, 'Criteria for Evaluating', 12; Nathan, *Guide for Donors*, 21.
- <sup>47</sup> Brzoska, 'Criteria for Evaluating', 12; Nathan, *Guide for Donors*, 21; Rees, 'Improvisation and Confusion', 12-13, 24; Peter Middlebrook and Gordon Peake, *Right-financing Security Sector Reform* (Centre on International Cooperation (CIC)/Political Economy Research Institute (PERI), January 2008), 4.
- <sup>48</sup> Middlebrook and Peake, *Right-financing Security Sector Reform*, 3.
- <sup>49</sup> *Ibid.*, 2.
- <sup>50</sup> Fearon and Laitin, 'Problem of Weak States', 26; Krasner, 'Sharing Sovereignty', 100.
- <sup>51</sup> Rees, 'Improvisation and Confusion', 10.
- <sup>52</sup> Middlebrook and Peake, *Right-financing Security Sector Reform*, i, 5-6.
- <sup>53</sup> Rees, 'Improvisation and Confusion', 10; United Nations General Assembly, *Securing peace and development: the role of the United Nations in supporting security sector reform*, Document No. A/62/659-S/2008/39, 23 January 2008, para. 35.
- <sup>54</sup> Law, 'Security Sector (Re)Construction', 114, 116, 121; Rees, 'Improvisation and Confusion', 11; Brzoska, 'Criteria for Evaluating', 5.
- <sup>55</sup> Law, 'Security Sector (Re)Construction', 116; Brzoska, 'Criteria for Evaluating', 11.
- <sup>56</sup> Nathan, *Guide for Donors*, 21.
- <sup>57</sup> Brzoska, 'Criteria for Evaluating', 10.
- <sup>58</sup> *Ibid.*, 1.
- <sup>59</sup> Nathan, *Guide for Donors*, 6.
- <sup>60</sup> Brzoska, 'Criteria for Evaluating', 11; Middlebrook and Peake, *Right-financing Security Sector Reform*, 7.
- <sup>61</sup> Reich, *Conflict Transformation Projects*, 16.
- <sup>62</sup> On Afghanistan and Sierra Leone as best practice, see Law, 'Security Sector (Re)Construction', 114-15.
- <sup>63</sup> Annika S. Hansen and Sharon Wiharta, *The Transition to a Just Order - Establishing Local Ownership after Conflict - A Policy Report* (Stockholm: Folke Bernadotte Academy, 2007), 41-2.
- <sup>64</sup> See for example, Law, 'Security Sector (Re)Construction', 121; Nathan, *Guide for Donors*, 18. With increased awareness, some progress is being made whereby the international community is acting a little more comprehensively and cohesively. Law, 'Security Sector (Re)Construction', 122.

## Chapter 4

# *Unknotting Local Ownership Redux: Bringing Non-State/Local Justice Networks Back In*

*Eric Scheye*

### **Introduction**

This article is a refinement and extension of a previously published DCAF article, ‘Unknotting Local Ownership’.<sup>1</sup> Primarily directed at practitioners of justice and security sector reform (JSSR) and concentrating on the role and function of non-state/local justice networks, this article argues that these networks and those to whom they provide service not only already are the predominant local owners, but ought to exercise the decision making ownership role that corresponds to their position of prominence in fragile states.<sup>2</sup> That these networks and their customers are not customarily given their appropriate due is indicative of confusions, weaknesses and contradictions in the current iteration of the local ownership debate and how JSSR has been conceptualised.<sup>3</sup>

The 2005 article suggested that greater attention be given to unravelling the contradictory meanings by which local ownership is defined in JSSR, with special attention given to the political implications of ‘what kind of “ownership” is being advocated’.<sup>4</sup> Since then although a number of papers and reports have been published, local ownership, while universally heralded, remains honoured, most often, in its absence.<sup>5</sup> Furthermore, critics continue to claim that the conceptual foundations of local ownership remain ‘vague and undefined’ and its ‘concrete meaning ... is barely discussed’.<sup>6</sup> This article examines how that critique applies to non-state/local justice networks.

For practical JSSR programming in fragile states, three characteristics of local ownership appear indisputable.<sup>7</sup> First and foremost, who defines local ownership, who the local owners are, and what authority they may

exercise are, in practice, political questions. As with all such questions, their resolution bespeaks to the possession of power and balances of power and local ownership debates will need to navigate those political shoals. Second, if local ownership is to make sense in any given project, its meaning resides in the different perceptions, beliefs, opinions and actions of national stakeholders rather than in the minds, eyes and reports of international actors. Third, as there are different types of local owners, understandings of what local ownership means will differ accordingly; in fragile states, it is highly unlikely that there will be agreement on ownership issues across different levels of stakeholders, which further reinforces the political and contested nature of local ownership.

Given this breakdown of local owners in fragile states environments, the recent JSSR discussion of local ownership has largely overlooked the predominant category of service provider – non-state/local justice networks, as well as those who use their services, thus unbalancing the political contest among national stakeholders. The reasons for this oversight reflect inherent weaknesses, confusions and contradictions in how local ownership has been conceptualised. Regrettably, these weaknesses imply that donors have been, oftentimes, unable to grapple with the wishes, beliefs or actions of the vast majority of consumers of justice and safety service delivery or those who deliver service to them. It needs to be acknowledged, however, that in a number of instances actual development practice has outstripped the policy debate on local ownership to the benefit of JSSR.

In arguing these points, this article will be divided into three parts. The first section sketches out a definition of local ownership, emphasising the need explicitly to recognise and include non-state/local justice networks and their customers as local owners, not only because they already are the predominant service provider in fragile states, but for democratisation and effective programming reasons as well. The second section, then, describes how the current iteration of the local ownership debate does not take the ownership of non-state/local justice networks seriously, thereby exposing its flawed foundations. In the concluding segment, the argument is extended to suggest that one of the keys to effective JSSR in fragile states is to enliven the social efficacy and cohesion of those in need of a better and more equitable distribution of justice and safety, a function that fragile states and their institutions are not well suited to undertake, but that can more readily be undertaken by the non-state/local justice networks that are accessible to the affected populations.

In this argument, two caveats need to be noted. First, this article's discussion of local ownership pertains only to fragile states. It is the author's

experience in Latin America that developing countries such as Argentina, Brazil, Peru, Chile, Colombia, etc. do not face the same dilemmas and challenges with local ownership as do fragile states. Quite simply, these types of developing states do not appear to have the same difficulty saying “no” to donors and therefore the current local ownership debate is less problematic for them. Second, the article will not discuss the conundrums and challenges of peacekeeping operations. It is well known and has been amply documented that peacekeeping operations routinely and flagrantly contravene the principles of local ownership.<sup>8</sup> Consequently, that argument does not need to be further amplified.

### **Local Ownership Defined**

Laurie Nathan’s concise definition of local ownership locates the issue within a decision making context in which ‘the actual reform of the security sector must be shaped and driven by local actors’.<sup>9</sup> According to this accepted policy prescription, the practice of local ownership in JSSR programming suggests that external actors should support ‘programmes and projects initiated by local actors’ rather than solicit ‘local support for [their] donor programmes and projects’.<sup>10</sup>

In the slide from policy to practice, political realities inevitably temper the principled policy position.<sup>11</sup> One such political reality is that donors and other external actors pay for JSSR programmes and have political and fiduciary responsibilities to their parliaments, taxpayers and boards of directors. Consequently, ‘giving up complete control over the development of a project as an outside funder simply cannot be in the interest of donor agencies and other external parties’.<sup>12</sup> The result is that many believe that ‘local ownership cannot be treated as an absolute but instead must be implemented to different degrees that range from local acceptance and support for the reform process to local control over decision making’.<sup>13</sup> What this means in practice is that, at best, local ownership is a progressive process, where it is one of a programme’s foremost outcomes, to be increased day by day, month by month, year by year.<sup>14</sup> Rephrased, donors ought to support the progressive acquisition and exercise of substantive, managerial and political skills and techniques on the part of all local owners so that they can successfully achieve the goals of the justice and security initiatives they have decided to undertake, an iterative process implying that the progressive increase in expertise corresponds to successively more encompassing JSSR programmes.

Given this position, there seem to be two reasons, principled and pragmatic, why local ownership is deemed important for JSSR: in and of itself to further the democratisation project,<sup>15</sup> and as a means to the end of providing more effective justice and safety.<sup>16</sup>

What is interesting about these two justifications is that they ultimately resolve into a shared understanding of the extent to which local ownership is, when push comes to shove, a political project, entwined with power and balances of power. The democratisation discussion highlights the reality that the various national justice and security actors ‘have different activities, functions, responsibility and authority in relation to governance’.<sup>17</sup> These varying responsibilities and decision making authorities result in the national stakeholders having differing and competing political self-interests. Questions about local ownership, therefore, are necessarily mediated by the complex balances of power as they are defined by and embodied in constitutions, governance structures, legislation, administrative procedures and institutional relationships – formal and informal, in law and in practice. In fragile states this implies that the contestation over JSSR will be fierce because these environments are partially defined by the lack of agreement on the rules of the political game, let alone the distribution and operation of those agencies and functions that wield coercive power, i.e. the justice and security sector.

One the other hand, the effective justice and security claim recognises that trade-offs between competing outcomes are required in operationalising and achieving local ownership.<sup>18</sup> Such prioritisation implies a decision making process of compromising and bartering among possibly competing goods and interests – such as between greater immediate day-to-day safety vs. higher degrees of local ownership; centralisation and hierarchical control vs. localised authority and dispersion of discretionary powers; greater adherence to individualistic and coercive sanctioning of crime and punishment vs. stronger reliance on justice systems that rely on beliefs in restorative justice and communal rights. At best this is a negotiation over the allocation and distribution of scarce resources (justice, safety, land, taxes, etc.), with winners and losers often determined by who possesses what types of power and the degree to which it is possessed *vis-à-vis* the other actors involved (national and international, state and non-state).

As is true with all political negotiations or contests, the various justice and security actors involved – international and national – will understand local ownership differently and there should be no assumption that these differences are necessarily reconcilable. A donor development agency may not agree with the priorities of a justice minister; an association of truck

drivers may not concur with the road safety programme initiated by a local police chief; an access to justice programme to increase the availability of justice for women may be opposed by tribal chiefs.<sup>19</sup> Each actor will, most likely, define local ownership according to his understanding of his self-interest, position in the power matrix, and belief in his ability to achieve and influence the final outcome. In Kosovo, for example, though UN officials insisted that they had appropriately “consulted” their Kosovar counterparts, the judgment of almost all Kosovars was categorically different.<sup>20</sup> For Kosovars, the UN consultation process was a polite form of external imposition and therefore they believed that they had little to no ownership of Kosovo’s JSSR programme. What is important to recognise is that, in any given JSSR initiative, the only meaningful definition of local ownership lies in the different perceptions, beliefs, opinions and actions of national stakeholders rather than in the minds, eyes and reports of international actors.

Admittedly, such contestation is part and parcel of the political game, in the decision making process and the subsequent implementation of that decision. Nevertheless, if JSSR is to achieve on the ground improvement of the justice and safety in the everyday lives of the citizenry, such programming will inevitably affect that contestation. By default, certain owners will be favoured over others. In effect, development programmes produce winners and losers, with subsequent political repercussions, intentional and unintentional, in how local ownership gets defined.<sup>21</sup>

What is important for JSSR, particularly in fragile states, is that justice and security are scarce commodities and public goods in a threefold sense: 1) how they are provided; 2) to whom they are delivered; and 3) the objectives service delivery are meant to achieve. Given that donor programming will inevitably create winners and losers, the important political question is local ownership by whom and for whom?<sup>22</sup> For programming purposes, the follow-on political challenge is to come to terms with who decides and selects the justice and security development partners, stakeholders and beneficiaries, for those who get to participate in the game inevitably determine the game’s outcomes.<sup>23</sup> As one recent critic of local ownership points out, ‘this is a crucial question for local ownership’, one entirely bound up in politics and power.<sup>24</sup>

To grapple head on with these questions of politics and power, it is necessary to break down “local owners” into four component types:

- National government and elite
- Local government and elite

- Justice and security service providers and
- Customers of the public good delivered<sup>25</sup>

The categories are relatively self-explanatory. The one proviso is that the understanding of justice and security service providers needs to be further subdivided to guarantee that it includes all justice and security service providers (state and non-state/local justice networks). Additionally, that subdivision is best understood to be comprised of the institutions of the sector as well as the individuals who lead and work for those organisations.<sup>26</sup>

It is crucially important to specify and break down the service providers into state institutions/agencies and non-state/local justice networks because, in fragile states, the latter tend to be the predominant method by which the public goods of justice and safety are delivered.<sup>27</sup> They also often tend to be not only effective, legitimate and accountable, but the providers to whom the majority of the population turns for the resolution of disputes and conflicts. This may not merely be a question of accessibility. Equally importantly, it is often one of choice by the fourth level of local ownership, those to whom justice and safety are to be delivered.<sup>28</sup> Therefore, non-state/local justice networks not only are the predominant local owner in terms of concrete, practical service delivery on the ground; but ought to be one of the principal players in understanding what local ownership might imply for JSSR.

The explicit inclusion of non-state/local justice networks in the local ownership debate would reduce the dissonance between the realities of justice and security service delivery in fragile states and policy formulation. It is also imperative if the JSSR programming is to be consistent with the dictum that 'the overarching goal [of local ownership] is national ownership rather than government ownership'.<sup>29</sup> Additionally, it is crucial for democratisation and effective programming reasons, for if non-state/local justice networks were to be overlooked and their voice not heard, it is likely that JSSR programming would be unsustainable, as is currently the case in southern Sudan.<sup>30</sup> And finally, if they are excluded from receiving their proportional share of donor justice and security assistance, donor assistance would be contravening the expressed will of the preponderance of the population.<sup>31</sup>

### **Fallacies of Local Ownership with Regard to Non-State/Local Justice Networks**

Unfortunately, the current iteration of the local ownership debate has largely overlooked the role and importance of non-state/local justice networks and their customers for the public goods of justice and safety. For example, although it is acknowledged that JSSR programming ‘should, wherever possible, build on existing judicial systems and legal traditions and reflect the culture and values of the country in question’, it is presumed, at the same time, that non-state/local justice networks ‘need to have a clearly defined legal link to the state’s formal justice and security institutions, and operate in accordance with internationally recognised standards of human rights’.<sup>32</sup>

In fragile states, these conditions for addressing justice and safety concerns are not only impractical and unworkable, but contradictory on three levels: 1) the relationship between state institutions and non-state/local justice networks; 2) human rights, state institutions and non-state/local justice networks; and 3) the values and norms embedded in state institutions and non-state/local justice networks.

#### *The Relationship between State and Non-State/Local Justice Networks*

Above and beyond the fact that there may be little political agreement as to questions of governance in fragile environments, among the many other reasons why these states are in the condition in which they find themselves is because their political structures and legal systems are undeveloped, unelaborated and poorly institutionalised. It is naïve and impractical, therefore, to insist that the existence of a fixed relationship between state and non-state/local networks, one of the most complex justice and security governance linkages, be a pre-condition for donors to support the strengthening of the delivery of equity and safety. Rather the reverse should be the case. Precisely because these linkages are relatively unspecified, in law and practice, donors should engage with non-state/local justice networks and make them more able to work with state institutions and agencies.<sup>33</sup> Conversely, JSSR programmes can support the development of state capacities by focusing on how to strengthen existing associations (and establishing associations where none exist) between state institutions/agencies and non-state/local justice networks.

Furthermore, reliance on a firm legal link between state and non-state actors depends upon a clear distinction between the two realms, which in fact may not be possible.<sup>34</sup> In these environments, legal pluralism reigns. The

cleavage between the two systems, if it could be claimed that one exists, is at best tenuous and amorphous.<sup>35</sup> Additionally, in fragile states much of the state's delivery of justice and safety has in fact been privatised. And finally, in numerous countries ranging from Bolivia to Sudan, Malawi to the Solomon Islands, and Afghanistan through Yemen to Nicaragua, non-state/local justice networks are ambiguously incorporated into the overall state system and it may be best to conceive of service providers according to their position along a spectrum. At one and the same time, a Yemeni judge for instance may legally impose a punishment on a convicted criminal that incorporates elements of state, Sharia and tribal law. When a judge does hand down such a punishment, it is unclear and uncertain which of the three legal systems operates and/or dominates. In East Timor, it has been shown that the most effective and equitable method of settling conflicts over land tenure and ownership mingles and merges state and village elder dispute resolution mechanisms.<sup>36</sup> When these mixed "courts" sit and resolve land disputes, it is partially because the distinction between the two legal realms is blurred that the settlement may hold. Fluidity, mutability and porous boundaries may be strengths rather than weaknesses, as ambiguity may permit the differing and competing legal systems, with their often incompatible normative principles, to operate alongside one another. Flexibility also offers consumers a range of choices and alternatives in their resolution of disputes and conflicts, which may contribute to societal resilience.

This is not only the distinction between "in law" and "in practice", but a triumph of pragmatic, hardheaded realism. In the choices they make, institutional stakeholders (state and non-state) and the consumers of the public goods of justice and safety recognise and balance politics, power and effectiveness. In the case of southern Sudan, for example, the law recognises the existence and activities of non-state/local justice networks. At the same time, state institutions and personnel (judges, prosecutors and police) appear routinely to refer cases to the non-state/local justice networks, despite the fact that their allegedly non-state partners may not have legal jurisdiction over the disputed issue.<sup>37</sup> There is no clean and easy method of classifying to which legal regime the process involved in such referrals belongs. There is also no simple way to categorise the non-state/local justice networks that accept them. It is also difficult to decipher whether a police officer testifying in uniform before a tribal chief is doing so as a public civil servant or as a private citizen. When a uniformed police officer carries out the judgment of a tribal court, the level of ambiguity increases further, given the uncertainty of whether he is acting in an official or unofficial capacity. It is only when

an order of a tribal court is disobeyed and the alleged transgressor is jailed in a state prison that it is comprehensible to define the tribal court and its activities as an integral part of the state judicial system or vice versa. Consequently, the pre-condition that an intelligible legal link exist before non-state/local justice networks can be brought into the local ownership calculation is largely meaningless and operationally senseless.

#### *Human Rights, State Institutions, and Non-State/Local Justice Networks*

On the one hand, it is asserted that non-state/local justice networks need to adhere to and operate in accordance with international human rights standards in order to participate in the local ownership discussion and qualify for donor support. On the other, it is admitted that ‘because consolidating the rule of law is a gradual process, shortfalls in human rights may have to be tolerated during the transitional phase in order to build greater respect for human rights over time, especially where traditional mechanisms are the only trusted and accessible form of justice’.<sup>38</sup> The exigencies of a transitional phase, however, are an illogical justification for bringing non-state/local justice networks into the local ownership debate. The relevant questions when weighing the two spheres revolve, not around imprecations of human rights, but around accessibility, legitimacy, accountability and effectiveness, all of which tend to point to the impossibility of excluding non-state/local justice networks from the local ownership debate. It is a truism that in fragile environments, state provided justice is often inaccessible for the majority of the population. In many such situations, in fact, state provided justice is largely non-existent and will remain so for the next one to two generations, as in the case of southern Sudan or the Central African Republic.<sup>39</sup>

Even if one were to want to distinguish between state institutions and non-state/local justice networks, the distinction would be specious. Donors support state institutions that routinely violate human rights, in part to lessen the occurrence of the abuses. The same logic should be applied to non-state/local justice networks. Logic aside, it is an unanswered empirical question whether state justice and security institutions violate their citizenry’s human rights more, the same, or less than non-state/local justice networks. State and non-state/local justice networks spring from the same culture, have endured the same national histories, and embody comparable norms and values. In all likelihood then, there will be little variation in human rights abuses perpetuated by the two systems and both systems are liable to be rife with abuse.<sup>40</sup>

Perhaps the most meaningful distinction between the two realms in terms of human rights is legal and linguistic, both of which have little immediate effect on the lives of the citizenry, although it is important for long term development as an explicit benchmark. To join the league of nations, fragile state governments have signed human rights declarations and may have incorporated human rights provisions into the legal structures and policies of their justice and security institutions and agencies. Their formal adherence to human rights covenants, however, says little to nothing about the actual observance of those rights, given the nature of state institutions. Senior officials may also profess public fealty to human rights policies in conversations with international actors. However, such statements may be as much a negotiating tactic with which to extract and obtain donor monies as a reflection of how operations are actually conducted in the institutions directed and managed by those who professed their devotion to human rights. Politics is politics and what is said and what is enacted are often two decidedly different things. National stakeholders know what donors need and wish to hear and they play the game in order to acquire what they want to further their self-interests.

Even if it were to be empirically shown that there were differences in the level of human rights violations between the two spheres, that is not a pertinent reason to circumscribe the local ownership role of non-state/local justice networks and contravene the choices made by the customers of these networks. In fact, the reverse would be true. The evidence, if it were to exist, would suggest that there is a dire need to bring non-state/local justice networks and those that avail themselves of their services actively into the local ownership policymaking discussion in order to lessen the transgressions perpetuated by these networks, given that state institutions will not be able to provide effective service for a generation or two.

If, for argument's sake, human right violations were to be determinative, the only reliable research suggests that non-state/local justice networks may in fact be the favoured partner; their presence and activity may, for instance, reduce vigilantism. In Colombia, three non-civil war afflicted districts were compared. In all three districts, state provided justice and security was largely absent; while in two of three non-state/local justice networks operated effectively. In the one district where both state and non-state/local justice networks were absent, vigilantism, mob justice and lynching was five and a half times more likely to occur than in the two districts where non-state/local justice networks continued to function in the absence of state provided justice.<sup>41</sup> If this finding held in other post-conflict and fragile state environments, it would indicate that non-state/local justice

networks are important local owners, who need to be actively brought back onboard.<sup>42</sup>

Equally important, the research suggests that effective non-state/local justice networks can not only improve the human rights situation, but also be active stimulators of economic development. As Bucaglia reports, ‘the effects of formal civil court proceedings on households’ net worth is sometimes negative and always below the levels of positive impact that households enjoy from the use of informal mechanisms’.<sup>43</sup> Among the reasons why referral of conflict and disputes to non-state/local justice networks may stimulate economic development are:

- Disputes are resolved expeditiously, which may not occur in state justice systems
- The costs of dispute resolution are low, which contrasts to that of state systems
- Their decisions are considered legitimate and, therefore, more often accepted and not subverted, as may happen in state systems

In other words, individuals may choose to avail themselves of non-state/local justice networks not only because their human rights violations are fewer, but because they may be an active stimulant for economic development, while state justice systems in fragile states on the other hand may in certain circumstances be an impediment.

#### *Values and Norms in State Institutions and Non-State/Local Justice Networks*

According to the World Bank, accessible justice requires justice delivery to be compatible with the norms, values and cultural legacies of the people who are seeking redress.<sup>44</sup> Similarly, ownership cannot be asserted if the concepts, values and norms are essentially unintelligible to those who are the alleged owners, the affected population. Unfortunately, the current iteration of the debate does not take the next step and acknowledge that the values embedded in many JSSR programmes do not coincide with the predominant cultural norms of many post-conflict and fragile states and so those programmes cannot be locally owned. State institutions are often inaccessible not only in a real physical sense, but intellectually, linguistically and culturally because their operations and proceedings are unintelligible to their consumers.<sup>45</sup> And finally, the local ownership debate also does not take the third step and acknowledge that the predominant set of values and norms

for those consumers are those embodied in non-state/local justice networks.<sup>46</sup> The extent of this dual challenge to the local ownership debate cannot be underestimated.<sup>47</sup>

Norms and cultural values underpin all justice activities. For example, the coercive power of the police, including paradoxically the consensual legal prerogative to take a life, is the foundation upon which justice in her equitable blindness sits. The operative standard of all policing practice, for example, is the use of force and firearms. A police officer politely helping an elderly person cross the street exercises force because of the intrinsic authority embodied by the officer, embedded in the uniform and expressed verbally with the kindly offer to provide assistance. The same power lies buried within each and every justice activity from the signature on a legal contract, the stamp of a notary in a rural marketplace, the rights of a religious organisation as defined by law, and the restraints on the government's ability to pursue an action because it violates, for instance, an administrative procedure, rules of habeas corpus or a provision in the criminal code.

This power in turn is grounded in societal values, norms and beliefs. When boiled down to basics, justice is about definitions of right and wrong; moral and immoral; fairness/equity and unfairness/inequity. Concomitantly, the role of the state and other justice providers is to enforce these societal definitions, norms and beliefs. Contract law, for instance, is concerned with fair and equitable business conduct, defining who can undertake a transaction, where, when and how. Criminal law classifies what types of activities are crimes and what kinds of punishments are appropriate for varying types of criminal activity. At its core then, justice is about normative definitions of individual and collective responsibility, autonomy and dignity.

These values vary from society to society and culture to culture. Although it is the donors' ideological and normative position progressively to inculcate the values and beliefs embodied in human rights conventions and principles, it is empirically incorrect to assume that those values – notions of radical individual autonomy – are universally accepted in fragile environments. Globalisation may gradually spread their prevalence and that may be a positive good, but empirically it is doubtful that today Western beliefs are widely accepted or even intelligible in many fragile environments. In fact the very concept of rights may be problematic in many of these environments, for duties (collective and individual) rather than rights may constitute the dominant normative paradigm, which only reinforces the idea that among the predominant local owners of JSSR must be non-state/local justice networks.<sup>48</sup>

While JSSR is about the development and transformation of how justice and security is delivered, the process of change in fragile states begins in the messy jumble of values, norms and beliefs that is legal pluralism.<sup>49</sup> In the Solomon Islands, for example, a radical legal pluralism exists. Adding church law to the mix, the justice situation of the Solomon Islands is a:

legal pluralism [that] ... does not simply encompass state law and *kastom* [local customs], but includes the interaction between diverse indigenous regimes, the fact that state law itself is the product of outside influence, and the direct manipulation of *kastom* by forces emanating from outside the state, such as human rights norms ... [which] ... play[s] out in both competition and accommodation.<sup>50</sup>

This suggests that for justice development to fulfil its democratisation and effectiveness agendas and above all be sustainable, it must delve down into the morass of legal pluralism as it is currently embodied by non-state/local justice networks and those who not only depend on their delivery of justice and safety, but choose them as their preferred service providers. It is only by actively engaging with these networks and their customers that JSSR can support locally-owned development, which will progressively provide better and more accessible justice and safety. This is particularly true in a country like the Solomon Islands, where even the Western understanding of the state is contested and is, in numerous ways, incomprehensible to the citizenry and therefore inaccessible.<sup>51</sup> This is not to suggest slighting the importance of state actors and their institutions, but to make JSSR intelligible and accessible to the citizenry of post-conflict and fragile states there is little alternative but to engage with the justice and safety service providers they have chosen, their non-state/local justice networks.

### **Bringing Non-State/Local Justice Networks and Their Customers Back In**

Having probed the flaws and inconsistencies of the current iteration of the local ownership debate as illuminated by the role of non-state/local justice networks and those who avail themselves of their justice and safety services, it is time to flip the argument around and suggest a direction in which the local ownership debate can and should move forward to address the pressing

day-to-day issues of fragile states. To move the debate forward, questions of national security, although of prime importance amidst or immediately after a civil war, are not of principal concern in this article. Instead, consistent with the dictum of the OECD that JSSR should be a democratising and people-centred enterprise, the following discussion focuses on core justice and safety issues, 'addressing the real concerns of ... people, at the level at which they engage with the justice system'.<sup>52</sup>

Unlike JSSR programmes that seek to establish national security councils and/or the formulation of broad statements of national policy, core justice and safety development issues correspond to the priorities of the local populations who desire tangible, real improvements of security in the physical sense.<sup>53</sup> Contrary to the expansive policy programmes that tend to be 'foreign-driven ... political process[es],' working with non-state/local justice networks addresses the urgent and immediate day-to-day needs of the citizenry.<sup>54</sup> Rephrased in terms of local ownership, to the vast preponderance of citizens and residents of southern Sudan, Nicaragua, Central African Republic, Nigeria, Nepal and East Timor, policy formulation programmes are of secondary import as these initiatives are primarily concerned with 'spreading Western norms and practices to inform how security institutions should be governed' and are frequently promoted by elite government stakeholders to advance their parochial self-interests rather than the wishes of national partners.<sup>55</sup>

The distinction between the formulation and establishment of overarching policy frameworks and strategies *vis-à-vis* supporting the priorities of local populations is not an either/or choice for donors. It is, however, a recognition that the preference of much JSSR activity to engage in policy formulation does not fully take into account the needs and wishes of two, if not three, of the four levels of local ownership. It is a question of balance and proportion and of not prejudicing the outcome of JSSR programmes by pre-determining who the local owners are. It is also a question of acknowledging and better reflecting the actual practices of justice and safety development programming.

The original 2005 article offered an example of what participatory local ownership may mean by referring to a Papua New Guinea police project. In that instance, village chiefs had selected individuals to serve as the "police", even though they had no statutory legal authority to do so. Nevertheless it was later recognised as an effective method of providing accessible day-to-day justice and security to the concerned villages, marketplaces and roads and was officially recognised, the "village police" being duly deputised as community auxiliary police, authorised to deal with

everyday issues.

There are many similar JSSR programmes, even though the current iteration of the local ownership debate does not appear to acknowledge either their prevalence or efficacy. Although many of these projects are small-bore, they can generate profound and enduring benefits in how people live their lives. As the Colombia study suggests, these projects can foster greater justice and security and moreover have the unexpected effect of directly stimulating economic development to the benefit of all, an unintended consequence that justice and security policy endeavours, even under the best of circumstances, cannot match.

One such small-bore initiative to engage non-state/local justice networks is a Nicaraguan programme that is expected to employ more than 700 rural justice mediators, of whom 30 per cent are to be women, under the supervision of the national Supreme Court:

The rural judicial facilitators mediate in minor criminal cases, family conflicts, and property-related disputes by providing alternative solutions. They advise community members on legal issues and inform them of their legal rights. The facilitators are leaders who are recognised in and elected by their communities. They hold no political posts; the only academic requirement is that they must read and write. Community leaders participate as facilitators on a voluntary basis.<sup>56</sup>

Where the programme has operated, crime has reportedly decreased by 10 per cent, the local population's trust in the justice system has increased, and '40 per cent of the population living in the communities covered by the programme resort to the judicial facilitator for conflict resolution, saving time and economic resources'.<sup>57</sup>

A comparable project was initiated in 2004 in Kenya to address the disinheritance of women due to the deaths of their spouses from AIDS.<sup>58</sup> The project began with the assumption that 'in rural settings the delivery of justice usually continues to be based on local histories and values, which can differ substantially from community to community'.<sup>59</sup> Furthermore, as argued in this article, 'reform programmes ... often ignore the value systems, social structures and realities of the local communities they address ... delivering mixed results' because the programmes are fundamentally inaccessible.<sup>60</sup>

To overcome these hurdles and promote local ownership, the programme did not seek to extend the authority of state courts into rural areas, an unsustainable choice, but rather accepted that the issue would be

most effectively and legitimately addressed by the existing local owners, the non-state/local justice networks and those to whom they delivered justice and safety services. Understanding that these networks are malleable and adaptable to changing circumstances, the programme persuaded the village elders, who lead the networks, that if their norms and belief system were to continue to proclaim that one of its values was the protection of women, inheritance rights had to be modified. The result was 'with the support of the elders in a number of cases it was agreed to install the widows legally as trustees of the communal land'.<sup>61</sup> This resolution kept the dead man's lineage intact (a preeminent cultural value) and allowed the deceased children eventually to inherit their father's land, without requiring their mother to marry her brother-in-law. At one and the same time, the approach resolved an acute problem, satisfied local norms and cultural values, and respected women's rights.

What is salient about these projects, as well as dozens of other justice and security initiatives and the entire legal empowerment movement, is the implicit, and sometimes explicit, recognition that one of the keys to successful development in the sector is the acute need to strengthen a local community's social efficacy and cohesion. To resolve concrete and tangible justice and safety needs and problems, the underlying logic and dynamic of these programmes is to strengthen the:

capacities [of the affected populations] to generate, participate in, and sustain social change on their own. Some change occurs on the formal level of laws, regulations, and policies, but takes on added value when it flows from the contributions of affected groups previously excluded from involvement in such decision making. The value is in the substance of the resulting laws, of course, but also in the process of civic participation.<sup>62</sup>

This is local ownership, not as principle and policy written in donor capitals. It is practical, pragmatic, and real local ownership on the ground as practiced and actualised by and within non-state/local justice networks and by those who depend upon these networks for their delivery of justice and safety. By strengthening political, substantive and managerial skills of those who provide justice and safety, as well as those who avail themselves of the non-state/local justice network services, these projects concentrate on enlivening the social efficacy and cohesion of all concerned. Both parties, therefore, are able to take more control over their lives and the services provided, thereby producing more equitable, accessible and accountable distribution of the scarce public goods, justice and safety.

What is crucial in the JSSR local ownership debate in fragile states is to acknowledge and accept that donors, national governments and state institutions do not on the whole have the requisite capabilities for delivering more accessible, sustainable and more effective justice and safety to the preponderance of their populations in the near term. This is not merely a question of their known deficiencies of financial and human resources or even an issue of legitimacy, accountability and accessibility. It is first and foremost an issue of social efficacy and cohesion, social factors whose development lies primarily within the domain of non-state/local justice networks and local communities.

This is not to claim that state justice and security institutions are not relevant. They are, but they are neither the predominant local owners nor, within the ambit of national governments, the institutions and agencies of primary importance. Other state institutions can have greater effect, those that can foster higher levels of social efficacy among the target population in order to stimulate local participation in how public goods are delivered at the local level. As a compilation of how to reduce crime in Africa concludes, the key to enhancing safety and security 'is both the establishment of effective local systems of democracy through which people can exercise their rights and express their grievances as well as the support of institutions such as churches, schools, sport and youth activities which assist in the building of stronger and more cohesive communities'.<sup>63</sup>

Research findings in Latin America echo the African experience. Community policing initiatives have been successful when the affected neighbourhoods can generate sufficient levels of social efficacy, capital and cohesion.<sup>64</sup> In other words, 'the most effective means of [producing justice and safety] in the longer term is the one least open to the state: the reestablishment of effective means of community and social control'.<sup>65</sup> In fragile states, where these qualities and characteristics may not exist, the lesson learned is that they need to be enlivened through targeted programming. These initiatives must involve non-state/local justice networks as they may be the most accessible, legitimate and effective local owners capable of reproducing the needed characteristics and thereby delivering the agreed upon public good, an equitable distribution of justice and safety.

## Notes

<sup>1</sup> Eric Scheye and Gordon Peake, 'Unknotting Local Ownership', in *After Intervention: Public Security in Post-Conflict Societies – From Intervention to Sustainable Local*

*Ownership*, eds. Anja Ebnöther and Philipp Fluri (Geneva/Vienna: DCAF/PfP Consortium of Defence Academies and Security Studies Institutes, 2005).

- 2 Please note that this paper uses the term 'justice and security reform (JSSR)' rather than security sector reform (SSR), given that, all too often, discussions of justice are overlooked in standard SSR analyses. It is the author's belief, however, that the appropriate phrase is 'justice and security development,' since 'reform' has pernicious political connotations while development does not. Nevertheless, JSSR has been used to conform more closely to the terminology of this volume.
- 3 According to DFID, non-state systems 'refer to all systems that exercise some form of non-state authority in providing safety, security and access to justice. This includes a range of traditional, customary, religious and informal mechanisms that deal with disputes and/or security matters'. Department for International Development (DFID), *Non-State Justice and Security Systems*, DFID Briefing Paper (May 2004), 1. For the purposes of this article, the phrase 'local justice networks' is added to non-state because these actors tend to be affiliated with one another, provide a range of social services, and play crucial roles within larger systems and structures as is the case with village elders, tribal chiefs, and religious courts.
- 4 Scheye and Peake, 'Unknotting Local Ownership', 236.
- 5 See Timothy Donais, 'Empowerment or Imposition? Dilemmas of Local Ownership in Post-conflict Peacebuilding Processes' (paper presented at International Studies Association 48th Annual Convention, Chicago, 2007), 1; For a definition of 'local ownership' see OECD DAC, *Security System Reform and Governance: Policy and Good Practice* (Paris; OECD Publishing, 2004), 5, 12. For recent explications of local ownership see Laurie Nathan, ed., *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, 2nd ed. (Birmingham: University of Birmingham, 2007); Annika S. Hansen and Sharon Wiharta, *The Transition to a Just Order – Establishing Local Ownership after Conflict – Policy Report* (Stockholm: Folke Bernadotte Academy, 2007).
- 6 Hannah Reich, 'Local Ownership' in *Conflict Transformation Projects Partnership, Participation or Patronage?* Berghof Occasional Paper, No. 27 (Berlin: Berghof Research Center for Constructive Conflict Management, September 2006), 6.
- 7 For purposes of this article, post-conflict environments are considered a subset of fragile states, given that the main characteristics of fragile states (lack of governance capacity and institutionalisation, low political commitment to development, and tenuous legitimacy of the ruling party) also apply to post-conflict ones, albeit often in a more exaggerated ways. Other than a question of degree, the main difference between the two may be that in post-conflict environments the number of international actors increases exponentially, suggesting that the challenge of local ownership is more acute in those instances. See N. Ball, E. Scheye and L. van Goor, *From Project to Programme: Effective Programming for Security and Justice*, CRU Occasional Paper (The Hague: Clingendael Institute, 2007).
- 8 See Roland Paris, 'Peacebuilding and the Limits of Liberal Internationalism', *International Security* 22, No. 2 (Autumn 1997): 56; Caroline Hughes and Vanessa Pupavac, 'Framing Post-Conflict Societies: International Pathologisation of Cambodia and the Post-Yugoslav States', *Third World Quarterly* 26, No. 6 (September 2005); Donais, 'Empowerment or Imposition?'; Heiner Hänggi and Vincenza Scherrer, eds., *Security Sector Reform and UN Integrated Missions: Experience from Burundi, The Democratic Republic of Congo, Haiti, and Kosovo* (Vienna/Münster: Lit Verlag, 2008). See also Chapter 3 on this volume.
- 9 Nathan, *No Ownership, No Commitment*, 4.

- <sup>10</sup> Ibid; in a similar wording, Reich argues that local ownership ‘means that local actors have the final decisive power over a project’s process and outcome’: Reich, *Local Ownership*, 15.
- <sup>11</sup> See Donais, ‘Empowerment or Imposition?’, 1.
- <sup>12</sup> Reich, *Conflict Transformation Projects*, 16.
- <sup>13</sup> Hansen and Wiharta, *Transition to a Just Order*, xvii.
- <sup>14</sup> The progressive nature of local ownership and its being conceived as an outcome of programmatic activity derives from a discussion between this author and Laurie Nathan. See also Reich, who argues that programme activities should ‘shift towards ultimate local ownership and self-dependency of the project and programme in the long run’. Reich, *Conflict Transformation Projects*, 16.
- <sup>15</sup> See Nathan, *No Ownership, No Commitment*, 9: ‘SSR is a democratic project and a democratising project’. The democratic and democratising project refers to good governance *and* increasing the correspondence between the delivery of public goods (justice and safety) and the needs of those receiving those goods. Oft-times, it is effective to increase the participation of those customers in the service delivery so that they are better able not only to voice their needs, but to get them addressed.
- <sup>16</sup> See Hansen and Wiharta, *Transition to a Just Order*, 3: ‘local ownership is acknowledged as central to effective and sustainable peacebuilding’. On a very practical level, SSR in the absence of local ownership is bound to fail: See Nathan, *No Ownership, No Commitment*, 3.
- <sup>17</sup> Nathan, *No Ownership, No Commitment*, 9.
- <sup>18</sup> Hansen and Wiharta, *Transition to a Just Order*, 7; see also Donais, ‘Empowerment or Imposition?’; Rolf Schwarz, ‘Post-Conflict Peacebuilding: The Challenges of Security, Welfare, and Representation’, *Security Dialogue* 36, No.4 (2005): 435.
- <sup>19</sup> The degree of convergence by national and international stakeholders in their understandings of local ownership may be one telltale sign of the programme being, in practice, locally owned.
- <sup>20</sup> See Eric Scheye, ‘UNMIK and the Significance of Effective Programme Management: The Case of Kosovo’, in *Security Sector Reform and UN Integrated Missions: Experience from Burundi, The Democratic Republic of Congo, Haiti, and Kosovo*, eds., Heiner Hänggi and Vincenza Scherrer (Vienna/Münster: Lit Verlag, 2008).
- <sup>21</sup> It should be acknowledged that, even under ideal conditions, donors will be not be able to comprehend the full spectrum of political balances of power that exist in a fragile state environment. Regardless of political acumen and the number of assessments conducted, donor knowledge is inherently limited, partial and incomplete, see Ball, Scheye and van Goor, *From Project to Programme*.
- <sup>22</sup> See Scheye and Peake, ‘Unknotting Local Ownership’, 238.
- <sup>23</sup> At one and the same time, JSSR is meant to be a people-centred, locally-owned programme promoting 1) democratisation, 2) good governance, and 3) improved service delivery. There is little consensus as to the ranking of these three priorities when and if they conflict. One early analyst of JSSR noted that ‘the relative weight given to the provision of physical security versus more democratic control over decision making in the security sector’ may be ‘the most important’ disagreement in JSSR policy formulation, see M. Brzoska, *Development Donors and the Concept of Security Sector Reform*, DCAF Occasional Paper, No. 4 (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003), 23.
- <sup>24</sup> Reich, *Conflict Transformation Projects*, 9. A Dutch colonel working in Afghanistan on a provincial reconstruction team said in a justice and security development meeting in The

Hague in March 2008 that most Afghan actors consider donor programming as a means of consolidating or acquiring power, rather than as a good in and of itself.

- <sup>25</sup> See Hansen and Wiharta argue that in ‘order for local ownership to be implemented in a meaningful way, it is essential to have a differentiated understanding of who the local actors are in each case. In general terms, they can be grouped into three categories: 1) the population in its various organised and unorganised forms, that is the citizen, civil society and the business community; 2) the authorities, that is the political leadership, the civil service and local government mechanisms; and 3) actors in the justice and security sector’. Hansen and Wiharta, *Transition to a Just Order*, 5-6.
- <sup>26</sup> ‘Both individual staff members and justice or security institutions’: Hansen and Wiharta, *Transition to a Just Order*, 6. Although this article does not further elaborate on the role of individuals, the distinction is important given the multiple roles exercised by leading political figures. In post-conflict and fragile environments, with weakly institutionalised governance structures, role differentiation is circumscribed and politics and decision making tend to be highly personalised. It is not uncommon for a judge or senior police officer to exercise power simultaneously as a state official and a leading member of a non-state/local justice network. At one and the same time, as was the case in Yemen, an individual may be a senior tribal leader, head of a business empire, chief of the largest opposition political party and speaker of the national parliament. What role he is exercising at what moment is virtually indecipherable. Additionally, as is now commonly understood, it is difficult to characterise state justice and security institutions as public entities as they have been effectively privatised, operating largely as business entities for the benefit of their leadership. In this sense, the ability to disentangle the institution from its directors may be limited.
- <sup>27</sup> There exists a general consensus within the JSSR practitioner community that non-state/local justice networks are the majority providers of justice and safety in post-conflict and fragile states. It is alleged in some instances that non-state/local justice networks may provide up to 80 per cent or more of the justice and safety service delivery; see, for instance E. Alemika and I. Chukwuma, *The Poor in Informal Policing in Nigeria: A Report on Poor Peoples’ Perceptions and Priorities on Safety, Security and Informal Policing in A2J Focal States in Nigeria* (Lagos: Centre for Law Enforcement Education, 2004); Bruce Baker and Eric Scheye, ‘Multi-Layered Justice and Security Service Delivery in Post-Conflict and Fragile States,’ *Conflict, Security & Development* 7, No. 4(2007): 503-528; Leila Chirayath, Caroline Sage and Michael Woolcock, ‘Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems’ (background paper prepared for the World Development Report, 2006); Julio Faundez, ‘Non-State Justice Systems in Latin America. Case Studies: Peru and Colombia’ (draft paper prepared for DfID workshop, Overseas Development Institute, University of Sussex, 6-7 March 2003); OECD DAC, *Enhancing the Delivery of Justice and Security*. (Paris: OECD DAC, 2007); Penal Reform International, *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems* (London: Astron Printer, 2001); Wilfred Schärf, ‘Non-State Justice Systems in Southern Africa: How Should Governments Respond?’ (draft paper prepared for DfID workshop, Overseas Development Institute, University of Sussex, 6-7 March 2003).
- <sup>28</sup> See Bruce Baker, ‘Multi-choice Policing in Uganda’, *Policing and Society* 15, No. 1(2005), 19-41.
- <sup>29</sup> Nathan, *No Ownership, No Commitment*, 5.
- <sup>30</sup> Eric Scheye and Bruce Baker, *The Multilayered Approach: Supporting Local Justice and Security Systems in Southern Sudan* (Washington D.C.: USAID, 2007).

- <sup>31</sup> There should be little question but that non-state/local justice networks are the preferred service provider by the vast preponderance of the citizenry of fragile states. According to a number of studies, non-state/local justice networks ‘often enjoy high levels of popularity in local communities they police informally,’ see Dominique Wisler and Ihekwoaba D. Onwudiwe, *Community Policing: A Comparative View*, Working Paper, No. 6 (International Police Executive Symposium, 2007), 9; see also Kate Meagher, ‘Hijacking civil society: the inside story of the Bakassi Boys vigilante group of south eastern Nigeria’, *The Journal of Modern African Studies* 45, No. 1 (2006): 89-115; Nonso Okerafoezeke, ‘Traditional social control in an ethnic society: law enforcement in a Nigerian community’, *Police Practice and Research* 4, No. 1(2006): 21 – 33.
- <sup>32</sup> Hansen and Wiharta, *Transition to a Just Order*, xvi-xvii.
- <sup>33</sup> It should be noted, though, that attempts to codify the operations of non-state/local justice networks are generally understood to be counterproductive, see OECD DAC, *Enhancing the Delivery of Justice and Security* (Paris: OECD DAC, 2007).
- <sup>34</sup> For discussion of the mixed government model of the post-colonial state, see Richard Sklar, ‘The African Frontier for Political Science’, in *Africa and the Disciplines: The Contributions of Research in Africa to the Social Sciences and Humanities*, eds. Robert H. Bates, V.Y. Mudimbe, and Jean O’Barr (Chicago: University of Chicago Press, 1993), 83-110; Richard Sklar, ‘The Premise of Mixed Government In African Political Studies’, in *Indigenous Political Structures and Governance in Africa*, ed. Olufemi Vaughan (Ibadan, Nigeria: Sefer Books, 2003); Catherine Boone, *Political Topographies of the African State: Territorial Authority and Institutional Choice* (Cambridge: Cambridge University Press, 2003); Peter P. Ekeh, ‘Colonialism and the Two Publics in Africa: A Theoretical Statement’, *Comparative Studies in Society and History* 17, No. 1 (January 1975): 91-112; Pierre Englebert, *State Legitimacy and Development in Africa* (Boulder and London: Lynne Rienner, 2000); Michael Bratton, ‘Beyond the State: Civil Society and Associational Life in Africa’, *World Politics* 41, No. 3 (1989).
- <sup>35</sup> See, among many other articles on the subject, Leah Wambura Kimathi, ‘Non-State Institutions as a Basis of State Reconstruction: The Case of Justice Systems in Africa’ (paper prepared for Codesria’s 11th General Assembly, Maputo, December 2005); Raja Devasish Roy, ‘Challenges for Juridical Pluralism and Customary Laws of Indigenous Peoples: The Case of the Chittagong Hill Tracts, Bangladesh’, *Arizona Journal of International & Comparative Law* 21, No. 1 (2004).
- <sup>36</sup> USAID, *A Law on Land Rights and Title Restitution and A Legal Framework for Land Dispute Mediation* (Washington, D.C.: USAID, 2004); and USAID, *A Legal Framework for Land Dispute Mediation* (Washington, D.C.: USAID, 2004).
- <sup>37</sup> See Scheye and Baker, *The Multilayered Approach*, 2007.
- <sup>38</sup> Hansen and Wiharta, *Transition to a Just Order*, 22.
- <sup>39</sup> See Scheye and Baker, *The Multilayered Approach*. Lacking an understanding of how justice and security are delivered, a recent UNDP study of JSSR in the Central African Republic remarkably notes ‘the near total lack of justice and security providers outside the capital,’ by which the organisation means state institutions and agencies, see UNDP, *Crucial Steps: Security Sector Reform in the Central African Republic*, (Bangui: UNDP, 2008), 5.
- <sup>40</sup> It could be argued that donors prefer to work with state institutions rather than non-state/local justice networks because of their natural state-centric bias and their need to report to their Parliaments, as well as for other normative reasons, which persuades them that state violations of human rights are less egregious and more ‘acceptable’ than those perpetuated by non-state/local justice networks. (The author would like to thank Jake

Sherman for pointing out this argument.)

- <sup>41</sup> Edgardo Buscaglia, *Justice and the Strengthening of Democracy* (Paper prepared for USAID-sponsored Conference on Justice and Democracy, Quito, Ecuador, 7-9 August 1996).
- <sup>42</sup> Edgardo Buscaglia, *Investigating the Links Between Access to Justice and Governance Factors: An Objective Indicators' Approach* (Vienna: United Nations Office of Drug Control and Crime Prevention, 2001).
- <sup>43</sup> Buscaglia, *Investigating the Links*, 10. (Emphasis in the original).
- <sup>44</sup> See World Bank, *World Development Report 2006: Equity and Development* (Washington D.C.: The World Bank, 2006).
- <sup>45</sup> Roy, 'Challenges for Juridical Pluralism', 134; See also Tanja Hohe and Rod Nixon. *Reconciling Justice: 'Traditional Law and State Judiciary in East Timor* (Washington D.C.: United States Institute of Peace, 2003).
- <sup>46</sup> Nonso Okafo argues that 'the generally held view that the official, Western-style systems and organisations are incapable of providing needed security and law enforcement has strengthened the indigenous systems. The other related reason for the re-emergence of the unofficial security and law enforcement organisations is that most citizens regard the official organisations as imposed, irrelevant and different in forms and procedures from the citizens' traditional outlooks, convictions, practices and beliefs'. N. Okafo, *Law Enforcement in Post-Colonial Africa: Interfacing Indigenous and English Policing in Nigeria*, Working Paper, No. 7 (International Police Executive Symposium, 2007), 13.
- <sup>47</sup> The challenge is raised within the local ownership debate, but not adequately fleshed out. For instance, 'how then can international actors credibly engage with their local counterparts and purport to respect their preferences while at the same time insisting on a normative framework within which these preferences have to play out?'. Hansen and Wiharta, *Transition to a Just Order*, 6.
- <sup>48</sup> See Hohe and Nixon, *Reconciling Justice*, 22-24; see also Jan Arno Hessbruegge and Carlos Fredy Ochoa García, *Mayan Law in Post-Conflict Guatemala* (Washington: US Institute for Peace, 2005).
- <sup>49</sup> For a typology of different kinds of legal pluralism, see Franz von Benda-Beckmann, 'Citizens, Strangers and Indigenous Peoples: Conceptual Politics and Legal Pluralism,' in *Law & Anthropology: International Yearbook for Legal Anthropology*, eds., R. Kuppe and R. Potz (The Hague: Brill Academic Publishers, 2005).
- <sup>50</sup> Nicholas Menzies, *Legal Pluralism and the Post-Conflict Transition in the Solomon Islands*, Discussion Paper (Berlin: Hertie School of Governance May 2007), 1. In one area of Bangladesh, 'juridical pluralism is reflected through such matters as the co-existence of traditional and state courts, based upon different traditions of justice, litigation procedure, penal and reform systems, restitution and compensation processes, and so forth'. Roy, 'Challenges for Juridical Pluralism', 127. See also Minneh Kane, J. Oloka-Onyango, and Abdul Tejan-Cole, *Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor* (paper prepared for Conference 'New Frontiers of Social Policy', Arusha, 12-15 December 2005).
- <sup>51</sup> Menzies, *Legal Pluralism*, 8.
- <sup>52</sup> DFID, *Safety, Security and Access to Justice Programmes: Practical Lessons from Experience* (London: DFID, 2006), 16.
- <sup>53</sup> OECD DAC, *Security System Reform and Governance* (Paris: OECD Publishing, 2005), 65. DFID argues that 'in situations where typically 80-90 per cent of disputes are determined by traditional or religious leaders, or other non-state mechanisms, and where security is provided by village self-help groups, the formal justice system can be largely

irrelevant to poor people. Adopting a user focus may therefore imply working outside the formal justice system' See DFID, *Safety, Security and Access to Justice Programmes: Practical Lessons from Experience* (London: DFID, 2006), 15.

- <sup>54</sup> OECD DAC, *Security System Reform and Governance*, 64.
- <sup>55</sup> Ibid. According to a World Bank study, 'the assumption behind most of the reform projects - that the aim of rule of law reform should be an attempt to recreate the institutional frameworks, that in the West are indicative of strong rule of law - is neither effective nor justified. The focus on formal institutions has largely resulted in shell-like institutions, un-enforced and poorly understood legislation, and judges and police with little commitment to the rights and values sought to be entrenched through the reform'. See Kirsti Samuels, *Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learnt*, World Bank Paper, No. 37 (Washington D.C.: The World Bank, October 2006, 18).
- <sup>56</sup> Edmundo Quintanilla, *Support for the Administration of Justice in Nicaragua – The Rural Judicial Facilitators Program* (case study paper prepared for Scaling Up Poverty Reduction: A Global Learning Process and Conference, Shanghai, 25-27 May 2004), 1, 3.
- <sup>57</sup> Quintanilla, *Justice in Nicaragua*, 3.
- <sup>58</sup> Women were either chased off the land of their deceased spouses or, to remain on the land, compelled to marry their dead husband's brother.
- <sup>59</sup> Tanja Chopra, 'Promoting Women's Rights by Indigenous Means: An Innovative Project in Kenya', *Justice for the Poor* 1 (July 2007): 1.
- <sup>60</sup> Ibid.
- <sup>61</sup> Ibid, 3.
- <sup>62</sup> Stephen Golub and Mary McClymont, 'Introduction: A Guide to This Volume', in *Many Roads to Justice: The Law-related work of Ford Foundation Grantees Around the World*, eds. Mary McClymont and Stephen Golub (New York: Ford Foundation, 2000), 6.
- <sup>63</sup> M. Shaw, 'Crime and Policing in Transitional Societies – Conference Summary and Overview' (paper prepared for Crime and Policing in Transitional Societies Conference, University of the Witwatersrand, Johannesburg, 30 August–1 September, 2000), 12.
- <sup>64</sup> See Mark Ungar and Desmond Arias, 'Community Policing and Latin America's Citizen Security Crisis', *Comparative Politics*, (forthcoming, 2008).
- <sup>65</sup> Shaw, 'Crime and Policing', 12.



## Chapter 5

# Security Sector Evolution: Which Locals? Ownership of What?

*Alex Martin and Peter Wilson*

Local ownership has become a core principle in security sector reform (SSR) and represents a significant improvement on simplistic attempts to impose standard Western models in developing countries. However, as its advocates readily admit in this volume and elsewhere, it remains problematic in theory and in practice. We identify two key problems with the current use of local ownership to describe good SSR:

- It does not answer the question of which locals.
- It focuses on ownership of the process of reform, not on ownership of the delivery of security.

We argue that the locals who matter are the citizens of the country, not the practitioners running a reform project. The purpose of security sector reform is to achieve deep local ownership – meaning that local people routinely influence the day-to-day behaviour of the security sector. This can best be achieved by Security Sector Evolution – in which the security sector changes not as the result of a stand-alone reform project but because security agencies have the long-term capability and incentives to change in response to signals from society. We give examples of this approach from Iraq and conflict affected countries. Finally, we argue that this is a more deeply democratic approach than relying on formal democratic structures at state level.

We restrict our attention to reform efforts which involve donors or other external actors, as only in this context does a discussion of the problems of local ownership become directly relevant to the purpose of this volume.<sup>1</sup> The problematic debate often lies in exactly what the role of these external actors in reform should be. In particular, should they solely facilitate a local process – and with whom – or should they also aim to introduce content and direction?

### **Which Locals?**

The countries that are the current focus for SSR do not possess well-functioning liberal democracies which can channel and balance the interests of majorities and minorities.<sup>2</sup> In the absence of properly representative government, the widely held desire to achieve local ownership is problematic and does not answer the question of which local owners.

Many SSR practitioners work with members of the local elite to implement their plans, which can produce results which are pleasing to the liberal preferences of donors, but cannot be said to be truly representative or rooted in local structures. Local ownership here is principally a (sometimes effective) consulting tactic and does little to increase democratic representation.

Other practitioners recommend working with non-state security/justice systems (for example tribal Sheikhs in Yemen) which can be said to be more rooted in local structures, traditions and preferences, but which are often majoritarian in outlook and can worry donors by their lack of concern for fundamental rights and gender or minority interests.<sup>3</sup>

When working in a liberal democracy, reform practitioners can have reasonable confidence that in cooperating with the host government they are supporting a legitimate and broadly representative institution. When support to the government is complemented by working with civil society, one can assume that the relevant non-governmental organisations (NGOs) or political parties represent legitimate concerns and that the democratic system will effectively balance their interests against others, underpinned by a rule of law which protects minority rights.

None of these assurances is possible in the absence of liberal democracy. Where governments and their security branches may lack legitimacy and accountability, and civil society itself encompasses a myriad of competing elements, the choice of partner – whether governmental or from civil society – is a political act which inevitably favours some groups over others.

Some recent SSR literature<sup>4</sup> has explored this issue, in particular the dilemma presented by the fact that security providers which donor governments feel comfortable supporting (usually state institutions) may lack popular legitimacy and accountability, while engagement with non-state actors which may be more legitimate, accountable and effective is often politically problematic.<sup>5</sup> Even when previously non-state actors do gain formal democratic legitimacy this engagement may remain politically difficult – as evidenced by the US government's reluctance to engage with

government institutions (including security forces) controlled by Hamas.

This is a healthy debate, and although there are no easy answers the notion that donors should engage with a range of – sometimes competing – security actors is gaining currency among SSR practitioners. Simply arguing the value of local ownership cannot resolve this issue since it answers neither the question of which locals, nor the parallel question of what these locals would have ownership of.

### **Ownership of What? Why Are We Only Focusing on the Reform Process?**

We believe that to focus on the process of reform is to adopt a top-down approach which does not fit with the reality of how systems change in practice. Developed countries which enjoy well-managed security sectors that meet the security demands of their populations have typically reached this configuration not through a managed programme of reform activities, but because the social and political environments which influenced security actors changed over time, and the security actors were willing or compelled to sense these changes and to respond to the new demands of the wider social and political environment by altering their structures, processes and behaviour.

The security sectors of many Western European countries could be described as meeting criteria at which SSR practitioners aim (civilian controlled, accountable through an elected legislature, enjoying a government monopoly on the use of force). But this does not mean that the security sectors of the UK, France and the US, for example, are the same in their configurations, mandates or the ways in which they are managed. And in almost every case these forces are configured not as the result of a long-term strategy to produce a security sector which fulfilled certain criteria; rather, they grew organically in response to the demands of the circumstances and societies in which they were situated.

An important emerging criticism of SSR, even when locally owned, is that a top-down strategy of reform rather than a more organic approach can often change formal structures but has less impact on underlying incentives, power politics and culture.<sup>6</sup> The resulting security configurations may therefore be pleasing to Western donors, but may not be sustainable in the long term or effective in areas where the authority of national capitals is at best partial.

Donors generally see SSR not as a replication and acceleration of the natural emergence of a circumstance-specific security architecture but as a process designed to achieve a set of pre-defined goals: a project or programme. The question of local ownership then becomes a question of who should own this programme. Donors wish to advise and fund a well-defined reform process, and in this context the debate on local ownership asks only how closely local actors should be able to influence the process (or, worse, whether they can be persuaded to buy-in to a set of externally-generated activities). We argue that donors spend too much time worrying about whether the process of reform is locally owned, and not enough time considering whether the resulting security sector will be responsive to the day-to-day needs of citizens. Local people, all local people, need to own not only the reform process, but more importantly the security system it produces.

### **Introducing Security Sector Evolution**

We could cut through some of these problems if we started to think about Security Sector Evolution rather than reform.<sup>7</sup> Security Sector Evolution would mean that practitioners aimed not to design a “better” security sector, but to influence the evolution of the security sector. In particular, they would work to improve the extent to which security actors responded to the needs of local people. Thus whilst donors may retain some non-negotiables such as improved adherence to human rights norms, they would not take a view on the exact end state they wanted – in terms of configuration of the security sector – and would certainly not have a pre-defined strategy. Instead they would seek to strengthen the ability of civil society to signal its needs, and strengthen the ability and incentives of the security sector to sense and respond to those needs. The precise structure of the resulting security sector would be unpredictable, and would be a uniquely local solution based on evolving in response to signals from the local environment.

We will consider whether Security Sector Evolution is a democratic approach to SSR. One of the stated objectives of SSR (as set out by the OECD Development Assistance Committee (DAC) guidelines) is to ensure that decision making and governance in the security sector conform to democratic norms. This thinking has led to a significant emphasis on putting in place oversight structures and mechanisms, preferably based on empowering democratically elected parliaments and independent judiciaries to exercise authority over security providers. Whilst this is a noble aim, it

can be argued that in the short to medium term it is difficult to achieve in many countries which are the object of SSR.<sup>8</sup> It carries the risk of making responsive delivery of security a hostage to progress on more fundamental and complex political reform; or, worse, of encouraging outside actors to build a semblance of a democratic architecture for security institutions to be accountable to, where no genuine democratic legitimacy exists.<sup>9</sup>

Progress may be quicker, and democracy in its true sense might be better served, by increasing the capacity of security forces to respond to the public in a more direct way than at state level, and in a manner which reflects their day-to-day role as public servants. One does not need a national structure of liberal democracy to begin to make progress on this – simply a local police chief or security chief willing to ask the local community what they need and able to act on their demands. The think-tank Demos has started to describe this approach as ‘Everyday Democracy’ and it is reflected in initiatives such as the introduction of community based policing.<sup>10</sup>

The value of using this evolutionary terminology is therefore that it emphasises the long-term, experimental and iterative nature of SSR and strips out many of the dilemmas of local ownership of the reform process and of democracy versus liberal values.

### **The Unwelcome Influence of Strategic Thinking**

One of the reasons that adopting this truly local approach is so difficult is that donors insist on strategic thinking (exemplified by the ubiquitous logframe) which asks practitioners to define, at the outset, a desired outcome and then work towards it.<sup>11</sup> The risk of defining the outcome at the beginning of the process is that this is precisely when local capacity to influence the design is weakest. It forces donors into a limited approach to local ownership – in which they have defined an outcome with a small number of local elite and then use local ownership merely as a tactic to achieve their fixed aims, without much flexibility to respond to the increasingly vocal and unpredictable demands of an ever growing range of local actors. Whilst slightly more sophisticated than simply imposing an external model, it is not a deeply democratic approach and is very unlikely to “stick” when tried out in the real world.

This strategic approach is adopted mainly for the convenience of donors, in particular to allow a well-defined programme of activity to be outsourced to consultants and so that progress can be measured against fixed goals. But donors’ insistence, through their procurement and management

mechanisms, on knowing the answer in advance is by definition directly in conflict with local ownership.

We acknowledge that asking donors to adopt an evolutionary approach, in which precise outcomes are essentially unknowable, and to commit large public resources without any guarantee of the result, is perhaps unrealistic. Donors have a responsibility to spend public money wisely, as well as being restricted in their planning horizons by government budgeting processes and the wider democratic cycle. We therefore present some practical recommendations, drawn from our experience working with security organisations in Iraq and elsewhere, which begin to implement evolutionary change without expecting donors to give up all influence.

### **Security Sector Evolution: The Capacity to Respond**

The revival and reform of the Iraqi Ministry of Interior (MoI) and Police Service (IPS) represents one of the key challenges of the post-conflict reconstruction of Iraq.<sup>12</sup> A Police Service which under the Saddam Hussein regime consisted of about 60,000 policemen carrying out everyday security duties (traffic policing, immigration, identity card administration, the investigation of low level crime) was tasked virtually overnight with undertaking major security operations in a situation at times and in some provinces verging on civil war, in which terrorism, large scale criminality, gang violence and sectarian conflict had become key elements of the security landscape.

Successive Coalition strategic plans led to the conclusion that a massive expansion of the Iraqi police from 60,000 to over 400,000 personnel was needed. At the same time as this massive expansion, the coalition has attempted to import systems the introduction of which has challenged developed Western countries: digitisation of ministry financial and personnel processes, electronic vehicle registration, biometrics, and a host of other complex skills. The principal paradigm for this work was to establish a partnership with the Ministry's ruling elite and use these key leaders to push through changes by which the MoI would adopt the operational and management methods of Western security institutions, notably those of the US Army which had and continues to have the lead in the programme to reform the MoI and the IPS.

It is safe to say that this methodology has not been successful. Five years after the invasion of Iraq the Iraqi Police Service remains unable to take lead responsibility for security in all but a handful of Iraqi provinces, and the MoI itself struggles to manage day-to-day security crises, let alone keep up the pace of change expected of it. It is riven with sectarian influence and corruption and widely mistrusted by the Iraqi people.

There are many reasons for this lack of success, including the political model on which the MoI was re-established after the conflict, in which various political parties and factions were given control over various parts of the organisation. Besides these political fault lines, however, it is clear that the capacity of the MoI and Iraqi Police Service either to respond to the hugely increased demand for security from the Iraqi people or to absorb the sheer quantity of advice that Western partners directed at it (there are several hundred Westerners in Iraq whose job it is to help rebuild the MoI and hundreds more working with local police forces) was severely limited. The organisation's technical and administrative staff, eroded over the Saddam Hussein years, had little or no expertise in financial management, budgeting, logistics management, training, planning, procurement and a host of other competencies essential to the proper functioning of a large security organisation, or indeed any large organisation. The urgency of the poor security situation led the coalition, rather than assisting the MoI to build locally appropriate systems for these core functions, to take on many if not most of these tasks themselves, using local officials to assist, but not adopting as a core objective the construction of local capacity to manage these functions. The term "Iraqi buy-in" became a motto appended to the end of every plan to "get them to do things better".

Adopting an alternative approach, one UK funded project undertook to train a small number of mid-level officers in core management and administrative functions, not as a means to a strategic goal but as an end in itself. The hypothesis was that by raising the core skill levels of some key staff the programme would help the MoI generate a small cadre of individuals who were equipped with the ability to help the MoI improve its own systems, in its own way.

The programme exposed a small number of officers to security management theory and practice in a range of countries both within and outside the Middle East. The intent was not to teach participants about "better" ways of doing things – but to allow them to analyse how different systems operated, and, crucially, why varying political, socio-cultural and security conditions created a variety of different security architectures, without contending that any one was better than any other.

At the end of the programme, which was part-time and which ran for nine months, delegates reported on changes they had made in their home departments as a result of what they had learned on the programme. They reported that among other achievements they had produced a strategic plan for the Legal Adviser's Directorate, overhauled the organisation of ministerial security, organised and run a complex international conference in the MoI, revised the way in which the Inspectorate-General tracked investigations and amended objectives for the training of non-commissioned officers.

Whilst these changes may be modest, and none in and of itself has had a strategic effect on the MoI's ability to secure the Republic of Iraq from the threats it faces, they were genuinely locally owned, in the sense that the programme had done nothing but provide delegates with the skills to do certain jobs. The jobs they undertook and the way they used those skills to do them were entirely in the hands of the officers themselves. Rather than adopt the top-down approach ("do it like this") the programme simply provided some key management tools ("do it with this"), and then stood back.

It is possible that such a programme conducted on a much wider scale could have an important effect on a post-conflict or post-authoritarian organisation's ability to provide security to the people of that country. However the capacity to deliver security in a certain way is clearly not enough to constitute SSR: Saddam Hussein's security architecture was nothing if not efficient. A crucial element of Security Sector Evolution is to provide not only the means to deliver security in a context specific way, but the motivation to do so in response to the demand for security by a population.

What may be required in Iraq, in parallel with a programme to build the institutional capacity of MoI's organisation to do its job in its own way, is to help the organisation build and implement a method of understanding what that job should be in the eyes of the Iraqi people, at both national and local level; and incorporating that understanding into policy decisions taken by the organisation. Any Iraqi policeman will tell you that the Iraqi people are not satisfied with state security provision; and the strength of the militias is at least in part a response to the failure of the state to provide security. The key mission of the Iraqi police is seen as fighting terrorism. This may seem reasonable to an outsider, but it is essentially a state-centric priority established with the occupying coalition. Whether the people of a particular province feel terrorism is their key concern, or drug crime, or vandalism, or protection rackets, or (perhaps problematically) declining social morality,

the MoI has no way of knowing: it has become simply a truism that the number one priority is fighting terrorism. The decision-making mechanisms for the establishment of strategic security priorities, the allocation of resources or the implementation of security activity take little or no account of popular opinion because there is no way of establishing methodically what sort of security the people want, and no mechanism within the decision-making process for the people's view to be incorporated into policy.

### **Security Sector Evolution: The Use of Information**

Building security actors' capacity to respond to the specific nature of public demand for security in a certain environment is clearly not enough in itself. The public needs to be able to articulate that demand, and the security actors need to be able to hear and use what the public tells them, so they can adapt and change their configurations and policy in response – in other words, evolve. Security reform is in part therefore a problem of information.

To encourage and accelerate Security Sector Evolution, SSR practitioners need to help increase the ability of civil society to signal its needs to security institutions, and of security institutions to incorporate those signals into policy making. In Sierra Leone, for example, a security sector review was undertaken which involved asking a cross-section of society what they believed were the key threats to which the security sector should respond.<sup>13</sup> The resulting priorities of fighting corruption and poor governance made uncomfortable reading for some Sierra Leonean security officials, who had in the past preferred to emphasise traditional military threats from neighbouring countries. This one-off review was supplemented by establishing a network of Provincial and District Security Committees (PROSECs and DISECs) which brought together security officials with local government officials and representatives of local civil society, and created channels to communicate their concerns back to the Office of National Security in Freetown. This process simultaneously created a supply of information from civil society and a demand for that information in central government policy making.

There are many examples of successful donor sponsored work to build the capacity of civil society to articulate its views in a coherent way. This has involved working on media capacity-building, with NGOs or trade unions or other grassroots organisations, building society's capacity to participate in an informed dialogue with government. What has received

much less attention, however, is the capacity and willingness of governments to assimilate the views articulated by civil society, along with a host of other information, and incorporate it into policy thinking and day-to-day security implementation.

A key problem is that in many post-conflict or post-transition states security is seen as essentially a military or secret police affair, and the bodies and individuals which influence security policy are mainly military or militarised ones. We have worked in several conflict ridden countries where a key obstacle to the establishment of peace and normalisation of security delivery was the perception by government that it was a matter for security professionals – essentially military forces and militarised intelligence and police forces – working on the basis of military intelligence.

In one country where we have worked, which was riven with a long-term insurgency occasionally spilling over into civil war, a senior government adviser identified his country's security situation as 'a highly internationalised conflict'.<sup>14</sup> His government's freedom of movement was constrained by powerful neighbours; domestic insurgents secured money and arms abroad but other governments could not be persuaded to act against them; international actors dictated the terms of peace negotiations; and news of terrorist attacks, military action and human rights abuses significantly reduced foreign direct investment and tourism. Yet despite this internationalisation of the conflict and the economic and diplomatic forces involved, the foreign and finance ministries had no impact on security decision making and the National Security Council (NSC) was dominated by the military.

In part this was because the military were the only competent players in town – an instruction to conduct a military attack could be carried out relatively effectively, whereas an instruction to carry out a targeted security operation, an engagement with moderates or a peace negotiation would be carried out incompetently as there was little capability to manage the process.

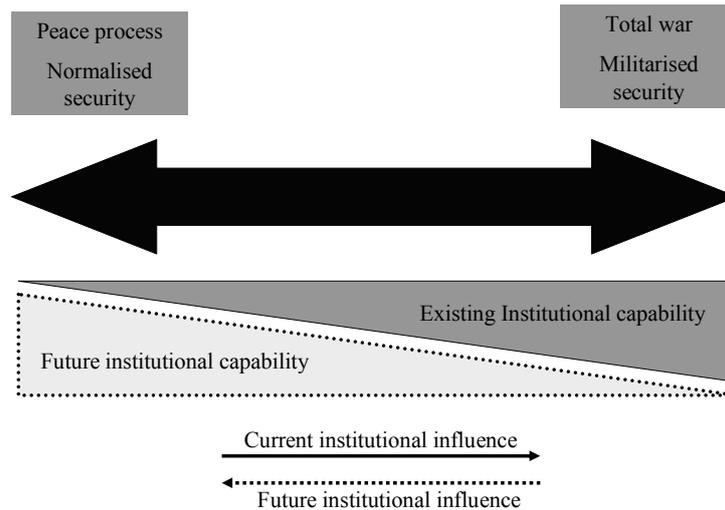
Under this configuration the NSC received credible recommendations from military officers only. The resulting military action was carried out relatively competently, and military actions were assessed as being successful, because the negative consequences to local hearts and minds, international reputation and the economy were not taken into the equation and communicated to the council, since domestic civilian agencies and economic and foreign ministries were not represented. So the military's influence increased and the result was a vicious circle which pushed policy making towards war not peace.

The NSC of the country in question “knew” that many of the causes of conflict and insecurity were non-military; but because that information was not gathered and codified in a coherent way, the only facts on which it could act were hard military ones – and the NSC comprising exclusively military or militarised security officials tended to prioritise this “hard” information in the decision-making process.

Western actors had been working in this country for many years on programmes not conceived in terms of SSR, but of conflict resolution. This had involved a range of conventional diplomatic approaches, including shuttle diplomacy and direct talks aimed at guiding the sides in the conflict towards a negotiated settlement. However they had not examined the dynamics of government decision making and had tended to imagine a binary decision of peace or war rather than constant movement along a spectrum of policy choices. These efforts may have proved more successful had they adopted an evolutionary approach to the security sector, which aimed to give it the capacity to use a wider range of information to inform a greater variety of policy options, and to allow the local government to reach its own decisions regarding how to resolve the conflict.

Based on this Security Sector Evolutionary approach, an assessments staff was created to consider all sources of intelligence and information and make recommendations to the NSC. The government decided to appoint a civilian National Security Adviser and created a secretariat to oversee cooperation across the military and civilian parts of government. A quasi-governmental think-tank was created to offer a wider range of strategic recommendations to government.

The aim was to increase the security policy options available to the government, so that the pursuit of peace would be characterised by less indiscriminate military action, more competent pursuit of peace negotiations, and an increasing role for civilian agencies rather than the military in delivering security – clearly involving a much greater role for the police but also including taking intelligence action against financial and procurement networks rather than using brute force against enemy fighters and their civilian neighbours. Political and security action would be carefully constructed to engage moderates and separate them from hardliners, rather than indiscriminately targeting both and increasing the numbers supporting the insurgency. Information, intelligence and good decision making would be key to achieving all these aims. This pattern can be represented in Figure 1 below:

**Figure 1. Security Sector Evolution Approach**

Reform was designed to correct the systemic failures in the existing system, push policy choices to the left of the spectrum and then create the institutional capability to enact them. Rather than focus on brokering conflict resolution, SSR efforts would focus on creating civilian capability to consider information and intelligence on security, economic, political and social issues in order to balance the military's influence. The creation of such structures would aim to create the foundations for sophisticated strategic policy assessments and enable highly targeted security actions rather than indiscriminate military responses. The rewards for such actions – including greater tourism and foreign investment and improved diplomatic relations – would be properly measured and incorporated into decision making. Even if this did not lead instantly to peace, it would at least lead to a lower intensity conflict with improved respect for human rights and fewer civilian casualties.

It might seem that we are a long way from the democratic purpose of security sector reform. But expanding influence over security policy even a small way within a government – from military commanders to civilian ministers and police officials with access to coherent information regarding civil society's view of security threat and provision – represents an important first step in the road to wider accountability and begins to increase the

number of locals who have ownership of security delivery. It may also contribute to conflict resolution in order to lay the foundations for more fundamental reforms. It focuses on a government's ability to respond to a wider range of signals from its environment and does not take a fixed view on the precise end point that will be achieved.

### **Security Sector Evolution: The Motivation to Evolve**

We have argued that successful evolution requires both the ability and the incentives to respond to citizens' demands. Clearly effective incentives will need to create or strengthen, at the level of the individual security actor and at the level of the agencies and the system, some willingness to act as public servants and not solely pursue selfish individual needs, seek only to prop up an existing regime or support the interests of one's own socioeconomic or ethnic group. As Thomas Carothers says:

Some democracy promoters cling to the "Walt Disney" view of democratisation in which the endings are always happy and no one ever gets hurt. They have trouble moving to a grittier world view, one that does not assume that entrenched concentrations of political power will melt away in the sun of training and workshops, that deeply rooted habits of patronage and corruption will subside in the face of Western technical aid, that people from mutually hostile socioeconomic or ethnic groups will work cooperatively because visiting Western experts have patiently pointed out how much better they would all be if they did so.<sup>15</sup>

We do not claim that Security Sector Evolution can create a political settlement where none is present or can solve the vast problems of corruption amongst security actors. But the concept does at least ask practitioners to balance the obvious incentives for selfishness with some incentives for public service. To use our evolutionary analogy, whilst training and capacity-building can create some variation in the system by introducing new approaches, we also need to ensure that we use incentives to ensure the right innovations are then selected and replicated.

The provision of objective information into the security system can assist this process. As outlined above in the post-conflict context, mechanisms to measure the overall effect of security actions can make self-interested ineffective actions harder to justify. Robert Jervis writes the following: 'Intelligence may not be able to find the truth, even less may it be able to persuade others that it has found it. But keeping the player honest,

not permitting disreputable arguments to thrive, pointing out where positions are internally contradictory or rest on tortured readings of the evidence would not be a minor feat. While it would not save the country from all folly, it would provide more assistance than we get from most instruments of policy'.<sup>16</sup> If we replace intelligence in this quotation with the wider notion of objective assessment, we can see that the strengthening of assessment mechanisms may begin to introduce a better balance of incentives into the security system.

The network of PROSECs and DISECs that were created in Sierra Leone were able to play this role. For the first time, military and police heads at the provincial and district levels had to justify their actions to their peers from other agencies and to civil society. This created a degree of mutual accountability and made it harder to pursue nakedly self-interested actions. When debates over policy or behaviour could not be settled, the matter was referred upwards to the Office of National Security in Freetown. Whilst this sort of mechanism would not be effective if the entire structure were corrupt, it can strengthen those people in the system who do wish to deliver a public service, where they exist.<sup>17</sup> In particular, as was the case in Sierra Leone, it can magnify the influence of the small group of people at the centre who were committed to public service and human security.

There is not room in this paper to list all the possible ways of creating positive incentives within an institution, or introducing disincentives for undesired behaviour such as corruption. But basic good personnel management, in which performance is accurately measured against objective criteria and rewarded by promotion or other means, will clearly point the evolutionary process in the right direction. In our experience, the failure to properly reward merit is often a result of disorganisation and lack of capability rather than a deliberate attempt to reward negative behaviour. It is a further argument for strengthening the basic managerial skills of an institution, even if one doesn't know exactly how those skills will be used or what sort of organisation they will produce.

In addition to the incentives of actors within the system, we have to create incentives for the security sector to go down the reform route in the first place. In our experience, ministers, senior officials and military officers often do not want a formal process of reform as defined by the OECD or Western universities or think-tanks, they want solutions to security and political problems.<sup>18</sup> It is worth considering whether we can continue to seek the democratic outcomes of security sector reform whilst describing the activities in ways that are more immediately relevant to local owners of the existing security structures. Local ownership would be a hollow concept

indeed if we remained more wedded to the purity of our own doctrine than to the stated needs of local people.

We believe that the evolutionary approach delivers many of the fundamental benefits of SSR whilst being more acceptable to many security practitioners. Indeed far from being contradictory or mutually exclusive, the interests of reform and those of state security can both be served by successful evolution of security actors.

In particular, the value of having competent police and other security forces which respond to local people's concerns is increasingly being recognised as an important tool in counter-radicalisation and counter-insurgency. SSR practitioners may be surprised to learn that experts who start from a pure state security approach to countering Islamic terrorism are beginning to argue for many of the same measures long advocated in SSR and in ideas of human security. A 2007 RAND monograph prepared for the US Department of Defense, for example, discusses counter-insurgency operations, and what is striking is that their points might not look out of place in a set of donor sponsored SSR recommendations:

- There is no substitute for legitimate, effective local government.
- Ordinary people ... respond mainly to everyday public safety and service, or lack thereof.
- Securing the population, as opposed to “killing the enemy,” is the principal role of military operations.
- Superior firepower can fail if seen as illegitimate, and injudicious force can fan insurgency and popular support for it.
- All instruments and measures ... – political, economic, intelligence, police, and military – must be integrated into a coherent campaign strategy.
- Foreign military intervention cannot save corrupt or incompetent local regimes and can trigger patriotic resistance.
- Isolating insurgents from the population is more efficacious than killing them.<sup>19</sup>
- Of indigenous security services, none is more critical than police. By maintaining neighbourhood safety and enforcing the rule of law with minimal necessary force, police can be both more effective and more legitimate than combat troops, especially if combined with fair, efficient, and transparent justice and penal systems.<sup>20</sup>

This is not to say that SSR should be reduced to a tool of counter-terrorism or that local owners should adopt US Department of Defense recommendations. But a key barrier to local ownership is often the lack of

motivation of prospective locals to own. SSR practitioners need to make the case not only in terms of reform and its justice, transparency and human rights benefits, but in terms of operational effectiveness and the ability to make better security policy. Antagonism between SSR practitioners and counter-terrorist experts may be obscuring the possibility of some common ground, and in particular may be reducing the appeal of SSR to local owners because of missed opportunities to describe its many democratic and security benefits. The use of an evolutionary approach to SSR can help to root reform in practical activities which strengthen the ability of security forces to understand their local population and respond to their needs. It can be justified in terms which are relevant to military commanders or security officials who may not be (or may not know they should be) interested in reform per se.

### **How Democratic Is This?**

We have argued that enhancing formal democratic oversight of the security sector is a valuable activity, but that progress on Security Sector Evolution is possible and desirable even when formal democratic structures are absent. In particular it can be legitimate to work on some aspects of the internal capabilities of governments (at the managerial/administrative level and at the policy making level) even when the security sector concerned does not have proper oversight. But does this conform to the democratic intentions of SSR and the spirit of the OECD DAC guidelines?

We believe that strengthening the ability of society to signal its needs and the capability of the security sector to sense and respond to those needs is a fundamental part of democracy – and mechanisms like parliamentary oversight committees are, at best, only part of the story in achieving this. This builds on discussion on deliberative democracy in the wider literature and also on the work of Amartya Sen on the capabilities of individuals to manage their own lives and influence change.<sup>21</sup> Sen says that ‘social arrangements, including many institutions (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, amongst others) are investigated in terms of the contribution to enhancing and guaranteeing the substantive freedom of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits’.<sup>22</sup> He adds ‘with adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of

cunning development programmes'<sup>23</sup> and 'such processes as participation in political decisions and social choice cannot be seen as being – at best – among the means to development, but have to be understood as constitutive parts of the ends of development in themselves'.<sup>24</sup>

David Crocker says of deliberative democracy:

A popular conception of both actual and ideal democracy is that democracy is a government that holds regular competitive elections ... a somewhat more robust, but still rather minimalist, definition conceives democratic politics as entailing a rule of law, promotion of civil liberties, free and fair election of lawmakers ... deliberative democrats start with the idea that democracy is rule by the people and then deepen and broaden the conception of rule by stressing a kind of inclusive and public discussion ... deliberation aims to solve concrete problems or to devise general policies for solving specific problems.<sup>25</sup>

He goes on to quote Archon Fung and Erick Olin Wright:

The first distinctive characteristic [of deliberative democracy initiatives] ... is that they develop governance structures geared to quite concrete problems. These experiments, though often linked to social movements and political parties, differ from both in that they focus on practical problems, such as providing public safety, training workers, caring for habitats, or constructing sensible municipal budgets.<sup>26</sup>

Sen has famously argued that whilst specific Western democratic models are not to be seen in the history or culture of many non-Western countries, the fundamental notions of democracy as outlined above are universal values with clear precedents in the histories and political structures of many societies.<sup>27</sup>

Ironically, local ownership as currently conceived captures very little of the above. It is primarily seen as a means to an end, with the end often looking suspiciously like a Western formal democratic structure. True local ownership of the delivery of security, achieved through an evolutionary approach and involving deliberative democracy at all levels, could instead be seen as the purpose of reform, not the means to achieve it.

**How Much of This Is New?**

We do not claim that the notion of Security Sector Evolution would lead to an entirely new approach or a wholly different set of SSR activities. Community-based policing uses some of these ideas and already forms a core part of many police reform programmes.<sup>28</sup> Donors already work on increasing the demand for reform from civil society in addition to the supply of reform from governments. The stated purpose of many reform programmes is already to increase responsiveness to grassroots concerns.

Donor agencies, and donor personnel within agencies, vary in the sophistication with which they make strategy and use logframes. Where logframes are used to coordinate a wide range of actors and achieve consensus on overall direction, without dictating specific activities or outputs, then they are a useful tool and need not be in conflict with an evolutionary approach. Donors are increasingly using an inception phase at the start of a programme to try different approaches and then creating a new strategy to reinforce those activities that have worked.

In the recently released programme description for a DFID funded Justice and Policing Programme in Yemen, the authors say: '[The programme] will be implemented in a flexible and iterative manner, in order to respond to new opportunities when they arise and to build in learning to subsequent phases of the programme. This will be instilled through constant review'.<sup>29</sup> Such an approach is welcome but requires careful handling throughout donors' management structures and the programme cycle. The ability to learn from experience requires resources and careful analysis and should not simply be a platitude. Programme documents, in particular the logframe, need to define broad ends but not means. When a programme is outsourced, contracts have to be written that reward rather than punish flexibility by the implementing agencies.<sup>30</sup> Programme reviews have to learn from, rather than criticise, failed initiatives.

Current demands for greater measurability of the impacts of SSR programmes risk undermining these signs of progress if they are not written in a sufficiently flexible and sophisticated way – there is a danger that the apparently technical task of selecting measures for SSR will end up, de facto, determining the strategy and implementation methods in advance in a way that is inappropriate for local contexts and does not involve local actors.<sup>31</sup>

## **Conclusion**

We have discussed the concept of Security Sector Evolution and local ownership in terms of four components:

- The ability of security policy-making mechanisms to collate and understand a breadth of information, in particular from public expression of its security requirements, and incorporate that information into security policy decisions
- The capacity of security institutions to improve the management processes which underpin security provision, whilst not dictating how that management capacity is used
- The motivation of security actors and governments to change
- The fundamental connections to democracy.

We claim that this vocabulary more accurately describes the realities of existing good practice and removes many of the conceptual and managerial obstacles to genuine local ownership. It focuses on the day-to-day local ownership of behaviour rather than a one-off ownership of a process. It asks donors to concentrate more on the dynamics of how security forces respond to local needs and asks them to be less rigid in defining their desired outcomes in advance. It relies less on state level democratic reform and Western democratic rhetoric, and more on deliberative democracy, common sense and good management at the street level. It suggests a way in which a security sector can evolve, over time, to be fully responsive to the deep complexities of local needs which cannot possibly be fully understood in advance by either an external actor or a member of the local elite. It is a much deeper conception of local ownership than the current practitioner-centric, top-down approach.

## **Notes**

- <sup>1</sup> The question of ‘which locals’ are involved in the reform process is still interesting in cases when no external actors are involved. However for the purpose of this article we will focus on reform processes in which there is external input.
- <sup>2</sup> We acknowledge SSR is often also required in the developed liberal democracies, but for this discussion we assume SSR to be an activity conducted in developing and post-conflict countries and emerging democracies.
- <sup>3</sup> As has been identified in wider political literature, the underlying problem is that the two values of “liberal” and “democratic” may be in conflict rather than mutually-reinforcing

in many developing and post-conflict countries. See Fareed Zakaria, 'The Rise of Illiberal Democracy', *Foreign Affairs* (November-December 1997).

- <sup>4</sup> See for example DFID, 'Non-State Justice and Security Systems', DFID Briefing (May 2004), and OECD DAC, *Enhancing the Delivery of Justice and Security* (Paris: OECD DAC, 2007).
- <sup>5</sup> For further detail see Chapter 4 of this volume.
- <sup>6</sup> See for example P. Wilson, 'Intelligence in practice' in *Intelligence in practice: South Africa's transformation*, ed. A. Lala (Shrivenham: Cranfield University, Global Facilitation Network for Security Sector Reform, 2005).
- <sup>7</sup> We use "evolution" as more than a loose analogy meaning gradual change. Instead we mean an iterative process of institutional change through variation, selection and replication (or, more colloquially, trial and error). Some economists are beginning to argue that this is a better description of how institutions do change in practice, rather than assuming change is achieved through a top-down, rational, strategic plan. On the genesis of this idea, see R. Robinson Nelson and S.G. Winter, *An Evolutionary Theory of Economic Change* (Cambridge, Massachusetts: Harvard University Press, 1982); For a more recent overview, see E. D. Beinhocker, *The Origin of Wealth: Evolution, Complexity, and the Radical Remaking of Economics* (London: Random House, 2007).
- <sup>8</sup> See for example Laurie Nathan, 'Obstacles to Security Sector Reform in New Democracies', *Journal of Security Sector Management* 2, No. 3 (September 2004).
- <sup>9</sup> Nathan, for example, argues that "the extent of democratisation is a key determinant of the potential for security reform". Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, 12 (Birmingham: University of Birmingham, 2007).
- <sup>10</sup> See, Demos, <http://www.demos.co.uk/publications/theeverydaydemocracyindexbook>.
- <sup>11</sup> Development donors sometimes use "process projects" to deal with these issues but these are not widely known or used amongst SSR practitioners. See R. Bond and D. Hulme, 'Process Approaches to Development', *World Development* 27, No. 8 (August 1999): 1339-1358. See also the wider literature on 'Wicked Problems', which argues that some problems contain internal inconsistencies and contradictions which make them resistant to conventional notions of strategic planning.
- <sup>12</sup> A. Rathmell, 'Fixing Iraq's Internal Security Services: Why is Reform of the Ministry of Interior so Hard?' CSIS Report (Washington D.C.: Centre for Strategic and International Studies, 13 November 2007).
- <sup>13</sup> See Kellie Conteh, 'Sierra Leone Case Study: Local Ownership Of The Security Sector Review And Transformation Processes' in *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, ed. Laurie Nathan (Birmingham: University of Birmingham, 2007).
- <sup>14</sup> We have chosen not to name the country so that we can frankly report the dilemmas which have been discussed with us without betraying confidences.
- <sup>15</sup> T. Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington D.C.: Carnegie Endowment for International Peace, 1999).
- <sup>16</sup> R. Jervis, 'Strategic Intelligence and Effective Policy' in *Security and Intelligence in a Changing World*, ed. A. S. Farson, D. Stafford and W. K. Wark (London: Routledge, 1991).
- <sup>17</sup> The philosopher Onora O'Neill says: "Elaborate measures to ensure that people keep agreements and do not betray trust must, in the end, be backed by – trust ... There is no complete answer to the old question "who will guard the guardians?" ... Guarantees are useless unless they lead to a trusted source, and a regress of guarantees is no better for

being longer unless it ends in a trusted source”: Onora O’Neill, ‘Spreading Suspicion’ (lecture one, The BBC Reith Lectures 2002: A Question of Trust, BBC Radio Four). <http://www.bbc.co.uk/radio4/reith2002/lecture1.shtml>.

- <sup>18</sup> Even the word itself is suspect and is not the most polite way of achieving buy-in from local people who may have honestly and diligently served the existing system. As an example of the problems that can arise, in Arabic it is usually translated as “repair”.
- <sup>19</sup> David C. Gompert et al., ‘War by Other Means: Building Complete and Balanced Capabilities for Counterinsurgency’, RAND Counterinsurgency Study Final Report (Santa Monica, CA: RAND Corporation, 2007), 14-15.
- <sup>20</sup> Gompert et al., ‘War by Other Means’, 81.
- <sup>21</sup> Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999); for an overview and comparison of these two approaches, see ‘Sen and Deliberative Democracy’, David Crocker, 17 April 2006, available at <http://www.wam.umd.edu/~dcrocker/Courses/Docs/Crocker-Sen%20and%20Deliberative%20Democracy.pdf>
- <sup>22</sup> Sen, *Development as Freedom*, xii-xiii.
- <sup>23</sup> Ibid., 11.
- <sup>24</sup> Ibid., 291.
- <sup>25</sup> Crocker, ‘Sen and Deliberative Democracy’, 316.
- <sup>26</sup> A. Fung and E.O. Wright, *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance* (London: Verso, 2003), 16.
- <sup>27</sup> A. Sen, ‘Democracy as a Universal Value’, *Journal of Democracy* 10, No. 3(1999): 3-17.
- <sup>28</sup> For a comparative study of community policing in the developed and developing world, see D. Wisler and I. D. Onwudiwe, ‘Community Policing: A Comparative View’, Working Paper No. 6, (International Police Executive Symposium, May 2007).
- <sup>29</sup> DFID, ‘Contracts’, [www.dfid.gov.uk/procurement/files/ojec8435.asp](http://www.dfid.gov.uk/procurement/files/ojec8435.asp).
- <sup>30</sup> P. Wilson, ‘Private Security Actors, Donors and SSR’, in *Private Actors and Security Governance*, ed. A. Bryden and M. Caparini (Münster: Lit Verlag, 2006).
- <sup>31</sup> At the time of writing, four UK Chief Constables have just announced that they will stop prioritising central government targets. “Christopher Sims, Chief Constable of Surrey, said he had been alarmed by the large gap between his force’s high rankings in government tables and the public’s disappointment with street level policing in the force area”. *Birmingham Post*, ‘Police abandon 'misleading' targets’, 2 June 2008.



## Chapter 6

# Gender Perspectives and Women as Stakeholders: Broadening Local Ownership of SSR

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### **Introduction**

In both the discourse and the practice of security sector reform (SSR), the parallels between the promotion of gender sensitivity and of local ownership are notable in many ways; the most obvious similarity is that the policies and rhetoric are not fully matched in reality or practice. In most instances, SSR is driven by external actors as a precondition for other forms of development or reconstruction assistance. Donors and private contractors are quick to offer training and equipment to newly formed police units or national armies. But without attention to the basic values such as respect for human rights, public service and accountability, and without the commitment from local leaders (political and military), the necessary transformation does not occur.

With regard to gender equality issues, the situation is similar yet somewhat different. The international mantra on gender is that it cuts across all thematic areas, and must therefore be mainstreamed. Like the principle of local ownership, it is often perceived as a top-down issue, imposed by outsiders. But both the discourse and the practice around gender, peace and security issues are emerging in large part from conflict affected countries themselves, led by local actors. These local actors are not, however, traditional security actors. They are grassroots and national civil society groups, often led by women. Representing 50 per cent or more of the population, women are in fact highly-relevant local stakeholders seeking to influence and drive SSR processes to meet local needs. They have the potential, therefore, to be effective local allies for international actors, since both have an interest in promoting the value-based changes that help define successful SSR. Yet international SSR practitioners, as well as local political

and military leaders, have a tendency to sideline such groups, or ignore their relevance, as if women or civil society more generally were not central to discussions of security. There are isolated pockets of work, the odd meeting, lip service and the occasional reference to women in documents. In SSR practice, however, working with women or addressing gender sensitivity – issues pertaining to women or men – are still considered to be of secondary importance.

Various factors contribute to the marginalisation of both women and gender issues in SSR processes. On the one hand, in highly patriarchal societies the notion of gender – often misunderstood or thought of simply in terms of women – is all too easily brushed aside, particularly in the security sector. Excuses for the exclusion of women in particular range from claiming they are not qualified to engage in security issues, to claiming women do not want to be involved. That security is often seen as a state oriented as opposed to people centred issue compounds the problem. Control of power and influence is also an implicit aspect of this intransigence. Traditional security actors or leaders have little interest in altering the status quo, and are often unwilling to cede control to sectors of the population that have been subservient to them.

International actors can exacerbate the situation further. The presence of private security firms that have no overarching obligations to uphold international standards or values is one obstacle.<sup>1</sup> But even public sector actors have limited understanding of gender issues. Often they assume, implicitly or explicitly, that talk of gender issues is rooted in Western values and should not be imposed on local cultures. Since their counterparts are the traditional security actors at the national level, they are wary of offending them and losing ground on SSR. They do not often engage fully with the mix of local civil society and community based entities where alternative views may be expressed. They are thus left unexposed to the perspectives of women and other marginalised stakeholders. In effect, the notion of “local ownership” held by international actors is too often limited to the existing power brokers in society; as a consequence, the potential value of non-traditional local actors in promoting sustained and locally-rooted SSR is wasted.

Ironically, sensitivity to gender is the opposite of imposing external values on a local culture. It is about listening to and addressing the problems and solutions that women and men have identified within their own cultural context, and responding to their needs. In the context of SSR, for example, it is about enabling women and men to determine the security threats they perceive or experience, and eliciting from them the range of solutions that

could be sustainable in their context.<sup>2</sup> For example, an increase in violence against women (including rape and murder) is a common phenomenon in post-conflict landscapes. Because statistics and data on these issues are typically hard to come by, international actors can play an important role in supporting local institutions (such as the police) in collecting and analysing data to illustrate the extent of gender-based crimes and their impact on community security, and in supporting local efforts to combat these problems. The assumption that local security actors are all uninterested in gendered perspectives on security is often wrong.

In effect two parallel worlds exist, with few bridges between them. In one, traditional security actors at the international and national level engage each other largely to the exclusion of others. In the other, smaller components (gender units, for example) of the same multilateral or regional agencies reach out to national and international women's organisations to discuss security and reform issues. They strive to infuse the mainstream discourse with their perspectives and concerns, but their impact is still limited.

Yet realising the underlying values and overarching goals of SSR (including local ownership) requires taking seriously the importance of women as local stakeholders and the relevance of gender perspectives to understandings of security. This paper first takes a conceptual approach to highlight the relevance of gender as a tool of analysis, and indicator of reform, in the security sector. Part two reflects more specifically on women as new stakeholders and potentially powerful partners in SSR processes, and identifies where women are situated in local, national and international contexts, and the range of issues they seek to influence in the context of SSR.

### **What Is Gender and Why Is It Relevant to SSR?**

The term "gender" refers to the economic, social and cultural attributes, opportunities and constraints (as opposed to the sexual and physiological attributes) associated with being a woman or a man. Most societies have different expectations of men and women. Often adulthood (being recognised socially as a man rather than a boy, or a woman rather than a girl) is determined by social and cultural notions of femininity and masculinity. Gender sensitivity is about understanding the socio-cultural (including legal) factors that shape women and men's roles, capacities and constraints. It is a means of understanding power relations, control and access to resources and

opportunities that affect women and men.

Much of the existing work on gender in the context of conflict affected societies emphasises women's security and justice needs, as their vulnerability to violence can vary significantly from that of men. With the passing in 2000 of UN Security Council Resolution (SCR) 1325 on women, peace and security, there has also been increased attention to women's experiences as combatants and as members of security forces, and to their contributions through civil society and government to the promotion of peace and security. There is also growing attention to the diverse experiences, identities and needs of men and boys in conflict and transitional states. Nonetheless, there is still a tendency among scholars, policymakers and practitioners to focus on women and their experiences as opposed to taking a balanced approach to men and women.

The relevance of gender perspectives to SSR can be articulated in three ways. First, they highlight the need for equal access and opportunity for women and men to participate in the provision of services. Second, sensitivity to gender issues can improve both practice and service, as women and men bring different perspective, experiences and approaches to their work. Finally, a gendered lens on SSR issues, because it views security from the standpoint of recipients rather than providers, offers an alternative paradigm and frame of reference from traditional militarised perspectives. Each of these dimensions is discussed in turn below.

#### *Representation, Equal Access and Opportunity*

A key indicator of effective SSR is the extent to which these structures are perceived by the population to be inclusive and representative, protective and responsive. One determinant for this is the extent to which the security sector reflects the diversity of society. Symbolically and practically, it should promote values of coexistence, mutual acceptance and respect. By definition this means being inclusive of a wider cross-section of society. This can involve a radical shift away from past identities and allegiances. Representation is often thought of in terms of religion, ethnicity or race. But an Iraqi police force that is 99 per cent male (regardless of their ethnic or caste identities) is not representative of a country that has a majority female population. Thus, precisely because the security sector is heavily male-dominated, it can be argued that representation on the basis of gender – i.e. the recruitment and inclusion of women and men from a cross-section of ethnic or religious groups, in balanced numbers across all ranks – is the ultimate litmus test in determining whether equal representation is valued

and adhered to as a goal of SSR.

This does, of course, create a challenge. On the one hand, a gender lens on SSR reveals the depth of change that is needed. On the other hand, entrenched patriarchal systems and leaders can and often are resistant to such seemingly sweeping change. In effect, if definitions of “local actors” and “local ownership” are limited to existing leaders, the necessary reform will not take place in a sustained manner. However, a gender lens also widens the range of “local owners” with which international proponents of SSR can engage. Local and national civil society (as discussed below), increasingly involving women, is a natural ally in the drive for reform. Given the opportunity, civil society can foster grassroots support and ownership of SSR to dilute (or challenge) the influence of entrenched security actors. They are also often better equipped than outsiders to offer solutions that promote representation and are culturally acceptable.

Identity issues within the security sector are also related to and important for the maintenance of peace and security within the country. The inclusion of minority groups in security structures is one strategy for reaching into and establishing relations with disaffected communities, and for addressing issues before they erupt into violence. In other words, a security sector that is representative can be more responsive and accountable. The social diversity within its own ranks can be a means of ensuring checks and balances. Gender dynamics are again central to this. For men and women who are members of communities victimised by discrimination and harassment, inclusion in the security sector can be an opportunity to improve their livelihoods. For those who do not or cannot join the forces, representation is a form of recognition by the state of their equal citizenship. Again, because women from minority or marginalised communities are doubly discriminated against – by virtue of their sex and their minority status – how they fare in the security sector is an important barometer of the effectiveness of recruitment, equal opportunity and related policies.

#### *Improving Practice and Service*

A gender lens also sheds light on the differential justice and security needs and experiences of men and women in society. While women may be at great risk from domestic violence and sexual abuse, young men might be most at risk from gang violence or criminal attack. Similarly, the elderly, members of minority groups and others may face other threats. A gender lens can help to distinguish this variance and allow for more targeted and

nuanced approaches to violence prevention and security provision.

Balanced representation may again be a first step. For while in principle the service as a whole should be responsive, oftentimes having fair representation of all sectors of society is a preliminary step towards reaching the most marginalised. For example, the presence of Dalit women in the Nepali police or armed forces improves the chances that those forces will be able to reach Dalit women in society (who are the most vulnerable by virtue of caste and gender), and to understand and provide for their security and protection needs. In Afghanistan, similarly, female police officers or women-only police stations provide women at least a minimum chance of reporting or escaping violence in their homes. Similarly, the recruitment of young men (particularly those with a history of gang activity) is one means of reaching out to that sector of society.

In addition to the practical issues of service delivery and responsiveness, such changes can signal a profound shift in values and attitudes. If state security organs take previously marginalised issues and people seriously, more profound changes may follow. Tackling domestic violence or child abuse is an obvious example. While such acts are still pervasive in many parts of the world (including within industrialised countries), the existence of legislation that criminalises abuse while protecting both victims and their rights (in part through police training) can contribute to a longer term shift in public attitudes.

Such changes cannot occur overnight, and there is always a danger of superficial changes failing to address deeply rooted socio-cultural factors. But increasingly these issues are supported and demanded by civil society entities (again led by women), including in conflict affected countries. If the opportunity is created, such groups are often deeply committed to sustaining the changes. They can be strong advocates in raising awareness and demanding accountability from their own legislatures and governments. The issues and related reforms can thus become locally owned and locally driven. Moreover, this can be the key to increasing the security sector's legitimacy and to gaining the trust of women, who comprise at least half of every society.

Full participation of women and men is also a step towards acknowledging and valuing the diverse perspectives and potential contributions that each may make towards addressing security and justice issues. In South Africa for example, sensitivity to issues of race, class and gender, together with the presence of senior women in the prison system, has led to innovative and more holistic approaches to the provision of justice. In dealing with underage prisoners (especially boys), a number of prisons

adopted restorative measures to enable inmates to acquire skills and prepare for a return to civilian life, on the grounds that these were boys with a long history of abuse and discrimination rather than hardened criminals.<sup>3</sup>

Finally, for national and international actors involved in SSR, the challenges are amplified by the realities of working in conflict affected states. For peace and security to be sustainable, there is also a critical need to ensure that justice and security services are responsive to the population's needs during the transition period. Yet, this is often a time when security vacuums and other factors in society contribute to increased crime (both organised and ad hoc), spikes in sexual and other forms of gender-based violence, and revenge and retribution by individuals or community groups.

If the new wave of violence and crime is not tackled adequately, it can be a catalyst for a return to communal violence (involving former actors, new splinter groups, criminal elements, etc.). It can also have a detrimental impact on SSR, which may be set aside in favour of more heavy handed (and undemocratic) means of tackling the emerging violence.

Sensitivity to the gender and social dimensions of security developments could lead to more effective means of prevention. In the Solomon Islands, for example, youth alcoholism related to unemployment has been a trigger for communal violence in the past. Community based women's groups were the lead actors in an effort to contain alcohol abuse. In Colombia, research by Caroline Moser and Cathy McIlwaine revealed that gang members felt that among a range of community based institutions, including the church and local police, women's associations played the most important and influential role in preventing violence and moderating gang behaviour.<sup>4</sup> Solutions often exist, albeit on a small scale. If external actors are unable or unwilling to seek them out, there is a danger of not only doing harm to existing locally-led initiatives, but also of overlooking a potential wealth of local actors and partners who can sustain and support SSR efforts over the long term.

### *Offering an Alternative Paradigm*

While the principle of civilian rule over the military or more specific operational issues are often tackled in SSR processes, the larger question of defining new national security priorities is not always considered comprehensively or consultatively. The priorities are often assumed, or defined by an exclusive cohort of national security and political actors. A gendered lens on national security and reform, however, provides an alternative paradigm and frame of reference. By virtue of directing attention

towards individuals – women and men – and socio-cultural contexts, it sheds light on security from the standpoint of the recipients, not the providers. By definition, it opens space for a wider range of stakeholders to engage, and increasingly local women are joining these discussions.

In South Africa, for example, ‘the Women’s Coalition comprising women representatives from across the political party spectrum successfully fought for participatory mechanisms in the Constitution that would require the government to consider input on policies from the population at large’.<sup>5</sup> Many members of the African National Congress (ANC) were particularly supportive of public participation. It was thus not a radical move to involve non-governmental organisations (NGOs) and activists in the debate on national security priorities. It is notable, however, that among the leading academics and anti-conscription activists working with the ANC, many were women. Among them, some were overtly anti-militaristic, while others were strong proponents of human security. Together with the ANC’s leadership, they took the extraordinary step of revisiting accepted notions of national security, by asking what is the meaning of security and what threats are facing the nation. This process demystified the national security debate and democratised it by enabling ordinary people, particularly women, to engage.

In South Africa and elsewhere, women draw on their own experiences of insecurity, and thus consider issues of health, education, environment degradation, poverty, and community and domestic violence as key concerns. They were the first to note that no amount of military hardware could resolve the problems of poverty, environmental degradation or HIV/AIDS. They recognise that crime, human trafficking, drug abuse or shifts towards religious or racial extremism cannot be resolved with traditional militarised force alone.

The inclusive nature of the process, and the willingness of the state to embrace the issues raised, had multiple effects. First, it resulted in a normative shift, with national security increasingly framed around human security issues. For example, South Africa turned from an offensive to a defensive military posture, and towards a strong commitment to regional peacekeeping. As a result, there was also a re-examination of the type of resources, materials, equipment and training required for the armed forces. Second, the public consultations, including the 1998 Defence Review, increased public trust in the political process and in the security services. Given the legacy of past abuse by all arms of the security sector, this was of immense importance in the newly minted democracy.

Gender sensitivity is thus a useful lens and an important tool for SSR, and the transitional period is critical. It is a time when new priorities are being defined and when social and political allegiances are in flux. It is a period when notions of security (state and domestic) can be reconsidered and redefined. International support (financial and technical) is often at hand to foster transformation and to build the requisite skills. It is also a period (albeit at times brief) of hope, of optimism, and of public confidence that their society and state can change to meet their needs. With this optimism comes significant popular commitment to and support for changes to justice and security systems. The risks of a return to past practices or to a resurgence of dominance by vested interests always remains. New threats, including high crime waves or armed violence, can also push back reform efforts. But without broad participation, inclusion and demands for accountability by state and non-state actors, democratic control of the security sector cannot be sustained. Gender perspectives highlight gaps and can create dilemmas for international actors, but they also point to untapped partners and local supporters of SSR. International actors can either seek to widen the window and space by engaging with and recognising the diverse cross-section of stakeholders, or they can limit their interactions to traditional sectors and inadvertently shut the window.

### **Local Actors, Local Owners, Global Change**

Women emerged as stakeholders and actors in security issues, particularly *vis-à-vis* SSR, in the mid-1990s with the increase in civil wars and their experiences with and responses to conflict and sexual violence. They were (and remain) largely national and community based actors – active in civil society, parliament and increasingly governments – bringing the voices and experiences of women to the international arena. In 1995 at the Fourth International Women's Conference on Women in Beijing, for example, South African, Israeli, Palestinian, Bosnian, Rwandan and Northern Irish women initiated discussions on women as peacemakers and as deliberate victims of contemporary warfare and ethnic cleansing.

Through international venues they forged partnerships with international NGOs, United Nations Development Fund for Women (UNIFEM) and a number of governments. By 2000 a network of NGOs successfully advocated for a UN Security Council resolution (SCR 1325) on women, peace and security issues. Their goal was to attain international recognition of women's actual and potential contributions to peace and

security in conflict affected societies, and their specific protection needs. In ensuing years SCR 1325 has provided a framework and an entry point for increased women's participation in peace and security issues. While the agenda appears to be spearheaded by international actors, in reality it is driven by a combination of international and local level actors whose interest and commitment fuels and continues to expand the discourse. Women's rights activists and organisations have, for example, been pivotal in drawing attention to the prevalence of sexual violence in post-conflict societies and among peacekeepers.

The extent of grassroots activism is not fully reflected in formal structures (e.g. UN peacekeeping operations), but the effect of the advocacy of women's groups on multilateral and regional organisations is noteworthy (see below). Indicators of this shift include the number of gender advisory posts and units being established within organisations, and the increasing presence of gender sensitivity in the agendas and priorities of key entities, including NATO and the Economic Community Of West African States (ECOWAS). In 2008, in part prompted by an independent documentary film on the rape of women in the DR Congo, the United States led efforts to pass a second resolution (SCR 1820) at the Security Council. For the first time in history, the international community recognised sexual violence as a threat to peace and security. This paradigmatic shift could not have happened without relentless campaigning by women's rights activists and increased participation by women in security issues at both national and local levels. The range of actors is noted below, while the section which follows notes the scope of issues with which such actors engage.

#### *Women's Civil Society Activists and Organisations*

National and international women's rights and peacebuilding NGOs, together with women scholars, are among the most active and vocal on SSR-related issues. Among the organisations, a number work internationally such as International Alert, the Initiative for Inclusive Security, and members of the NGO Working Group on Women, Peace and Security. There are also regional organisations such as *Femmes Afrique Solidarité* (FAS) and the Women, Peace and Security Network-Africa (WIPSEN-A) that work across Africa. Sub-regional entities also exist, notably the West African Women in Peacebuilding Network (WIPNET) and the Pacific based FemTalk 1325.

Among the networks, many have member organisations or branches active at the national level. WIPNET, for example, has members in Guinea-Bissau who are active in civil-military mediation work. NGO coalitions and

networks are also active at the national level. In Nepal, for example, NGO networks such as Shantimalika have adopted a peace and security agenda. During the recently ended civil conflict, its individual members, such as the Institute for Human Rights Communication, engaged and provided human rights training to the military and advocated for greater protection of civilian populations.

Local media, including the press and community radio, also play an important role in highlighting the gendered nature of security issues. Public discussion and coverage of the differential security needs and conditions of women and men can and do impact policymaking. In Nepal in 2006, for example, national level reporters were the first to draw attention to the presence of pregnant female Maoist combatants arriving into cantonment areas with no access to health care or shelter.

These groups, networks and individuals are active at a national and local level, but they are typically well connected to international networks of support. Sometimes they are at the forefront of developing new practices in SSR, while at other times they learn from experiences elsewhere and seek to adapt them to their local context. Often they work in isolation but gain strength from sharing information or knowledge. For example, the experiences of South African women in security policy resonated deeply with women in Fiji and the Middle East.

#### *Servicewomen/Women Combatants*

Not surprisingly, female members of the armed forces and those who have served in armed opposition groups are often the strongest proponents of gender equality as a component of SSR. In South Africa, Central America, Nepal and elsewhere, women soldiers/fighters not only have an understanding of the sector and the issues being addressed, they often also have deep personal motivations to end discrimination. Across the world women represent some 30 per cent of armed opposition groups. Particularly in liberation struggles, those who join voluntarily are often motivated by their desire for justice and equality. Although many may not be conscious of gender-based discrimination, they come to experience it either during the struggle or in the post-conflict period.

Inevitably in disarmament, demobilisation and reintegration (DDR) processes, where armies and fighting units are pressed to reduce numbers, women are the first to be targeted for reintegration. Too often, however, they are excluded from the benefits of DDR programming and shunned by society. Many ex-fighters redirect their energies and skills into the political

arena and the struggle for women's rights. In terms of SSR, they are strong advocates for equal rights and employment opportunities across different segments of the security sector.

#### *National Security Sector Entities*

Needless to say, the security sector itself is a critical local entity, and has a major influence over how SSR processes unfold. In post-conflict and transitional settings, gender-sensitive military reform is still relatively rare. But in many cases reformed police services are not only more inclusive of women, but are also more sensitive to people's protection and security needs.

India, Liberia, Sierra Leone, the UK, South Africa and countries across Latin America have instituted women's police stations as a means of tackling the vastly under-reported cases of domestic and spousal abuse. These stations are staffed by women and often have specialist health care, legal aid and social workers on hand to assist victims. In Afghanistan as well, attempts are being made to address the security and protection needs of women and children. Given the separation of the sexes in public life, an all-female dormitory has been created in the Kabul Police Academy to accommodate women recruits separated from their families.<sup>6</sup>

The security sector and its traditional leadership are often key targets of advocacy by civil society groups. Their challenge lies in convincing national security forces and services to "own" the notion that the provision of security to women in society is an integral aspect of their work, not an add-on. International actors such as the UN Development Programme (UNDP) have also initiated important programmes in this regard. In the Balkans and Central America, for example, UNDP has assisted local police in the gathering and disaggregation of crime data. The statistics, which reveal heightened levels of violence against women (including murders), have been an effective means of directing attention and resources to such crimes.

#### *Political Parties/Parliamentarians*

Women MPs and local level politicians have time and again shown their commitment to reforming the security sector to promote greater inclusion, accountability and transparency. Following the release of the South African Defence Review, for example, the army's procurement programme proposed to Cabinet the purchase of military equipment worth US\$ 4.5 billion.

Parliament had not approved the proposal, and women parliamentarians from across the political spectrum protested. 'When [the women] spoke out' said one MP at the time, 'it wasn't about helicopters and dealing with obsolete equipment, it was about the amount of money being spent on the military when the country needed it so much more for development'.<sup>7</sup> Key women resigned in protest against what was perceived as a whitewash investigation of corruption among leading ANC figures.

In Uganda and Colombia, parliamentarians have led debates and investigations into the living conditions and needs of former fighters.<sup>8</sup> In Rwanda, women parliamentarians successfully led efforts to pass legislation on sexual and gender-based violence and on women's equal rights to inheritance, issues that directly affected the physical wellbeing of over 50 per cent of the population.<sup>9</sup>

#### *Government Ministries*

Ministries of Women's Affairs tend to be the lead advocates within governments for women's needs and for greater equality in SSR processes. But they are often weak, under-resourced, and marginalised from major state security mechanisms. For serious support and commitment, line ministries such as defence or the interior are essential, but gender sensitivity within these institutions is rare. With the increase in human and sex trafficking and with growing attention to sexual violence, police and immigration services are becoming more attuned to the differential security threats facing women and men, but it is still rare to find systematic, top-down support.

In recent years, Latin America has been the exception to these overall trends. The recent surge of women in key governmental posts is a clear indication of a shift away from its history of military dictatorships and related human rights abuses. In 2007, 50 per cent of the ministers in the Bachelet cabinet in Chile, including the minister of defence, were women. Across the continent, by 2007 women led one-third of defence ministries. One of them, left-leaning Nilda Garre of Argentina, took a firm stance against former military officers who have shielded themselves with state secrecy laws to avoid disclosing information about human rights abuses during the period of military rule in the 1970s. Her counterpart, Vivianne Blanlot of Chile, was booed at General Augusto Pinochet's funeral in December 2006. The depth of anger was indicative of the continued presence and influence of the old guard. But Blanlot was not intimidated, and an Associated Press article quoted her as saying, 'I'm the one who is in charge now'.<sup>10</sup> Many of these women leaders are emerging from political

movements and foundations of women's rights activism laid over decades, and are making their presence felt in hitherto no-go areas. It is too soon to tell, however, whether they can they sustain a deep-rooted transformation. In South Africa, after the initial surge, there was significant pushback against women by entrenched interest groups. A key challenge facing women leaders, then, lies in deepening and broadening the base of support among younger generations.

#### *Regional Organisations*

National level actors are increasingly supported by regional and sub-regional organisations that have become more prominent players in the security sector. Increasingly prompted by national and regional civil society networks, they are also becoming involved in the debates and discourse around gender equality and security issues. In West Africa, ECOWAS is a lead actor, while in the Pacific region the Pacific Islands Forum Secretariat has since 2006 become engaged in the gender/security debate. The OSCE, meanwhile, has been a supporter of gender-sensitive peace and security work in Central Asia. With regard to Afghanistan, even NATO is reaching out to engage with international NGOs addressing gender issues in SSR. There is, for example, an increased effort at recruiting female civilian police officers for peacekeeping missions. As a result of awareness raising by NGOs, there is also increased appreciation of the differential qualities that women and men can bring to the security sector, including access and outreach to diverse populations.

#### *International Agencies/Gender Advisers*

Largely due to SCR 1325, local actors are also supported by international agencies. Donors and the UN system have both become more active on gender issues. Gender advisers (and focal points) in UN field missions are playing an important catalytic role, and are well placed to reach out to local actors in civil society, parliament and government. Gender-sensitive policies emanating from headquarters are also beginning to resonate at the country level. Partly as a result of pressure from women's groups applied both to the UN's Department of Peacekeeping Operations and to troop-contributing countries, change is being seen; for example, India agreed to deploy an all-female police contingent to Liberia.

In Nepal, as a result of SCR 1325-related advocacy, UNDP, in partnership with the UN Population Fund (UNFPA), organised a women-led

needs assessment mission into Maoist cantonments in 2007. The team held focus group meetings with a wide cross-section of Maoist fighters, including younger recruits, women (many with children) and injured fighters, as well as the movement's teachers and health workers. These efforts contributed to an acknowledgement of the presence and participation of women in the movement, and to greater recognition of their needs and concerns.

These examples may give the impression of widespread and integrated action on gender issues in SSR processes. In reality, however, much of the work is still stove-piped. While organisations and agencies appoint gender advisers or create specialised units, such efforts are not necessarily integrated into the mainstream work of the organisations in question. One exception is in Afghanistan, where the UK's Department for International Development (DFID) recognises gender as a "mission critical" issue. But even this does not imply integration of gender in all DFID sponsored SSR activities.

On the one hand, therefore, efforts to address women's concerns and understand gender dynamics in security provision are increasing. On the other hand, however, such initiatives are still too often on parallel tracks – women's organisations speaking to gender units or specialists – or are self-contained and unsystematic. The overarching normative frameworks in SSR, as well as key policies, programming and budgeting, still do not by and large reflect the differential needs and circumstances of women and men.

### **Key Issues Being Raised by Women**

Over the past decade, as women have struggled to gain recognition as stakeholders in SSR, they have both embraced existing core values associated with SSR and introduced new issues to the agenda. As outlined below, the issues that women bring to the table are central to the provision of security for society as a whole, and relate directly to their experiences in communities affected by violence.

#### *Protection and Security Needs of Women and Civilian Populations*

The prevention, provision of protection against and prosecution of perpetrators of sexual and gender-based violence is the most prominent issue being addressed by women. The efforts are typically led by local NGOs, who often partner with the state to provide basic services including documentation of abuse, medical care, shelter and legal aid.

More recently, human trafficking, particularly as it relates to sexual exploitation and forced labour, has gained prominence. This issue mostly affects women and children (girls and boys), and has implications for many segments of the security sector, including the police, judiciary and border services.

From the standpoint of women advocates, any SSR must seriously address the issue of sexual and gender-based violence, both in terms of how to prevent it and how to respond to it.

#### *Monitoring and Accountability for Human Rights Abuse*

Many women's organisations and leaders involved in the security debate focus their efforts on drawing attention to past and current human rights abuses conducted by the military (as well as by opposition groups). They are key advocates of mechanisms to monitor, prevent and prosecute perpetrators. In Argentina during the 1980s, the Mothers of the Plaza de Mayo led the way with their silent protests and demands for information about their missing sons and daughters. In Russia during the 1990s, the Union of the Committee of Soldiers' Mothers drew attention to the welfare of the soldiers as well as the actions of the military in Chechnya. More recently, women MPs in the Central African Republic have been strong supporters of the need for accountability mechanisms for military personnel.

#### *Disarmament and Weapons Collection*

A key concern for women's groups in conflict affected countries is the proliferation of small arms and light weapons, and numerous community based initiatives exist to support the collection and destruction of weapons. In addition, such groups are often key advocates for more stringent anti-gun legislation; as such they can play an important monitoring and accountability role *vis-à-vis* the state.

#### *Vetting and Training of the Security Sector*

Women-led NGOs have been the first to engage and provide training to security actors – state and non-state – regarding their responsibility to protect civilians and adhere to international norms, including the Convention on the Rights of the Child and the Universal Declaration of Human Rights. Increasingly women's NGOs are advocating for and offering training on gender and security issues, and demanding stronger adherence on the part of

the state to the core principles behind SCR 1325.

Women's groups know members of their own communities and are thus well placed to participate in vetting processes for new servicemen and women. Yet their potential contribution is rarely acknowledged or utilised. In Iraq, for example, local women leaders in Baghdad's Sadr City attempted in 2003 to consult the Coalition Provisional Authority regarding the vetting of recruits for the new police and army. They were familiar with the individuals in their own communities and believed they could contribute towards ensuring an effective vetting process. Despite this, their request for meetings with key decision-makers was denied.<sup>11</sup>

#### *Soldiers Rights and Anti-Conscription Initiatives*

In South Africa, Russia and elsewhere, women's activism, often led by soldiers' mothers, begins with a fundamental questioning of the military's actions and the state's rights to compel military service. The pitting of mothers against the military has profound symbolic implications for the security sector. Security actors cannot easily criticise or disregard the demands of these women, who can and often do generate significant public attention. In Israel during the 1990s, for example, the Four Mothers Group was credited for swaying public opinion against Israel's occupation of Lebanon. In Sri Lanka, the Association of Parents of Missing Servicemen, formed and led by community based women, has consistently demanded accountability and information from the state regarding the plight of soldiers.

#### *Institutional Policies, Equal Opportunities*

Institutional policies, particularly as they relate to rights and equal opportunities for women in the security sector, comprise another significant area of attention in gender-sensitive SSR. Among the key issues:

- Equal rights and representation for women and men in decision-making regarding peace and security. In Fiji, for example, women's groups pushed for the inclusion of the Minister of Women's Affairs in the National Security Council, in order to reflect and represent the security needs and concerns raised by women.
- An end to gender-based discrimination in the recruitment, retention and promotion of women and men in the security sector.
- Fair and equal treatment of male and female combatants in armed opposition groups, particularly during DDR processes.

- Equitable employment and benefits programmes for women and men in the services, as well as for their dependents. War widows in particular have drawn attention to the lack of support they receive from the armed forces in countries such as Nepal. They have also pointed to laws and policies that discriminate against pregnant or married women.

### *Peacekeeping*

The negative impacts of peacekeeping have been catapulted into mainstream security debates as a result of sexual abuse by international peacekeepers of civilian women and girls. In their interactions with local communities, peacekeepers must not only adhere to international human rights laws and SCR 1325, but must be sensitised to the local socio-cultural context to prevent doing harm or causing greater insecurity. The UN's Department of Peacekeeping Operations has developed policies and sensitisation programmes on sexual abuse and exploitation. In addition, since 2005 it has initiated workshops and trainings for its entire staff on the provisions of SCR 1325, culminating in a departmental action plan.

The creation of gender advisory posts and proactive recruitment of women into peacekeeping missions is a second, related issue. Multinational peacekeeping missions are still heavily male-dominated, with the majority of female personnel occupying lower-rank positions. Well paid international posts, in the security sector as elsewhere, should be equally accessible to women and men, yet in 2007 only two per cent of military peacekeeping personnel were women.<sup>12</sup> Of 18 current Special Representatives of the UN Secretary-General, only one is a woman. The argument that qualified women are in short supply is still used, but has little resonance among women peace activists and women with military experience. Advocates also note that a better balance of women and men at all levels and across different divisions in peacekeeping missions can help to moderate the behaviour and interactions of peacekeepers and local communities. The all-female Indian police unit in Liberia is an oft-used example. The unit was not only effective, but provided a positive role model for Liberian women. Having international actors put their own rhetoric into practice is among the most effective means of generating local support and belief in SSR's core values and potential positive benefits.

## **Conclusions**

Local ownership of SSR processes is profoundly important for two basic reasons. First, from a purely pragmatic standpoint, unless local stakeholders are committed to the reform process it cannot be sustained. Second, the aim of SSR is to promote and instil democratic values, including principles of transparency, accountability, equality and inclusion, in the security sector; local ownership is implicit in the very idea of a democratic security sector.

Gender-sensitive SSR embraces and promotes these principles. It shifts away from institutional and macro-level processes to a consideration of stakeholders as individual women and men, and as a cross-section of society. By viewing security through the lens of recipients rather than providers, it creates the space for an assessment of needs in local communities and among citizens. The issues that emerge are by definition locally-grounded, and responses must also be tailored to the local socio-cultural context.

There can, of course, be real tensions where gender issues, local ownership and SSR intersect. SSR practitioners can point to key local actors involved, who may be dismissive of gender issues, and make the case that it may not be possible to have SSR that is both gender-sensitive and locally owned. State or military representatives may imply that gender issues are not relevant to their context, or that the participation of women in the security sector is not socio-culturally acceptable.

So should the introduction of gender perspectives in such contexts be perceived as an externally driven imposition? The answer depends on who is responding. Arguably, traditional security actors, leaders and those with entrenched interests might be (and often are) resistant to the ideas generated by a gender lens on SSR. There is plenty of opposition in many parts of the world, for example, to the recruitment of women into the armed forces. But if the question were posed to female recruits of opposition movements or to human rights groups, the response would be quite different. They would argue that state laws and policies should provide equal opportunities to all. For them, the principles of equality and inclusion are in fact local values, for which many have paid with their lives. Indeed, these stakeholders could be highly critical of international actors who supported the views of the government in contravention of international obligations (including Resolutions 1325 and 1820).

A gender lens not only sheds light on the security needs of people, it also opens space for the participation of a wider cross-section of local actors in security-oriented discourse and processes. It is an effective and efficient

means of simultaneously broadening the notion of local ownership and instilling the principles of democracy and accountability. At a minimum, it highlights the paucity or outright absence of women – 50 per cent or more of any country’s population – from the majority of security sector debates and institutions. It can also point to the marginalisation of youth, or to the insecurities of older generations, particularly those emerging from liberation struggles. In this way, it creates an entry point through which civil society, youth groups, women leaders and organisations – local stakeholders – can engage in crucial issues affecting their everyday lives.

These “new” security actors can and often do challenge existing parties and vested interests. They recognise that reform of the security sector has significant implications for all aspects of governance. They are often overwhelmingly supportive of a human security-oriented framework, and of democratic control of the security sector. They recognise that real SSR creates critical opportunities for reframing national interests and directing resources towards development and the population at large. Given the opportunity to engage, their support for and commitment to reform can be sustained and profound.

## Notes

- <sup>1</sup> See Chapter 8 of this volume.
- <sup>2</sup> Jenny Schreiner (Chief Deputy Commissioner, Department of Correctional Services), interview by authors, March 2003, Pretoria, South Africa.
- <sup>3</sup> For more on this see Caroline Moser and Cathy McIlwaine, ‘Violence in Colombia and Guatemala: Community Perceptions of Interrelationships with Social Capital’ (paper prepared for the International Conference on Crime and Violence: Causes and Policy Responses, Bogotá, Colombia, 4-5 May 2000).
- <sup>4</sup> S. Naraghi-Anderlini, *Women at the Peacetable: Making a Difference* (New York: UNIFEM, 2000), 32-33.
- <sup>5</sup> Tara Denham, *Police Reform and Gender* (Geneva: DCAF, 2007), 4.
- <sup>6</sup> Cited in S. Naraghi-Anderlini, *Negotiating the Transition to Democracy and Reforming the Security Sector: The Vital Contributions of South African Women* (Washington, D.C.: Women Waging Peace, 2004), 27-28.
- <sup>7</sup> Kristin Valasek, ‘Security Sector Reform and Gender’ in *The Gender and Security Sector Reform Toolkit* (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008).
- <sup>8</sup> Ilja Luciak, ‘Parliamentary Oversight of the Security Sector and Gender’, in *Gender and Security Sector Reform Toolkit*, eds. Megan Bastick and Kristin Valasek, 4 (Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008).
- <sup>9</sup> Bill Cromier, ‘Women Come to South America’s Defense’, *Associated Press*, 31 January 2007.
- <sup>10</sup> Workshop Discussions, Conference on ‘Building a New Iraq: Women’s Roles in Reconstruction’, Women Waging peace, Woodrow Wilson Center for International

Scholars, November 13, 2003). On women's participation in security see 'Findings and Conclusions on Women's Roles in Security and Security Sector Reform', Hunt Alternatives Fund, [http://www.huntalternatives.org/download/20\\_building\\_a\\_new\\_iraq\\_women\\_s\\_role\\_in\\_reconstruction.pdf](http://www.huntalternatives.org/download/20_building_a_new_iraq_women_s_role_in_reconstruction.pdf).

- <sup>11</sup> Barbara Schoetzau, 'Women Peacekeepers can work with Female Victims, Set Example for Male Colleagues', Voice of America, 12 March 2007.



## Chapter 7

# Enabling Local Ownership: Participation and Capacity-Building in SSR

*Olawale Ismail*

### **Introduction**

There appears to be a high degree of consensus across the donor-recipient, academic-policy and theorist-practitioner divides that inadequate or missing local ownership underlies the limited progress in security sector reform (SSR).<sup>1</sup> This consensus, however, contrasts with the reality of local ownership as a thorny, contested and unresolved (perhaps unresolvable) concept, as yet, in SSR processes. Even if sometimes defined with relative clarity, its impractical manifestations suggest greater ambiguity and understated complications.<sup>2</sup> Within this conundrum, participation (the symbolic, active and effectual involvement of the formal and informal, and legal and non-legal providers, custodians and beneficiaries of security) and capacity-building ('people with the requisite knowledge, expertise and skills and ... the required material resources, including funds and equipment') have emerged as key pillars of local ownership.<sup>3</sup> The contestations and the policy-practice gaps in local ownership appear to underscore either its lack of feasibility as currently understood, or the need to rethink the concept by disaggregating it into what is "local", and by answering the questions of when, where and how "ownership" is possible. As such, my understanding of local transcends national regimes or executive arms of government, and includes informal (non-governmental) actors and non-executive governmental institutions. I also take ownership in SSR to cover the assessment, planning, implementation, documentation and evaluation of security and governance reform initiatives.

Accordingly, this chapter interrogates issues of participation and capacity-building with a view to understanding and exploring 'how international assistance can best be coordinated and aligned with local conditions, needs and priorities'.<sup>4</sup> It raises critical questions about the nature,

quality and outcome of participation and capacity-building as it affects local ownership – that is, who participates, how, and following whose agenda; what affects or determines participation; how to build capacity; and capacity for what. I advance three interrelated arguments; the first is that participation in SSR is often conflated with, and inappropriately reduced to, formal governmental actors, especially executive arms and agencies of national governments. This underscores the limited scope of interpreting local to mean national regimes, and donors' unstated de-emphasis of informal, non-governmental actors in security issues. Hence I argue for the recognition of and an enhanced role and powers for informal, non-state actors involved in the provision of security. The second argument is for a shift towards capacity-upscaling, alongside or in preference to capacity-building. This is in recognition of the reality that the provision of security and justice rarely exists in a vacuum; even in the most extreme cases of disorder, there are inherent mechanisms of "order".<sup>5</sup> Often there are pre-existing formal and non-formal mechanisms for providing security, as well as a parallel set of norms for regulating security affairs, and these extant mechanisms may be more transparent and accountable than outsiders typically assume. To "build" approximates starting from scratch, a scenario that is almost impossible given the reality of security complexes. As such, the design and implementation of security reform policies and programmes could be enhanced where and when local resources, practices, norms and value systems are sieved for best practices that align with SSR's strategic vision and goals of democratisation, good governance and improved security. Finally, capacity-building is, and should be, a two-way street that addresses knowledge and skills gaps, not only of partner governments, but also of donor agencies, particularly in terms of their understanding of the socio-economic and political dynamics that condition security complexes in Third World countries.

This chapter begins with a review of the role, coverage and importance of participation and capacity-building in the intellectual and practical discourse of SSR. This is followed by an assessment of local participation, exploring different categories, levels and determinants. Similarly, I explore what capacity-building means in current SSR formulations – with primary reference to the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) – and in practice with a view to exposing its limitations and pinpointing possible strategies for its enhancement. The final section summarises the issues and arguments raised in the chapter. Although my discussion of the SSR agenda focuses on *The OECD DAC Handbook on*

*Security Sector Reform* (a document officially endorsed by all OECD members), this is not meant to ignore the vastness of the SSR agenda, nor the diversity, variation and peculiarities in donor thinking and practice, nor the specificity of issues on the ground. Moreover, my use of examples and experiences from Sub-Saharan Africa (SSA) is done in full recognition of the immense qualitative and quantitative differences across Third World countries and within SSR contexts, especially between post-conflict settings and other transitional (non post-war) societies. Finally, I do not intend here to resolve the problems and controversies associated with participation, capacity-building and local ownership in SSR. Rather, this chapter is intended to show gaps, inconsistencies and paradoxes in the current SSR agenda with a view to triggering new, alternative thinking on how to advance security reforms in Third World countries.

### **Participation and Capacity-Building in the SSR Agenda**

According to the OECD handbook, ‘the overall objective of international support to security system reform processes is to increase the ability of partner countries to meet the range of security and justice challenges they face in a manner consistent with democratic norms, and sound principles of governance and the rule of law’.<sup>6</sup> The enhancement of participation and capacity of local actors is thought to promote effectiveness, facilitate more rapid disengagement of donors into support roles, and provide the foundation for sustainability. Also, the development of local ownership of the reform process is highlighted as an overarching objective of donor assistance in SSR processes. Crucially, the promotion of local ownership, capacity-building, and identification and support for local reform champions are highlighted as strategies for navigating the political undercurrents and complexities of reform processes.<sup>7</sup> Participation and capacity-building are central objectives and activities during the inception phase of reform processes – ‘a stage at which to address common challenges, build support and capacity, test assumptions, and lay the foundations for longer-term progress’.<sup>8</sup>

As noted in the handbook, the strong importance attributed to participation and capacity-building is rooted in the intensely political and politicised nature of SSR processes. First, the control of security forces and security decision-making powers often symbolises statehood, sovereignty and independence. Second, the goals of democratisation, governance and accountability are expressly political. Third, SSR, and especially its “whole of government” approach, is an attempt to challenge and alter local power

and political configurations, and to relocate decision-making powers and capabilities among individual actors and institutions. Finally, the external dimensions of the politics of reform processes often form the basis for resistance, manipulation and misappropriation of change by partner regimes and institutions, usually in the context of protecting national interests or defending national security.

In exploring participation and capacity-building, two immediate questions arise: what relationship exists between the two, and how do both relate to local ownership and the sustainability of SSR processes? On the one hand, participation and/or capacity-building do not equal ownership, but local ownership is neither possible nor practical in the absence of either. Participation and capacity-building constitute possible entry points, as much as legitimating devices. Capacity-building can prepare would-be local agents and champions of reform, while participation can stimulate public debate and awareness, thus contributing to the emergence of a favourable socio-political context within which to launch and sustain reform initiatives. The participation of local actors and institutions in various activities, including consultations, defence reviews, threat assessment and strategic policy making, and budgeting processes, is a strong index of legitimacy, acceptability and perhaps suitability. On the other hand, capacity-building provides potential and actual participants with requisite skills and expertise to understand, analyse, design and apply (adapt) core principles of SSR to national reform contexts. Indeed, participation and capacity-building are potentially mutually reinforcing, and also serve as an invaluable pathway for eventual donor disengagement. Still, it is important to footnote that this relationship is neither linear nor monolithic – participation does not automatically produce capacity; capacity-building does not always translate into participation; participation and capacity-building combined do not necessarily lead to legitimacy and local ownership. The practical relationships between the variables are mediated by intervening factors such as political will and regime commitment, local power struggles, programme and project design, historical and political legacies, civil-military relations, and the totality of the governance environment.

In spite of the stated importance of participation and capacity-building as foundations of local ownership, they are often dismissed as impractical from a policy perspective. This criticism is grounded on assertions that local ownership (and by implication, participation and capacity) is conceptually imprecise and elastic, and almost impossible to implement in the context of heterogeneous actors and interests.<sup>9</sup> Moreover, it is claimed that the three terminologies represent public relations stunts – buzzwords and catchphrases

designed to deflect attention from the power asymmetries and patron-client relationship between donors and recipients. In fact, they are highlighted as mechanistic “tick boxes” in the formulation and practice of international aid and development policies, meant to fulfil domestic “political correctness” imperatives in donor countries.<sup>10</sup>

A cursory examination of these criticisms reveals at least three things. The first is that the criticism is emblematic of the wider conceptual-practical gap and weakness in the SSR agenda, a point acknowledged by most donors. The second relates to the failure to develop sound and efficient measures of participation, capacity-building and local ownership, as well as of the concrete impacts of all three. Finally, the criticism no doubt contains an element of validity, given the extent to which donors dominate both the determination and the funding of SSR programmes and projects in third world countries, especially post-conflict and in desperately poor ones. However, a deeper analysis reveals that regardless of the validity of such critiques, they only constitute another round of challenge or a phase in the ongoing development of the SSR agenda. Rather than rejecting these concepts outright, then, the issue in question is the need for greater specification and precision. For instance, the criticisms fail to recognise that local ownership (including participation and capacity-building activities) must inevitably unfold within a context characterised by a diversity of actors, interests and contestations, all key principles of liberal democracy. This multiplicity also needs to be situated in the context of manifold security institutions, policies and activities. As such, the reality of different actors and interests is matched by the multiplicity of functions, responsibilities and authorities in relation to security provision and governance at large; any discussion of ownership, let alone any effort to operationalise it, needs necessarily to grapple with this social and political complexity.<sup>11</sup>

### **Participation in SSR: Transcending Formal Practitioners**

As noted earlier, participation can be understood to involve three aspects – symbolic, active and effectual. Symbolic participation speaks to the representational and identity value that comes with the involvement of local actors in SSR processes. Active participation relates to the process of contributing to, and organising, events, debates and policy-making in security matters. Effectual participation consolidates the two other aspects by showcasing how the outcomes of SSR initiatives (such as consultations, defence reviews, threat assessments or strategic doctrines) reflect the views,

sensibilities and needs of local actors. The three aspects combine to give reform processes *de jure* and *de facto* legitimacy, foster the desire for change within local actors, and set the SSR agenda on a path towards sustainability. Participation, then, is both an event and a series of events as well as a process, an objective and an outcome of SSR. The organisation and involvement of local actors in SSR-related event(s) is a crucial indicator of participation, but the identity of participants and the nature of their participation also matters.

Under current SSR thinking, different levels and types of participation are envisaged along the reform continuum, not least in the design, consultation and decision-making phases. These three phases provide the context for understanding the roles of the different elements of the security system – core security actors (traditional security practitioners), management and oversight bodies (parliamentarians and civil society advocates), justice and penal actors, and non-statutory security actors (non-formal services). The core security practitioners (including but not limited to the armed forces, police and intelligence services, paramilitary forces and coastguards) are those with constitutional powers and responsibility for internal and external security. Within the current SSR agenda, these agencies are envisaged and prioritised as key actors in service delivery, and as such are often recipients of specialised trainings in human rights, peacekeeping and technical (operational) efficiency. The management and oversight participants, including parliament, ministries, executive bodies, customary and traditional authorities, financial management units and civil society bodies are envisaged to be key participants in SSR programme design, consultation and decision making. The non-statutory actors are thought to be most relevant in consultation processes in identifying sources of security and insecurity.

However, this current formulation is limited by both conceptual and field level considerations. The first limitation is at the conceptual level, where hierarchies, typologies and categories of participants need to be reconsidered, given the extent to which current SSR processes are disproportionately skewed towards and dominated by certain groups of participants. One way to do this is through a typology which demarcates practitioners from non-practitioners, and formal participants from non-formal ones. This typology creates a vertical divide between uniformed or quasi-uniformed personnel involved in the official and unofficial delivery of security (practitioners), and non-uniformed elements of the security system (including parliament, civilian policy makers in defence and security matters, media, civil society organisations and the wider citizenry). Within the practitioner typology, there are two further sub-categories – formal (state

security agencies with constitutional authority) and informal (non-state agencies and lacking legal powers, but actively providing justice and security services).

The formal/non-formal categorisation of participants generates a horizontal divide between those encamped in official, state-bounded circles (a mix of practitioners and non-practitioners, from uniformed personnel to officials within government departments), and those outside of it (from civil society groups to armed militias). This categorisation exercise allows for a clearer assessment of who participates and with what effect. For instance, a 2005 SSR survey in 110 countries found that formal practitioners and formal participants have tended to dominate SSR processes, although to varying degrees and for a range of reasons. The survey suggests that this is often due to the piecemeal and ad hoc nature of SSR initiatives, the unaltered perspective that security matters remain the domain of uniformed personnel, and the limited extant capacity and capacity-upscaling efforts among non-practitioners in a majority of partner countries, especially within Africa.<sup>12</sup>

The SSR programme in post-Taylor Liberia illustrates this claim on account of the near exclusive focus on uniformed personnel, even after the signing of the Accra Comprehensive Peace Agreement. While specific sections of the agreement provide for the reform of the armed forces and police, no mention is made of upscaling or building the capacity of non-practitioners, especially parliament, in defence and security matters. Worse still, both parliament and the citizenry have little or no information, even less involvement, in how Liberia's supposedly new security architecture was to be formed, controlled and funded.<sup>13</sup> The formation and training of the post-war armed forces was contracted to a private security outfit (DynCorp) by a donor country, a development that raises crucial concerns about oversight, legitimacy and accountability.<sup>14</sup> All this appears to have been conditioned by the overwhelming institutionalist and formalist approach typical of SSR activities. However, the pervasiveness of private security entrepreneurs and the reality of security provisioning as a lucrative enterprise for local and transnational groups in many developing countries vitiates the exclusive institutionalist focus of contemporary SSR. Hence the need to bring the private sector into the debate on the conceptual and practical dimensions of SSR.<sup>15</sup>

Similarly, the skewed patterns of participation also reflect the ontological assumptions and preferences inherent in the current SSR agenda. It appears that one unstated assumption is that participation is linear and self-generating – that democratisation generates participation and locals will embrace SSR because of its obvious benefits (improved security). However,

the reality of limited participation challenges this uncritical and simplified expectation. On the one hand, participation in democratic elections doesn't necessarily lead to participation in the democratic governance of the security sector.<sup>16</sup> The reality of executive domination and control of security institutions in many electoral democracies in SSA underlines qualitative and quantitative differences and gaps between civilian and democratic control, as much as the huge latitude of the former over the latter. In a review of SSR in post-conflict Sierra Leone, Ebo contends that 'the gap between civilian and democratic control is becoming increasingly evident in the security sector ... Perhaps the most significant deficiency ... is the lack of emphasis on placing the Security Sector within a democratic governance framework, with adequate oversight mechanisms involving actors beyond the executive arm of government'.<sup>17</sup> In a parallel study, Gbla concludes that whilst SSR has rebuilt the institutional base of security in Sierra Leone, it suffers from process related issues, including over emphasis on the combat readiness of security forces; little or no attention to rebuilding public confidence and trust in security actors; failure to strengthen the capacity of other actors beyond the armed forces resulting in limited oversight capacity; and large scale bypassing of Sierra Leone's socio-cultural norms, values and belief systems.<sup>18</sup>

A related assumption concerns the inability of current SSR thinking to articulate and specify the actual beneficiaries of SSR, thereby failing to demarcate between providers and beneficiaries and accord each group specific forms and channels of participation. It has even been argued that the SSR agenda may need to invert its focus from security to insecurity to measure progress and impacts, and refocus attention and resources on beneficiaries (as opposed to an exclusive policy focus on providers).<sup>19</sup> The relationship between security and insecurity is often simplified as mere flip sides of the same coin, yet focusing on security institutions (narrowed down to formal actors) and their efficiency rarely translates into improved security, especially for citizens, and especially in societies where such institutions have been traditional sources of insecurity. The focus on what and who causes and suffers from insecurity would facilitate the shift from solely formal/state institutions to an enlarged group of participants, especially citizens and informal actors who are victims of insecurity and providers of physical safety, respectively. The focus on providers, especially uniformed practitioners (armed forces and their primary function of securing external and regime security), also suggests that the current SSR agenda inadequately reflects the post-Cold War shift in thinking from regime/state security to human security. It is likely that refocusing SSR resources and

programmes on beneficiaries alongside providers would increase the window and quality of participation for citizens, parliaments and civil society groups.

Still at the conceptual level, it is appropriate to ask who participates in whose agenda. Current SSR thinking suggests the need to get locals to “buy-in” to SSR, thus reflecting the programme’s external origin. This suggests at least three things: the first is that donor-recipient relations, however disguised as a partnership, are relationships between highly unequal actors. The second is that the SSR agenda subtly assumes a relationship between those who have knowledge and skills and are judged to be capable (donors), and those prejudged to be lacking knowledge, skills and capacity to provide security (recipients). The third is the reality of multiple and competing visions of security, and/or the imposition of a particular (donor) vision of security. This rather uncritical view can be challenged by stating its reverse – the need for donors to “buy-in” to the vision of security and insecurity as experienced and understood by locals (citizens and informal, non-state actors) in Third World countries. Regardless, the emphasis on locals buying into SSR in current donor thinking is grossly incomplete and incoherent without concretely addressing processes of donor withdrawal and disengagement. There is, as yet, no specific theoretical and operational prescription on how the power to formulate, design and evaluate SSR initiatives is exercised and relinquished by donors. Clearly, the occasional passing references to the need for donors to gradually withdraw hardly substitute for concrete strategies concerning when and how to do so. In any case, where there is appropriate local ownership (as defined in this chapter), withdrawal may hardly be an issue since locals should exercise the powers of assessment, formulation and decision making from the outset.

The final part of this section is devoted to a discussion of six intervening variables that influence and could enhance more inclusive participation in SSR. The first is the level of security and insecurity; increased levels of physical safety among the citizenry are more likely to engender greater participation by citizens in SSR processes and initiatives. This claim is made against the background that public attitudes towards SSR are likely to be negative where and when the emphasis on human rights, transparency, accountability and democratic control of security forces is thought to hamper the ability of security services to tackle pervasive insecurity (crime and violence). The emphasis on minimum levels of physical safety as a precondition for wider participation is also underlined by the impracticality of undertaking SSR activities, in either piecemeal or whole-of-government formats, in an atmosphere of fear and instability. This

pinpoints the potential for using “smart” projects designed to improve public safety to kick-start population-wide support for and participation in large scale, multi-sectoral SSR.

Second, where SSR programme design recognises and involves various constituencies beyond formal practitioners and participants, the overall quality and effectiveness of participation is likely to be enhanced. Admittedly, broad participation from the outset is a greater challenge in post-conflict contexts and would need to be carefully built up along the way. Still, the selective targeting of specific groups (beneficiaries, oversight bodies, civil society, etc.) could generally expand the mass of local actors capable of driving SSR’s goal of cultural change across government. For instance, broadening participation could be a specific objective and outcome of programming, wherein non-practitioners can influence security policy and resource allocation through public advocacy, lobbying parliament and the executive branch, and involvement in public consultations.<sup>20</sup> Although current SSR thinking emphasises consultations as a key window of participation, too often such participation is based on a one-off, questionnaire based format, rather than an input-feedback format which provides ample opportunity for dialogue and appraisal. The field level reduction of SSR to a tiny circle of technical experts and uniformed practitioners, as exemplified in the Liberian case, damages the prospect of society-wide support for SSR that in turn jeopardises its legitimacy and sustainability. The contrasting outcomes of SSR initiatives in post-apartheid South Africa and in post-military Nigeria underline this broader point. In the former, broad participation contributed to a robust SSR process that reflected indigenous security perspectives and needs and which is generally judged to be both effective and legitimate. In the latter, the cocooning of security reforms within the armed forces undermined public support, led to misunderstandings across the broad spectrum of government and society, and contributed to short-term, limited and unimpressive results.<sup>21</sup>

In addition, participation can be enhanced when SSR ideas, terminologies, principles and logics are broken down and adapted to reflect local (customary and traditional) practices and understandings. This can reduce both the scope for misperception and the gap between indigenous responses to security challenges and the donor policy agenda. For instance, the notion of peace of mind is an age-old concept in many West African communities that encapsulates human security and offers an invaluable foundation within which to anchor SSR initiatives.<sup>22</sup> Making SSR “local friendly” and locally accessible by tapping into local idioms and practices can vitiate the various myths that surround security matters: that it is a matter

of “high” politics and thus the preserve of a select few, or that security is exclusively about national security. In most African countries, SSR tends to be perceived narrowly as the provision of training and equipment to military forces. The 2005 OECD DAC survey noted that in Uganda, for example, the security sector ‘is understood to refer to the intelligence and defence bodies’.<sup>23</sup> Part of the problem, perhaps, may concern the recognition of participation; in other words, the tendency of donors to overlook the manner in which non-formal practitioners and participants incorporate, adapt and enhance SSR principles in non-SSR and non-OECD terms. As such, participation may also involve bringing certain practices into the formal purview of security management, as opposed to generating them from scratch. Thus an additional task in SSR processes may involve how, when and where to reconcile local and international (donor) norms and practices.

A fourth factor is the capacity to participate – that is, the ability to translate involvement into influence and outcomes. This underlines the connection between participation and capacity-building/upscaling, and the need to focus on the quality of participation, and the relationship between involvement, outcomes and impacts. While I address the issue of capacity fully in the next section, it suffices to state that greater attention and resources for upscaling the capacity of non-practitioners, including oversight bodies, in civilian expertise in defence and security matters is needed to advance the short and longer term goals of security system transformation.

Fifth, historical and political dynamics inevitably affect internal and external socio-political perceptions. Domestically, this concerns the relationship between different constituents, such as ethnic and religious groups, incumbents and opposition groups, state and civil society, and civilians and military. Externally, it concerns the identity and perceptions of donor(s) who advocate and support SSR. Where deep seated animosity exists between the different local and external constituents, such as a negative colonial legacy, this is likely to affect not only the nature and extent of participation but the overall reform process. Inter-group struggle for political power and influence can also restrict the extent of participation, as a ruling party or regime may fear the loss of control involved in allowing opposition groups and civil society to engage meaningfully in SSR debates. In most cases, especially in Africa, the control of security apparatuses is the exclusive preserve of incumbents and it symbolises the gains of electoral contests. The 2005 OECD DAC survey observed that ‘the way in which countries define and approach security reforms is usually shaped and conditioned by historical experiences and national circumstances which determine what is possible at any given time’.<sup>24</sup> To enhance participation, a

more nuanced understanding, as well as confidence-building measures, may be needed to navigate the often complex internal and external historical-political minefields. A systematic analysis of these emotive dimensions is needed in identifying entry points, assembling local agents of change and generating public debate on SSR in order to avoid exacerbating existing fault lines and stereotypes.

A final and overarching variable is the overall governance environment, indexed by regime type (authoritarian or democratic); the extent of media freedom, rule of law and constitutionalism; state-citizen relations (the nature of the social contract); the strength of civil society groups; and the political will and commitment of rulers. This has already been noted in the OECD DAC handbook as a key element in introducing and implementing SSR, with electoral democracies and liberal regimes highlighted as more inclined towards SSR. The expected libertarian logic and atmosphere under democracy (both often not the case in a majority of partner countries) is expected to permit and enhance the participatory approach envisaged in SSR processes. This is reinforced by SSR's overall objectives of governance reform, democratisation and culture change.

My argument for broadened participation, admittedly, reflects the currency of participatory sentiments within mainstream development studies. This raises interesting puzzles about the applicability of large scale participation to security. In essence, is there something special, peculiar or different about security that makes it impervious to broad participation? If and where broad participation is impossible, what is achievable? Indeed, it is my view that, notwithstanding the possibility of extra-sensitivity in security issues, the strategic goal should and could be its desecuritisation; bringing security politics, in other words, into the realm of "normal" politics.<sup>25</sup> The variables discussed above signpost mechanisms for enhancing broad participation, even if practical realities in specific contexts may often remain complex and complicated. Still, recognising and making broad participation a key objective of SSR not only sends the right signals (in terms of normative transformation), but also begins the progressive opening up of the security space.

### **From Building to Upscaling Capacity**

A fundamental assumption behind current SSR thinking is the oft-cited absence of capacity in many partner countries to undertake SSR activities. According to the 2007 OECD DAC handbook, 'in new and emerging

democracies, there is often no civilian office and little civilian capacity to lead national strategic policy making, planning or budgetary processes. As a result, policy-making on security issues may be led by uniformed organisations whose capacity is also often very limited, which can lead to security being perceived as state-centric, rather than a people-oriented issue'.<sup>26</sup> The claim of acute incapacity is traced to problems of lack of professional staff, knowledge, functional and advanced skills, equipment and financial resources.<sup>27</sup> All this informs the strong emphasis, at least at the conceptual level, on the need for donors to develop and build capacity of partner countries in strategic analysis, policy formulation, planning, SSR programme design, change management and budgeting. As a follow-up, donors claim, sometimes rightly, to be actively involved in practical capacity-building of partner countries through training, workshops, conferences, educational programmes and information exchanges that benefit both state and non-state actors.<sup>28</sup>

This section focuses on five critical observations regarding capacity-building in the SSR agenda. The first is at the conceptual level where the prioritisation of building capacity, as opposed to upscaling (or a combination of the two) is challenged. Without question, many post-conflict and post-authoritarian societies, especially in Africa, are plagued by a lack of sufficient personnel, expertise and resources required for undertaking SSR in the formal sense. However, in a sizeable number of partner countries, there tends to be existing capacity, however imperfect, for planning, budgeting and policy making. This points to two sub-elements of capacity-building: knowledge and skills. The former entails an understanding of local dynamics, while the latter represents technical know-how. Few would contest the point that local actors are the natural custodians of contextual knowledge, whilst donors are, at best, skills-oriented. What is often lacking among local actors is not knowledge and means, but specific programming skills. Yet even where capacities fall short or are outdated, the key question is whether they are in need of building or rebuilding, or upscaling by adapting existing skills and experiences to be SSR compliant. More often than not, field level realities will demand both capacity-building and upscaling, but at the conceptual level it is imperative to develop and integrate ideas and ideals of capacity-upscaling into the SSR agenda.

On the one hand, within SSA the security practices of formal and informal practitioners and oversight bodies are neither completely alien nor antithetical to the core principles of SSR. Admittedly, certain practices may fall short in certain areas as conditioned by contextual factors, but elements or relative degrees of transparency, accountability and civilian oversight

(mostly by executive organs of government) often subsist in partner countries. In Nigeria, as in a majority of African countries, rulers (including elected ones) tend to exercise general control over security agencies, such as appointing and sacking officers and giving operational orders. Moreover, customary practices in security and justice administration are often founded on principles of fairness and transparency, as illustrated by the incorporation of customary practices and institutions into the district and provincial security committees in post-war Sierra Leone.<sup>29</sup> Similarly, substantial numbers of uniformed officers have received and still receive periodic training in technical and sometimes non-technical areas of security and defence from donor countries. The assumption that capacity is entirely absent, then, may ignore certain historical realities. Even where capacity is genuinely lacking, international donor and development agencies are often complicit. Under the structural adjustment programmes of the 1980s, the formal establishments in African states were forced to shed capacity in attempts to roll back the state and streamline public expenditures. On the other hand, the provision of security and justice rarely exists in a vacuum, and many third world countries have witnessed the large scale demonopolisation of violence, and the widespread involvement of informal actors in security duties. Sometimes security and justice administration have been “re-traditionalised” as a result of the state’s failure to respond to the security needs of citizens, as illustrated by the rise, popularity and pervasiveness of traditional hunter sects (sometimes characterised as ethnic militias or vigilante groups) in wartime Sierra Leone, post-military Nigeria, Northern Ghana and Kenya’s Rift Valley.

In some cases, the issue is not so much the absence of accountability and transparency, but the mechanics of it. This is often rooted in the cultural ambience and differences of SSR sponsors (donors) and recipients (African countries); and the reality of SSR, if unstated, as a vision of security as practiced within OECD countries.<sup>30</sup> For example, some customary security units and hunter sects in Africa often defer to native authority, customs, charms, and amulets as elements of accountability, as well as to human rights principles of fairness and equality. In post-military Nigeria, most vigilante groups construct organic linkages between their own survival and safety and the efficacy of charms that are in turn linked to how much they observe universal principles of justice, fairness, purity, and the need to uphold the public trust. The presence and observance of these principles not only points to their universality, but also reconfirms the connection between legitimacy, efficacy and sustainability. As such, a fundamental issue on the SSR agenda is to inquire into the local variants and manifestations of key

SSR principles. Perhaps the critical challenge for SSR, in many cases, is the issue of how, where and when to recognise and reconcile customary practices, norms and institutions with modern, donor/state-led processes.

The second observation interrogates the more practical aspect of capacity-building in current SSR practice by exploring the twin question of capacity-building of who and for what. Exploring this question illuminates the assumptions, intentions and mindsets of donors more than the purpose of SSR. The 2005 survey and 2007 OECD DAC handbook noted the tendency of SSR capacity-building attention and resources to be disproportionately devoted to formal practitioners and institutions, to the neglect of oversight bodies (parliament and civil society). The skewed focus on formal practitioners and their technical (in)efficiency suggests a subtle hierarchy of objectives within the broader SSR agenda – regime and external security over human and internal security, and technical efficiency of formal practitioners over democratic oversight. This practical reality invariably raises questions about the commitment of donors to the normative elements (democratic control, good governance, human security) of SSR, and provides another argument for inverting the focus of SSR from security to insecurity.

A corollary of the above involves the unresolved conceptual and practical issues concerning how to involve, build or upscale the capacity of non-formal practitioners to engage in SSR processes. Will they be disarmed, arrested, conscripted, regulated, reoriented or retrained? Are their services and skills even needed over the longer term? What potential gaps exist between seeking to monopolise violence at the state level and seeking to ensure the physical safety of citizens in situations where non-formal actors act as important security providers? The SSR agenda may be without fault in its long-term vision and goals, but immediate realities also need to be confronted, and have important implications for ownership and sustainability.

The fourth observation focuses on the restrictive, linear, outside-in conception of capacity-building held by most donors. This is suggestive of donor mastery of both the knowledge and skills required to do SSR and the contextual dynamics in partner countries. This appears to echo past, unhelpful practices in the history of aid, development and reform by donor countries in the third world (especially under structural adjustment). Given this history, there is a strong case to be made that the capacity of donors needs to be built and/or upscaled as much as that of partner countries in order to achieve optimum understanding, performance and outcomes. While local actors and institutions could learn and are learning from donors in more

specialised and technical areas, donors could and should equally learn from locals about the contextual intricacies of introducing, promoting and supporting reforms in third world countries. The emphasis on the inside-out (donor) dimensions of capacity-building and upscaling could even kick-start the process of more systematic documentation of experiences and practices in security matters by local actors for longer term use of donors. Moreover, where and when inward capacity-building is acknowledged, a follow-up question is: by who (experts in donor countries or local actors in partner countries)? On account of their daily, contextual experiences and knowledge of the long-term socio-economic, political and cultural dynamics of the host country, the latter group enjoys a distinct advantage. Perhaps, donor agencies and their governments could tap into some strategies, ideas and practices used by local actors in SSA (mostly non-formal practitioners) in arresting and coping with insecurity. For other developing countries, 'there are many examples of good practices that can be drawn from African experiences in a range of areas, including developing civil control over the security sector, disengaging the military from politics, and rebuilding security organisations following conflicts'.<sup>31</sup> Through the inward-outward process, capacity-building and upscaling becomes an interactive, co-learning process where all participants are trainees and trainers concurrently.

Finally, there is a tendency in both the conceptual and practical dimensions of SSR to view capacity-building as a set of technical, administrative and mechanistic tasks designed to transfer skills and expertise. This perspective is visible in the indicators used to measure capacity-building: quantities of trainees, training programmes, and resource persons, budgets expended, and experts hired or deployed to partner countries. It can also be seen in the emphasis on inputs (resources) as a key element of capacity-building, and reinforces the aforementioned inward dimension of capacity-building. While not denying the desirability of these indices and inputs, additional emphasis on outputs and impact assessment in capacity-building would also be welcome. Through this, donors can begin to fully explore the potential for developing the knowledge and research base of SSR in partner countries alongside local norms and practices. For instance, areas of donor intervention yet to be fully exploited include: the training of media practitioners, substantial investment in education (research) endowments and large scale sponsorship of academic courses and modules, and the grooming of an intellectual cadre of SSR specialists in partner countries. By outputs and impacts, I mean the extent to which capacity-building empowers, recognises, and utilises local resources and actors to undertake the assessment, consultation, formulation, evaluation and

decision-making about their security needs. What should ideally emerge is a process view of capacity-building – as an evolutionary combination of events, resources, conditions, actors and institutions over time and in their symbolic interaction. This highlights the imperative of transcending technical perspectives on capacity-building through greater attention (beyond occasional, fleeting references) to the political-cultural context of capacity-building and upscaling.

## **Conclusion**

The SSR agenda, and its goals of institutional and policy coherence in security and governance contexts, represent a long-term, ideal vision. However, in conceptual and practical terms, much work remains to be done in understanding and responding to the current realities of many Third World countries and their security challenges. This chapter has explored the themes of participation and capacity-building in SSR and raised crucial issues relating to the typologies and levels of participation, and the dimensions (inward and outward) of capacity-building. It builds a model of participation where the lack of substantive involvement by non-practitioners and non-formal actors is identified as a pertinent gap. The chapter highlighted capacity-building as a two-way process, in which the capacity of donors to introduce, stimulate and support SSR activities is not a given. I argue that the real issue in participation and capacity-building is the involvement and empowerment of informal/non-state actors, and an enhanced role for non-executive, democratically empowered oversight authorities in mainstream SSR. Another major issue is the need to readdress the capacity for what question in SSR. There is a need to refocus capacity-building on the challenge of tackling insecurity, as opposed to the current emphasis on providing security, since working to provide security does not necessarily mean alleviating insecurity. The current supposition in SSR thinking that participation is organic and self-generating because the benefits of SSR are self-apparent appears to lack empirical grounding. Thus, inverting and addressing the flipside of security could generate more programmatic attention and resources on the victims of insecurity (citizens), a development likely to increase participation.

Moreover, the principles and objectives of SSR are often not alien to the customs of many developing countries in Africa, thus signposting that some foundations and capacity (in the form of subsisting norms, values and belief systems) for SSR already exist in reform contexts. Thus SSR

processes will require reconciling donor (international) norms with local values, terminologies and practices. This will involve recognising, respecting and building upon these local resources to enhance participation and support for SSR processes. Hence, participation in SSR is likely to be robust where and when SSR practitioners and non-practitioners are allowed to reframe donors' principles, nomenclatures and normative frameworks in local parlance. I also contend that local participation and ownership of SSR will remain elusive until the current emphasis on formal, state-led processes and institutions is diluted or combined with broadened engagement with informal and non-executive actors and practices in the security complexes of developing countries. At best, "partnership", or "co-ownership", or "ownership transfer" appear to be what is achievable under current SSR thinking and practice.

## Notes

- <sup>1</sup> For instance, Nathan notes that "whatever the reasons for the absence of local ownership, it is inimical to development and democracy: domination and paternalism by external actors generate resentment, resistance and inertia among local actors; local actors have little commitment to externally imposed products". See L. Nathan, 'Introduction', in *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, ed., L. Nathan, 3 (Birmingham: University of Birmingham, 2007).
- <sup>2</sup> A sample of the 'commonly cited' definition of local ownership is provided by Narten: "the process and final outcome of the gradual transfer to legitimate representatives of the local society, of assessment, planning and decision-making, the practical management and implementation, and the evaluation and control of all phases of state building programmes up to the point when no further external assistance is needed." Jens Narten, 'Dilemmas of Promoting Local Ownership: Statebuilding in Postwar Kosovo', Discussion paper (Ottawa: Research Partnership on Postwar Statebuilding, 2006), 4; see also A. Yasutomi and J. Carmans, 'Building Local Ownership in Security Sector Reform: Challenges for local and external actors in post-conflict societies', *Cahiers Internationales de Recherches en Vredesonderzoek* 25, No. 80 (2007).
- <sup>3</sup> L. Nathan, 'The Politics of SSR', in *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, ed. L. Nathan, 12 (Birmingham: University of Birmingham, 2007).
- <sup>4</sup> D. Hendrickson, *A Review of Security-Sector Reform*, Working Paper Series, No. 1, (London: CSDG, 1999), 9.
- <sup>5</sup> See P. Chabal and J-P. Daloz, *Africa Works: Disorder as Political Instrument* (Oxford: James Currey, 1999).
- <sup>6</sup> OECD DAC, *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD Publishing, 2007), 21.
- <sup>7</sup> OECD DAC, *Handbook*, 21-28.
- <sup>8</sup> *Ibid.*, 34.
- <sup>9</sup> E. Scheye and G. Peake, 'To arrest insecurity: time for a revised security sector reform

- agenda', *Conflict, Security and Development* 5, No. 3 (2005): 308.
- <sup>10</sup> H. Reich, "Local Ownership" in *Conflict Transformation Projects: Partnership, Participation or Patronage?*, Berghof Occasional Paper, No. 27 (Berlin: Berghof Research Centre for Constructive Conflict Management, 2006), 7.
- <sup>11</sup> Nathan, *No Ownership, No Commitment*, 5.
- <sup>12</sup> E. Hutchful and K. Fayemi, 'Security System Reform in Africa', in *Security System Reform and Governance* (Paris: OECD Publishing, 2005).
- <sup>13</sup> See T. Jaye, 'An Assessment Report on Security Sector Reform in Liberia' (report submitted to Governance Reform Commission of Liberia, 23 September 2006), 13. See also, Chapter 8 in this volume.
- <sup>14</sup> Adedeji Ebo, 'The role of security sector reform in sustainable development: donor policy trends and challenges', *Conflict, Security and Development* 7, No. 1 (2007): 37.
- <sup>15</sup> R. Abrahamsen and M. Williams, 'Security sector reform: bringing the private in', *Conflict, Security and Development* 6, No. 1 (2006): 2-3.
- <sup>16</sup> A. Bryden, B. Ndiaye and F. Olonisakin, 'Democratising security sector governance in West Africa: trends and challenges', *Conflict, Security and Development* 5, No. 2 (2005): 205.
- <sup>17</sup> Adedeji Ebo, 'The challenges and lessons of security sector reform in post-conflict Sierra Leone', *Conflict, Security and Development* 6, No. 4 (2006): 492.
- <sup>18</sup> O. Gbla, 'Security sector reform under international tutelage in Sierra Leone', *International Peacekeeping* 13, No. 1 (2006): 89-91.
- <sup>19</sup> Scheye and Peake, 'To arrest insecurity', 301-311.
- <sup>20</sup> Nathan, *No Ownership, No Commitment*, 29.
- <sup>21</sup> For a commentary on security reforms in post-military Nigeria, see K. Fayemi, 'Nigeria's security sector and the dilemma of civilian control', *Conflict, Security and Development* 2, No. 1 (2002): 111-120.
- <sup>22</sup> This notion was first mentioned in a review of SSR in Africa by Hutchful and Fayemi. See Hutchful and Fayemi, 'Reform in Africa'.
- <sup>23</sup> OECD DAC, *Security System Reform and Governance* (Paris: OECD Publishing, 2005), 60.
- <sup>24</sup> OECD DAC, *Reform and Governance*, 61.
- <sup>25</sup> This term is used to describe the goal of emancipating security – to eliminate the use of extra-constitutional, extra-judicial powers in the discourse and practice of security. It is about returning security to the realm of regular politics where clear, open and negotiated rules govern the use of force and coercion. For a detailed discussion of securitisation and desecuritisation see B. Buzan, O. Waever and J. de Wilde, *Security: A New Framework for Analysis* (London: Lynne Rienner, 1998).
- <sup>26</sup> OECD DAC, *Handbook*, 89.
- <sup>27</sup> Nathan, *No Ownership, No Commitment*, 38.
- <sup>28</sup> OECD DAC, *Handbook*, 35.
- <sup>29</sup> Gbla, 'international tutelage in Sierra Leone', 88.
- <sup>30</sup> This also underscores the tendency to tailor defence reviews and threat assessments to predetermined outcomes, often reflecting the broad ideas and concerns of donor countries, as was the case in Uganda. See D. Hendrickson, ed., *Uganda Defence Review: Learning From Experience* (London: Kings College, 2007), 12.
- <sup>31</sup> N. Ball and K. Fayemi, 'Introduction' in *Security Sector Governance in Africa: A Handbook*, eds. N. Ball and K. Fayemi (Lagos: CDD, 2004), 8.



## **PART III**

# **NATIONAL PERSPECTIVES**



## Chapter 8

# Local Ownership and Emerging Trends in SSR: A Case Study of Outsourcing in Liberia

*Adedeji Ebo*

### **Introduction**

A rapidly emerging trend since the end of the Cold War has been the meteoric rise in the use of security contractors as instruments of security cooperation between states generally, and in support for security sector reform (SSR) in particular. This trend has direct and indirect implications for local ownership of the reform process, particularly in post-conflict contexts. Therefore, the use of commercial actors as proxies to carry out training of statutory security forces in Liberia introduced a novel dimension which may reflect an increasingly preferred way of doing business by SSR donors, and is therefore worthy of interrogation. The SSR process in Liberia, characterised by the outsourcing of defence reform to foreign security contractors, represents a useful case study and illustration of the links between outsourcing and local ownership. Even though outsourcing has been technically limited to the defence sub-sector, the defence component (particularly its limitations and contradictions) has had a defining impact on the entire SSR process. This chapter considers the ramifications of outsourcing of SSR with regard to local ownership, based on the Liberian experience since the signing of the Comprehensive Peace Agreement (CPA) in 2003. The main thesis of the chapter is that the outsourcing of SSR has the potential, and arguably an inherent tendency, to create additional governance deficits in the security sector of the society undergoing reform, the net effect of which is to antagonise, alienate, polarise, and disempower the very population on whose behalf, and for whose benefit, SSR is ostensibly being undertaken.

The chapter is structured into five main parts. Following this introduction, the second part outlines a conceptual and analytical framework

which provides an explanation for the spectacular rise in the profile of private security companies (PSC) from the fringes to, increasingly, the core of SSR support, and which accounts for the contested nature of the local ownership concept. In the third part, the chapter focuses on the process and outputs of SSR in Liberia, and the role of the major stakeholders therein. Conclusions, lessons learned, and policy recommendations follow in the final section.

### **Outsourcing and Local Ownership: An Inherent Friction?**

This section chronicles the rising profile of privatised security in the face of widespread scepticism across Africa regarding commercial security agents. It also provides a working definition of the concept of local ownership, and argues that, as manifested in the case of Liberia, outsourcing could create greater distance between the providers of SSR and its intended beneficiaries.

Differences between private security companies (PSCs) and private military companies (PMCs), and indeed other categorisations of private security services, need to be emphasised from the outset. However, a clear dividing line between the two does not exist, although PMCs are associated more with activities designed to have a military impact, whereas PSCs are primarily concerned with protecting individuals and property. While it is possible to devise different labels – based, for example, on whether their use of force is offensive or defensive in nature – in practice the categories often merge into one another. Especially in conflict environments, it is difficult to distinguish PMCs from PSCs, and a number of companies provide both types of services. For present purposes, it is important simply to note that PMCs are not synonymous with PSCs, and it would be misleading to classify either as little more than modern day mercenaries.<sup>1</sup>

While the private security industry (whether as organised business entities or informal mercenary groupings) has a long history, the rapid rise in the profile of PSCs and PMCs is a post-Cold War phenomenon due to a combination of demand and supply factors, both internal and external to the African environment. On the supply side, the end of the Cold War led to developments within the security establishments of developed states, with significant consequences beyond their immediate borders: firstly, massive downsizing in the militaries of a number of states resulted in the availability of significant numbers of personnel with knowledge and skills in defence and security matters. More than seven million military personnel worldwide had lost their jobs by 2003.<sup>2</sup> On the demand side, the end of the Cold War

also led to what Hutchful has described as the “folding of the imperial military umbrella”, leaving many Third World governments more vulnerable to internal political pressures and giving space for internal governance deficits to manifest themselves more forcefully, and eventually more violently.<sup>3</sup> Indeed, the withdrawal of the imperial security umbrella further exposed the frailty and contradictions of the post-colonial African state, which was increasingly unable and/or unwilling to provide security within its borders.

For Africa, the history of the freelance security industry is a long and inglorious one, which has created fertile ground for the current African scepticism towards today’s commercial security actors. Though the use of mercenaries in Africa has been traced to pre-Westphalian times, the phenomenon became more visible with the scramble for Africa by various colonial empires. During the colonial era, the energies of mercenaries were directed towards securing colonial investments and acquisitions. The winding down of colonialism altered but did not end the role of mercenaries, and the 1960s and 1970s have been described as the ‘the golden age of mercenaries in Africa and of their impact on stability in the continent’, with freelance security services directed primarily at foiling the self-determination and the democratic aspirations of African societies.<sup>4</sup>

Commercial armies have therefore long been a feature of the political economy of war and peace in Africa. During the Nigerian civil war (1967-70), the French Secret Service and the secessionist Biafran government hired a group of 53 mainly French and German mercenaries to help fight Nigerian federal troops.<sup>5</sup> Next door in Benin in 1977, opponents of the Kerekou government hired the notorious Bob Denard and some 90 other mercenaries in a failed attempt to overthrow the government.<sup>6</sup> In neighbouring Togo, the group known as “Service and Security” was by 1995 providing police paramilitary training to the government.<sup>7</sup> Eleven French mercenaries were arrested in Paris in August 2003 preparing to assassinate Ivorian President Laurent Gbagbo. Gbagbo himself has employed South African mercenaries ‘to train his troops and also fight his wars against the rebels’.<sup>8</sup>

The role of mercenaries in African instability is evidenced by the fact that mercenary activity was one of the central concerns of the Organisation of African Unity (OAU) and led in 1977 to the OAU Convention for the Elimination of Mercenarism and Civil Conflicts. The activity of mercenaries was the first experience of several African societies with external freelance security actors, and has had a defining impact on perceptions of today’s private security agents (PMCs and PSCs). Therefore, while today’s PMCs and PSCs are demonstrably different from yesterday’s mercenaries, current

African reservations about freelance security agents have a long history which can be traced, in large part, to the predatory character of foreign mercenaries in Africa; such perceptions are far from insignificant in the current debate about the role of private security actors on African soil.

Two interrelated factors combined to move the private security industry from the fringes to the core of security governance globally, and help to explain the growing involvement of private firms in SSR activities. These relate to the evolution in capitalist economic theorising and the reconfiguration of relations within military-industrial complexes in the West as a consequence of military downsizing. The imperative of rolling back the state (to make way for the more “efficient” private sector), which underpinned public sector reforms generally, was to extend eventually to the security sector where evidence began to emerge of the efficiency of outsourcing of security services. For example, a 1995 report of the Defence Science Board, a standing committee that advises the US Pentagon on technological, scientific, and other issues, suggested that the Pentagon could save up to US\$ 6 billion annually by 2002 if it contracted out all of its support functions to private vendors, except those that dealt directly with war fighting.

In a 2002 Green Paper to Parliament, the (then) UK Foreign Secretary Jack Straw, also recognised the increasing prominence of outsourcing:

in developed countries, the private sector is increasingly involved in military and security activity. States and international organisations are turning to the private sector as a cost-effective way of procuring services which would once have been the exclusive preserve of the military. It is British Government policy for example to outsource certain tasks that in earlier days would have been undertaken by the armed forces.<sup>9</sup>

The significant point to emphasise here is that just as much of Africa’s security landscape was earlier defined by the exigencies of the Cold War, the increasing role of private security entities in security provision generally, and SSR support in particular, is a reflection of current developments in Western thinking and development in the security realm. As private security contractors begin to play central roles within and on behalf of donor governments, their growing profile will continue to be manifested in security cooperation with, and support to, other countries. This has significant implications for the transparency and accountability of SSR support by security contractors, particularly from the perspective of local actors in the host society. It is therefore to the concept of local ownership that we now

turn.

In the SSR literature, increasing reference is made to the importance of locals buying-in to SSR programmes. As Nathan points out, however, ‘what is required is not local support for donor programmes and projects but rather donor support for programmes and projects initiated by local actors’.<sup>10</sup> While claims are often made that locals are too dispersed, too weak, too conflicted and simply too lacking in capacity to make it practical and possible for them to drive the reform process, such arguments miss the point.<sup>11</sup> Local ownership is not an end per se, but also a means to an end. It is a methodology, a mindset, and a way of doing things, the essential feature of which is that reform is driven by local energies, local designs and local initiatives. The motivation, design and direction of reform are best internally generated, though they may be externally facilitated. The claim that local ownership is not possible in many post-conflict contexts often emanates from the inability of external actors to recognise local energies in forms with which they are familiar. Often, local cohesion is assumed to be a necessary condition for local ownership. More accurately, however, local ownership is a methodology for building and negotiating a common national security vision. The absence of SSR technical skills is often confused with lack of knowledge of the security environment. Local ownership is often misconceived purely in terms of its normative appeal; in other words, while desirable, it is not considered to be an essential and necessary condition for the viability and sustainability of SSR.

The fundamental attribute of local ownership is that it is, in fact, an essential condition for the legitimacy and sustainability of SSR. Without local ownership, SSR by donors is guaranteed to fail. Even where externally driven SSR generates sufficient stability to allow for an international exit strategy, such progress will not be sustainable because while donors eventually leave, locals remain. It is on the latter that sustainability depends. Particularly in post-conflict environments, it is important that various local actors see themselves as taking the reins of security provision and governance, especially when a lack of confidence in such security institutions was a precipitating factor in the original conflict. Reform of the security sector, particularly after protracted conflict, must be transformative, leading to fundamental changes in power relations within and between various contending social forces, such as the security establishment, parliament, civil society, and the media. This is necessary for re-establishing public trust in the security system. Local ownership enhances the prospects for successful transformation of the security sector because it creates the foundation for legitimacy, accountability and sustainability, particularly if it

is based on an accountable, participatory and transparent methodology for transforming (not merely reforming) the security sector. Local actors must therefore be central to:

- The conceptualisation of the reform process (local actors must play a key role in determining the sources and nature of insecurity and in articulating the kind of security institutions necessary to meet such threats, the interrelationships between these institutions and the role of oversight mechanisms)
- The implementation of the reform process
- The monitoring and evaluation of the process

A viable security sector is not sustainable without a collective vision of national security. This is not to imply that locals will always agree on a vision of security and how it is to be achieved. On the contrary, there are often different and even conflicting and competing perspectives on these questions. Local ownership is indeed a process for contesting and accommodating competing demands and interests within society. Such a vision is best defined locally on the basis of local initiative and dialogue, albeit with external support and facilitation. If the process is externally driven, the basis for legitimacy is severely undermined. There is, admittedly, an important tension here: SSR is meant to be transformative, yet at least initially local ownership is most likely to be exerted by those in positions of power, who are least likely to want to undertake a process which alters power relations (precisely because they are likely to lose power in such a shift). In other words, those with the power to initiate a locally owned SSR process may have little incentive to do so. Given the dangers of reforming societies falling into this trap, external actors can play an important facilitative role by: 1) advocating the need for a national security dialogue; 2) providing political and financial support (carrots) to vulnerable groups and exerting political pressure (sticks) on entrenched groups/interests; and 3) providing access to skills and opportunities for capacity-building for civil society and the legislature.

This chapter postulates that the relationship between the country supporting reform and the country being reformed has a defining impact on the quality of governance and oversight that is possible and is manifested in the latter. In the case of SSR processes in which private security actors are involved, the contract underpinning their operations is typically signed with the government of the country supporting the reform, and not with the government of the reforming state. In fact, there is no direct contractual

obligation between the security contractor and the institutions and people of the reforming state. The contract which forms the basis of the operations of security contractors is often not even available to local oversight agencies and institutions. Equally often, it is not clear if employees of security contractors are subject to the domestic laws of the reforming state, therefore rendering oversight by local institutions problematic. Being neither an employer nor a signatory to the contract, the ability of the government of the recipient state to direct and contain the security contractor is, at best, tenuous.

### **Major Actors and Factors in the Liberian SSR Process**

While the use of security contractors has a long history and is enjoying a global resurgence, SSR support, particularly training, has mainly been the preserve of statutory armed forces. At least in Africa, the reform of the security sector after protracted conflict has been a direct bilateral government-to-government activity. Therefore, the use of commercial actors as proxies to carry out training of statutory security forces in Liberia introduced a novel dimension which is worthy of analysis.

The Comprehensive Peace Agreement (CPA) signed in Accra in August 2003 marked the end of the Liberian civil war and provided the framework for post-conflict reconstruction in Liberia. Part IV of the CPA is devoted to SSR. Article VII (b) specifically states that ‘the parties also request that the United States of America play a lead role in organising this restructuring programme [of Liberia’s armed forces]’. At the point of signature, there was an assumption by the signatories that the US government would indeed play an active role in restructuring the Liberian armed forces using, as was historically the practice, statutory military personnel. Such an expectation was understandable given the prominent and primary role of the United States in the training of the Armed Forces of Liberia (AFL).<sup>12</sup> Such expectations proved to be misplaced following the announcement, in February 2005, that American support to defence reform in Liberia had been outsourced to DynCorp International, a private American military and security company. DynCorp was contracted to restructure and train the armed forces, including the vetting and recruitment of military personnel. Pacific Architects and Engineers (PAE) was given responsibility for specialised training, equipment, logistics and base services.

DynCorp introduced a rigorous vetting and recruitment process as part of the restructuring programme, including thorough checks on the human

rights records of applicants, educational and aptitude examinations, and physical fitness tests. Through billboards, newspapers and other media, the public were directly involved and actively encouraged to come forward with information on human rights abuses by applicants. The CPA-initiated Disarmament, Demobilisation, Rehabilitation and Reintegration database, as well as the existing police database, were also useful mechanisms for checking the human rights background of applicants.<sup>13</sup> Human rights investigators were also hired specifically for the vetting process. After initially concentrating on Monrovia and environs, the restructuring programme later extended to the whole country, ensuring credible regional and ethnic balance in a restructured army. A Joint Personnel Board comprising representatives of the US embassy, the government of Liberia, civil society organisations, and the United Nations Mission in Liberia (UNMIL) was also established to determine successful and unsuccessful candidates. Successful candidates are offered a five-year service contract, with a one-year probation period.<sup>14</sup>

As at June 2008, some 1,800 recruits had successfully completed the basic training provided by DynCorp, out of a target of 2,000. While 20 per cent of recruits were supposed to be women, meeting that target has proven to be a challenge; some female candidates have fallen short of the physical demands of the training. Modelled on US doctrine, the end-product of the restructuring programme will be a 2,000-strong infantry brigade, consisting of 146 officers and 1,854 enlisted personnel. The brigade will be divided into two light infantry battalions (each composed of 680 soldiers), an engineering company of 220 personnel, and a military police component of 105 personnel. The brigade will also include a 162-member training unit and a 40-member band platoon.<sup>15</sup> The security contractors can also be credited with the creation of three military bases at which the recruits were trained. A United Nations technical assessment team which visited Liberia in June 2007 noted 'the very impressive and well-equipped barracks, training facilities and battalion and brigade headquarters constructed by PAE and DynCorp for the new armed forces'.<sup>16</sup>

The defence reform programme is, however, not without its imperfections. Firstly, defence reform was implemented within a particular reform tradition, premised on knocking down old structures and institutional practices in order to make way for the new (as in Iraq). This has created several problems for the reform process, including the loss of institutional memory, and command problems. In the absence of any physical and personnel connection between the old and the new, it has been difficult to ensure that the fault lines of the old structure were not replicated in the new.

More specifically, as the security contractors later realised, an army composed entirely of new recruits would not have experienced commanders and a competent, knowledgeable officer cadre. While a series of options for addressing this gap is being examined (including the reinstatement of former senior officers), the AFL is currently headed by a Nigerian Chief of Defence Staff. Secondly and relatedly, even though basic training of some recruits may have been completed, these are yet to be integrated into units under effective command. Thirdly, the defence reform process has created serious issues of sequencing. While the national security strategy was yet to be completed, the defence ministry had already completed its “Defence Act”. Rather than a more general security strategy informing a defence review and subsequent defence legislation, therefore, the cart was put before the horse. Fourthly, the prioritisation of defence reforms meant that SSR is widely misperceived to be synonymous with limited defence reforms. Many do not appreciate that what the United States, according to the CPA, is required to lead is the restructuring of the armed forces, and not the entire SSR process.

There have also been developments within the defence reform programme that are disturbing in light of the history of Liberian security institutions. The Initial Entry Training Course (IET), for example, was reduced from 11 to eight weeks ‘by cutting three weeks of training time initially devoted to education in civics and civil-military relations in a democracy’.<sup>17</sup>

Beyond qualitative concerns with the outcomes of defence restructuring, however, perhaps the most significant criticism is the emphasis by the security contractors on structures and outputs, as opposed to, and arguably at the expense of, processes and outcomes. This criticism, which has been expressed by various sections of Liberian society, including civil society, the legislature, and elements within the security institutions, has specific negative implications for local ownership (discussed in more detail below). Given the extent to which SSR has been misconstrued as defence restructuring, however, it is worth highlighting SSR’s other dimensions in Liberia.

UNMIL leads Liberia’s police reform process, and has provided basic training to 3,500 police officers. However, strengthening structures and processes within the Liberia National Police remains an ongoing and increasingly urgent task. A lack of basic infrastructure and equipment, including vehicles and equipment, continues to plague the police, while the extension of police services outside Monrovia remains problematic due to inadequate structures and facilities.<sup>18</sup> Many Liberians also appear conflicted about ongoing plans to create a 500-strong Emergency Response Unit. While

the need for such a unit is evident, more than a few Liberians are concerned about the reintroduction of “elite units” into the Liberian security landscape, at whose hands many had suffered gross and brutal human rights abuses in the not too distant past.

The reform of the judicial and corrections system also continues, albeit slowly. Both systems remain hobbled by a lack of infrastructure and personnel, poor case management and poor staff remuneration, with the net result that many Liberians continue to lack confidence in the justice system. Nevertheless, UNMIL’s support to the government includes efforts to establish a law reform commission and a judicial training institute, the reconstruction of courthouses, the creation of a national judicial database and the provision of scholarships. In the corrections services, prisons remain overcrowded, due largely to the inability of the justice system to process cases; prisons are consequently populated mostly by detainees awaiting trial. Thus, the training of more than 200 personnel from the Bureau of Corrections and Rehabilitation is of marginal significance in the absence of a functional justice system to decongest the prisons.

Viewed comprehensively, then, the shortcomings of the Liberian SSR programme extend far beyond the acts of commission and/or omission by private security contractors. It is a much broader intervention, involving other actors and extending to other components of the security sector. Nevertheless, agents of outsourcing have played a crucial role in SSR in Liberia. It is therefore appropriate at this juncture to examine the role of major Liberian actors in the SSR process, the various ways in which outsourcing has introduced additional oversight and local ownership deficits, and the manner in which such deficits are being addressed.

#### *The Administration*

The government has different and sometimes conflicting tendencies on SSR. Certain actors within the administration are perceived as being allies of external agendas, while others are seen as more supportive of consultative processes. Thus, even though the government may have a single official position on SSR (more often implied than explicitly stated), there are, in practical terms, various political constituencies within the administration holding different views on the role of security contractors. In any case, positions and perspectives seem to be constantly changing, as are alliances within and outside the government. On SSR generally, there are those who harbour the old mindset that security is too important and too specialised a subject to involve civilians (i.e. those outside government and security

institutions). Others maintain that, given the bitter experiences of Liberians at the hands of security agents, it is essential that security governance be open to all, in order to avoid the secrecy that permitted past abuses of power and privilege. On the specific role of security contractors, many Liberians see them as a necessary evil in the absence of Liberian resources and/or expertise. A few Liberians, particularly those who benefit directly from the operations of security contractors, see them as a means to an end, which may even represent a viable means of knowledge and resource transfer into the country.

At the start of the SSR process, the administration, and particularly the ministry of defence, was (mis)perceived as a champion of foreign domination as represented by foreign security contractors. The visible and much publicised support of the US government created the impression of American patronage. In addition to the outsourcing of defence reform to American companies, additional outsourcing of wider security review assignments to an American think-tank cemented the impression that local participation in the SSR process was of secondary value to the Liberian government. In May 2006, the RAND Corporation submitted to the government a commissioned report titled 'Making Liberia Safe: Transformation of the National Security Sector'. The RAND team consulted a limited range of Liberians but the team itself did not include any Liberians. In addition, the report was never made available to the Liberian public and was shrouded in secrecy. Indeed, the short lifespan of the RAND report as an official document aptly demonstrates the futility of opaque processes that disregard local energies and perspectives. In terms of quality of output, the report is not unsound in its conclusions. It recommends a police and army that are affordable and respond to Liberia's security threats. In addition, it recommends a rapid response unit that would backstop the regular police, similar to a gendarmerie. Yet it was decidedly not a Liberian product in terms of either authorship or readership; it was a confidential report produced through a confidential process. The uproar of opposition to the report was not so much a response to the product (many Liberians did not know what it contained anyway, since they had no access to it), as to the process. In response, the Governance Reform Commission (now the Governance Commission) was given the task, through an Executive Order signed by the president, of leading the process for articulating Liberia's security strategy.

While the government remains engaged with DynCorp and PAE, its enthusiasm for such engagement has become much more discerning. Lessons have been learned, and caution applied. Reflecting on the fact that

Liberian medics are being trained by active duty personnel (ADPs), while the military are trained by contractors, Liberian Minister of Defence Brownie Samukai has aptly demonstrated the additional layers of oversight deficit introduced by outsourcing. In his words:

They [ADPs] did not look into their bank account every day to find out if funds had been made available or not to undertake the next level of activities. They consulted with local institutions and worked closely with the Ministry of Defence at every step. They reported to an entity that was visible and to whom they were accountable. They were transparent in their dealings with the Liberian government and they showed respect for local authorities, customs and laws.<sup>19</sup>

In addition, he insisted that the contractors were not accountable to him as ‘they receive their funding and orders from Washington, channelled through the Embassy’. He also stated explicitly that, given the choice, the government would prefer to have its troops trained by ADPs.<sup>20</sup>

As recently as April 2008, additional cracks were evident in the relationship between the ministry of defence and the contractors. After the ministry had accused the contractors (DynCorp and PAE) of failing to consult with Liberian authorities, the US embassy felt obliged to issue a statement defending the contractors, and insisting that the SSR process was both sound and on track.<sup>21</sup>

#### *The Governance Commission*

The role of the Governance Commission (GC) in the SSR process has illustrated the multiple character and composition of Liberia’s governments. The GC has consistently emphasised the importance of basing Liberia’s new security arrangements on a security vision agreed on the basis of consultations with the generality of the Liberian people, necessarily a time-consuming process. This position has allowed critics, especially those who value output over process, to claim that the GC ‘has not succeeded in moving the process forward at a satisfactory pace’.<sup>22</sup>

The CPA created the GC with a mandate to promote principles of good governance and sound public sector management. The body was retained and invigorated by the elected government, and placed under the leadership of Professor Amos Sawyer, a Professor of Political Science and former Liberian interim president. As already noted, following an uproar from Liberians in response to their marginalisation in the SSR process, the

GC was mandated by the government to review the RAND Report which was submitted in May 2006, and to provide policy advice on the evolution of a new security policy for Liberia. Thus, the GC emerged as the driver of a participatory and democratic security reform process. The GC has spearheaded a widely consultative process for a National Security Review, which culminated in the drafting of the National Security Strategy. As of mid-2008, the National Security Strategy has been completed by the GC and approved by the National Security Council. It is also being published by the GC, with a foreword by the president.<sup>23</sup>

### *Legislature*

Liberian legislators believe they have not been adequately involved in the SSR process and are therefore unable to perform their oversight function effectively. Legislators have complained severally that they do not have access to the contract which forms the basis of the security contractors' operations in the country and are thus unable to enforce and oversee it. It has also been a struggle for the legislature to get the security contractors to appear before it: the standard response has been that any query to DynCorp should be directed to the US embassy or the US State Department.<sup>24</sup> An Office of Defence Cooperation has been established within the US embassy in Liberia to play a liaison role with the Liberian defence ministry and to supervise the work of DynCorp and PAE in Liberia.<sup>25</sup>

It is important to note that at least part of the legislature's marginalisation within the SSR process can be attributed to the precarious position of the ruling party, which holds only nine out of 64 seats in the House of Representatives and four out of 15 seats in the Senate. This unique situation arose as a result of the fact that the leading presidential candidate (George Weah), whose party had a clear lead in parliamentary seats, eventually lost the runoff presidential elections to the incumbent. Liberia also has a large number of parties (11), in addition to independent legislators. The end result is that the legislature has a splintered composition, in which no party, least of all the ruling party, holds a majority; this has impacted the ability of the legislature to hold the executive to account on the SSR file.

The impression that certain prominent members of the legislature have questionable records is a carry-over from the transitional parliament's credibility crisis, and might also help account for the new parliament's marginal role in SSR and post-conflict reconstruction more generally.<sup>26</sup> Sheer inexperience is also a factor, and many legislators simply lack the

requisite technical knowledge. However, the defence and security committees have been beneficiaries of training in security sector oversight since 2005 under a programme offered jointly by the African Security Sector Network, Kings College at the University of London, and the Geneva Centre for the Democratic Control of Armed Forces. Indications are that such programmes are having a positive impact on the ability and attitude of legislators.

Indeed, there are emerging signs of legislative assertiveness, as demonstrated, for example, by the process for the National Defence Act (NDA). An earlier version of the Act had been submitted to the legislature in the first quarter of 2007. This draft was rejected by the legislature on the grounds it contained fundamental breaches of the constitution and accorded excessive power to the minister of defence. A redrafting and resubmission by the government therefore became necessary. It is expected that the new National Defence Act, currently before parliament, should establish the competence of the Liberian parliament to exercise oversight over external funds attributed to any actor dealing with defence and security issues and which operates in Liberia, even if it is externally based.<sup>27</sup>

The legislature has also recently convened two consultative meetings and a public hearing on the Act, thus providing avenues for consultation and broad participation. It is encouraging that DynCorp representatives accompanied the minister of defence to the consultative meetings.<sup>28</sup> This underlines the broader point that Liberian SSR is not clearly delineated along a local/international cleavage. It is rather a matter of mindsets. For example, there are progressive elements within external actors who recognise the need for local participation, if not full ownership. For example, retired US Army Colonel Thomas A. Dempsey, who directed Dyncorp's Ministry of National Defence Reform and Training Programme, is reported to have commented that:

The greatest mistake in promulgating the new NDA was the closed process in which it was drafted, i.e. behind a veil of secrecy imposed primarily by the Office of Defence Cooperation and the US Country Team, rather than by the Liberian Government.<sup>29</sup>

Developments within the legislature over the new draft NDA also indicate that the Liberian legislature is becoming not only more assertive, but also more discerning and more effective. While the new draft NDA was submitted simultaneously to the Senate and the House of Representatives in March 2008, the former passed it within a week and forwarded it to the latter

for concurrence. However, the House did not concur, and raised various concerns, necessitating several amendments. Firstly, authority for the formation of the armed forces emanates from Article 34 (b) and (c) of the constitution, and not Article 30 as erroneously presented in the draft. Secondly, allegiance of the armed forces should be to the country and the constitution, and not to the president. Thirdly, the House is insistent that, in view of constitutional provisions which give the legislature the exclusive right to raise the armed forces, the AFL cannot be deemed to have been dissolved, and therefore the AFL is presumed to be continuously in existence. Fourthly, deployment of the AFL outside Liberia, shall, in marked difference to the government's submission, require prior legislative approval. Fifthly, procurement shall also be subject to legislative appropriation, while attempts were also made to further delineate the roles of the minister of defence and the chief of defence staff.<sup>30</sup>

### *Civil Society*

Overall, civil society has been both critical of and frustrated by its perceived non-inclusion in the SSR process in Liberia. A few factors are, however, especially noteworthy. Firstly, there are different degrees of dissatisfaction, and certain sections of civil society are more critical than others. Secondly, over time, civil society's sense of frustration and marginalisation appears to have eased somewhat. Thirdly, the relationship between civil society and other actors has not been static and has evolved since the start of the SSR process. Three main factors are responsible for civil society's frustration and perceived marginalisation. Firstly, lack of access to documents and information, particularly in relation to the role of foreign security contractors. Secondly, lack of access to the hierarchy of the defence contractors themselves. Thirdly, and underpinning their relationship with the security contractors, is an underlying lack of confidence and a particular suspicion of DynCorp, given its controversial record in other parts of the world.<sup>31</sup> It would appear that the issue of DynCorp's reputation has placed the company on the defensive and acted as a disincentive to closer collaboration with civil society. According to one civil society activist:

During the early stages of DynCorp's operations in Liberia, they attempted to engage civil society regarding their mission. However, some civil society organisations had problems regarding DynCorp's past activities in other countries. Hence, some conflict arose, which I believe could have prompted DynCorp to marginalise civil society organisations.<sup>32</sup>

Another civil society source alludes to a more fundamental basis for civil society's lukewarm relationship with security contractors in the SSR process:

Civil society has not been involved in any meaningful sense in SSR in Liberia. In fact, not only is civil society not involved, there is no public debate on these matters. DynCorp activities are shrouded in secrecy. We have been trying for almost a year to obtain a copy of the memorandum that resulted in DynCorp's appearance in Monrovia but so far we cannot get that document in spite of the high level access we have in government. We are led to believe that since we are not paying for these reform undertakings, we cannot participate in the process and we need only be grateful to those who are paying the cost.<sup>33</sup>

Unfortunately, some observers unwittingly confirm the suspicions of Liberian civil society groups, and entrench the impression that "he who pays the piper, calls the tune". According to Malan, for example, 'complaints about lack of transparency should be a non-issue. The United States is providing gratis assistance in the restructuring of its armed forces through an assistance package that the Liberian government has approved and accepted'.<sup>34</sup>

Nevertheless civil society in Liberia has become increasingly visible on reform initiatives. In March 2005, for example, a conference of over 100 groups set up the National Coalition of Civil Society Organisations in Liberia (NACCSOL) in order to broaden civil society inputs into the reform process. In March 2006, civil society organisations constituted a Working Group on Security Sector Reform, which was launched with the aim of enhancing civil society input into the SSR process. While civil society access to security contractors may remain inadequate, civil society groups are beginning to establish themselves as credible actors in the SSR process through the space accorded to them by other actors such as the government, the legislature, and the Liberian media.

## **Conclusion**

The chapter has posited that local ownership involves a complex and fluid set of relationships. The primary dynamic is not necessarily locals versus outsiders. Sometimes, it is locals allying with outsiders, other times it is locals against locals. Local ownership is therefore neither the holy grail of

SSR, nor a reward which is granted to locals by outsiders. It is the outcome of contestation, dialogue and accommodation between and within a complex configuration of actors. The strategic value of local ownership lies not in its normative attraction per se, but in its role as a necessary condition for successful and sustainable SSR. It is, in fact, a conflict prevention methodology.

This chapter has argued and demonstrated that there is an inherent friction between outsourcing and local ownership. The lack of a direct contractual obligation between local actors and foreign security contractors and the absence of local involvement in the decisions to engage security contractors are both factors which demonstrate the local ownership deficit which is at the core of outsourcing. However, this friction is unlikely to deter further use of outsourcing as a means of delivering SSR support in the future. On the contrary, outsourcing is likely to become more expansive and more frequent as a vehicle for donor countries to support SSR. Outsourcing represents the state of the art in donor thinking on security provision, which prioritises commercial actors as being more efficient. However, to the extent that the donor, not the recipient, decides on outsourcing as a means of delivering SSR support, outsourcing is often perceived as illegitimate and, as demonstrated in the case of Liberia, is often not the preferred policy option of the beneficiaries. Their relatively weak position (especially after protracted conflict) leaves them little or no choice in the matter. The paper has also demonstrated that even though outsourcing has operationally been limited to the security sector, its impact has permeated the entire SSR process. This impact includes the practice of completely disbanding entire structures and practices in order to make way for the new, the emphasis on outputs and structures, as opposed to outcomes and processes, and the misconception of SSR as being synonymous with defence reforms. All major local actors in Liberia (parliament, civil society and government) have explicitly, at one stage or other in the reform process, affirmed that outsourcing has created additional obstacles to oversight and accountability.

This chapter has focused on SSR outsourcing in one specific country, and care therefore needs to be taken in extrapolating both the experiences and the lessons of the Liberian case to other country contexts. The practice of outsourcing, however, does raise important questions of accountability and transparency and carries the risk of creating serious gaps between providers of SSR and the intended recipients; these issues are of relevance to considerations of local ownership in SSR processes across a range of different contexts. On the one hand, particularly in Africa there remains a historically grounded mistrust of private security actors that may create a

confidence eroding context of suspicion from the very outset. On the other, while statutory security forces of donor governments may in practice prove to be just as unaccountable as private security actors to local governments and communities, the addition of yet another link in the chain connecting the providers of assistance with the recipients of that assistance inevitably complicates communication and makes it more difficult for the latter to hold the former accountable. Imbalances of power inevitably play into SSR, and such imbalances affect the ability of reforming societies to influence donor programming of any kind, whether it is led by official or private actors. The Liberian case clearly demonstrates the fluidity of the relationship between various security actors. In the midst of these relationships, local ownership is to be contested, negotiated, affirmed and built, but can be neither an award nor a reward. That much holds true for all SSR contexts.

Even so, some lessons are discernible from the Liberian case. The first is that outsourcing may generate local resentment, cynicism and resistance. The Liberian case also demonstrates that SSR suffers a transparency and accountability deficit when and where local actors have no say in the terms under which security contractors are engaged. In the case of Liberia, locals did not even have access to these terms. Thirdly, the Liberia case not only underlines the reality that local ownership must be negotiated, but given the lack of cohesion and homogeneity among both local and international actors, suggests that this negotiation process must necessarily involve myriad actors in a complex and constantly shifting set of relationships. Finally, the Liberian context also demonstrates a tendency to equate local ownership with government ownership, but this approach, under pressure from parliament and civil society is subject, and even vulnerable, to change.

### **Policy Recommendations**

The following recommendations are put forward as suggestions for improving SSR in Liberia:

*Facilitate, do not prescribe:* Donors and external actors should be facilitative, and not prescriptive in their role in supporting SSR. While SSR prescription may succeed in the short term in permitting an exit strategy, it is unsustainable. More support and understanding should therefore be accorded to the GC in its difficult, time-consuming, but ultimately rewarding consultative methodology. SSR is of no value if it is not both democratic and democratising.

*Develop regional guidelines for private security actors:* The case of Liberia demonstrates the need for a regional (the Economic Community Of West African States - ECOWAS) set of guidelines for security contractors operating in the West Africa. Such guidelines are important because reforming states (particularly those emerging from conflict) are often too weak and too dysfunctional to exercise effective oversight at the national level.

*Revise contractual agreements:* The government of Liberia should explore avenues for revising its contractual obligations in a manner that gives Liberian institutions, particularly the legislature and civil society, avenues to play their constitutional and legitimate roles in democratic governance of the security sector. This is not a normative bonus to Liberians, but an essential condition for accountability, without which there can be no good governance. And without good governance, violent conflict is an ever-present possibility.

## Notes

- <sup>1</sup> See Fred Schreier and Marina Caparini, *Privatizing Security: Law, Practice and Governance of Private Military and Security Companies*, DCAF Occasional Paper, No. 6 (Geneva: DCAF, 2005), 43. See also, Peter Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca and London: Cornell University Press, 2003).
- <sup>2</sup> Schreier and Caparini, *Privatizing Security*, 4. The paper contains a country-by-country breakdown of data on military downsizing. See also Sam Vaknin, 'Explosive Growth for Private Armies', Corpwatch, [http://www.corpwatch.org/print\\_article.php?=11960](http://www.corpwatch.org/print_article.php?=11960).
- <sup>3</sup> Eboe Hutchful, 'Understanding the African Security Crisis', in *Mercenaries: An African Security Dilemma*, eds. A. Musah and J. K. Fayemi, 217 (London: Pluto Press, 2000).
- <sup>4</sup> A. Musah and J. K. Fayemi, eds., *Mercenaries: An African Security Dilemma* (London: Pluto Press, 2000), 17.
- <sup>5</sup> United Kingdom Foreign and Commonwealth Office, *HC 577 Private Military Companies: Options for Regulation 2001-2002* (London: The Stationery Office, 12 February 2002), 29.
- <sup>6</sup> UK Foreign and Commonwealth Office, *Options for Regulation 2001-2002*, 29.
- <sup>7</sup> *Ibid.*, 37.
- <sup>8</sup> Paul Michaud, 'France/Africa: No more Mercenaries', *New African* (October 2003).
- <sup>9</sup> Jack Straw, 'Foreword by the Secretary of State for Foreign and Commonwealth Affairs', in *HC577 Private Military Companies: Options for Regulation 2001-2002*, 4 (London: The Stationery Office, 12 February 2002).
- <sup>10</sup> *Ibid.*, 4.
- <sup>11</sup> Nicole Ball, 'The Governance Requirements of Preventing Violent Conflict: Reforming the Security Sector' (paper presented at the conference 'Conflict Prevention and Development Co-operation in Africa: A Policy Workshop', Wilton Park, Steyning, West Sussex, 10 November 2007).

- <sup>12</sup> Hon. Saah Gbollie (Chair of the Committee on National Security), interview by author, 22 May 2007, Liberia.
- <sup>13</sup> UNMIL official, unpublished communication with author, 7 July 2008.
- <sup>14</sup> For details of the recruitment and vetting process of the Armed Forces of Liberia, see Mark Malan, *Security Sector Reform in Liberia: Mixed Results from Humble Beginnings* (Carlisle, PA: Strategic Studies Institute of the U.S. Army War College, March 2008), 30-38.
- <sup>15</sup> Malan, *Mixed Results from Humble Beginnings*, 36-37.
- <sup>16</sup> United Nations Security Council, *15<sup>th</sup> Progress report of the Secretary-General on the United Nations Mission in Liberia*, Document No. S/2007/479, 8 August 2007, 7.
- <sup>17</sup> Malan, *Mixed Results from Humble Beginnings*, 33.
- <sup>18</sup> United Nations Security Council, *16<sup>th</sup> Progress report of the Secretary-General on the United Nations Mission in Liberia*, Document No. S/2008/183, 16 March 2008, 6.
- <sup>19</sup> *The Perspective*, 'Minister Brownie Samukai Discusses Liberia SSR in US', 22 May 2007.
- <sup>20</sup> Ibid.
- <sup>21</sup> UNMIL Public Information Media Monitoring and Development Unit, 'U.S. Ambassador Debunks Reports of Flaw in Liberia's Security Sector Reform Programme', *Daily Media Report*, 10 April 2008.
- <sup>22</sup> Malan, *Mixed Results from Humble Beginnings*, 22.
- <sup>23</sup> Thomas Jaye, unpublished communication with author, 28 July 2008.
- <sup>24</sup> Gbollie, interview by author.
- <sup>25</sup> See Malan, *Mixed Results from Humble Beginnings*, 40.
- <sup>26</sup> Adedeji Ebo, 'Liberia Case Study: Outsourcing SSR to Foreign Companies', in *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, ed. Laurie Nathan, 81 (Birmingham: University of Birmingham, 2007).
- <sup>27</sup> If external funds are transferred by the donors directly to the Liberian government, they become part of the state budget and therefore are subject to parliamentary oversight. However, this is only speculation because so far, external funds have been transferred directly to foreign companies, without the intermediation of the Liberian government. Hon. Lahai Lasana, (Chair, Senate Committee on National Defence), interview by author, 11 March 2008, Monrovia.
- <sup>28</sup> Gbollie, interview by author.
- <sup>29</sup> See Malan, *Mixed Results from Humble Beginnings*, footnote 50.
- <sup>30</sup> Members of the Liberian legislature, unpublished communication with author, 7 July 2008.
- <sup>31</sup> For example, DynCorp's employees were reported to have been involved in a prostitution racket while on a UN subcontract in Bosnia. Schreier and Caparini point out that even though a number of DynCorp employees were dismissed, they were not prosecuted. The only court cases involved two whistleblowers who exposed the episode and were subsequently sacked. Of the two, Kathryn Bolkovac won her suit for wrongful dismissal while the case for Ben Johnston was settled out of court. See Schreier and Caparini, *Privatizing Security*, i.
- <sup>32</sup> See Ebo, 'Outsourcing SSR', 82.
- <sup>33</sup> Ibid., 80.
- <sup>34</sup> Malan, *Mixed Results from Humble Beginnings*, 44.

## Chapter 9

# South Africa: SSR After Apartheid

*Sandy Africa*

### **Introduction**

This chapter evaluates the experience of local ownership of security sector reform in the South African context. It contrasts the conditions that preceded the transfer of political power with the challenges of the post-1994 period.<sup>1</sup> The concept of local ownership of security sector reform, which juxtaposes local actor involvement with the role and influence of the donor and international community, actually had little currency at the time of South Africa's political transition. However, the processes and outcomes that unfolded in relation to reconceptualising, reconstituting and redirecting the security sector had many of the hallmarks of local ownership as it is understood in the contemporary debates.<sup>2</sup>

The paper examines the influence of local actors on defence, police and intelligence reform, the main concerns of security sector reform during South Africa's political transition. In particular, it examines the impact of civil society, political parties and organisations, security actors and the international community. It extends the emerging understanding of local ownership, which problematises the role of donors in security sector reform and warns of unsustainable outcomes if local actors do not assume responsibility and accountability for security sector reform. The paper highlights the importance of looking beyond the relationship between domestic and donor actors in reshaping the security configuration in a country. In fact, in the South African context, donor involvement in the political and security sector reform was hardly an issue – though the role of the international community still requires analysis and understanding. Of greater significance in the South African context was the distribution of power between the contesting political and social forces, and the mechanisms established to reach consensus about how to attain a politically sustainable and secure future for all South Africans.

## **The Shaping of Security Sector Reform Prior to 1994**

### *The Role of the Political Players*

South Africa's political transition has rightly been lauded for its inclusive and participatory character. Local ownership was characterised by internal, bilateral and multilateral engagements involving political actors, both parliamentary and extra-parliamentary. In 1990, when State President F.W. de Klerk lifted restrictions on the African National Congress (ANC) and its armed wing *Umkhonto we Sizwe* (MK), the Pan Africanist Congress (PAC) and its armed wing the Azanian People's Liberation Army (APLA), among other organisations, he did so against the background of heightened political activity in the country.

### *Civil Society*

One consequence of the dominant role played in national politics by the apartheid state's security institutions (including the military, the police and the intelligence services) prior to the 1990s was the development of a vigorous debate about the role of these institutions under a future political dispensation, as well as during the period of political transition. This debate was played out in the context of multi-party political negotiations which were precipitated by a complex interplay: a groundswell of popular political pressure, fractures within the ruling party, and pressure from the international community.

The South African citizenry bore the brunt of repression by the apartheid security forces. Their input into the role and shape of a future security service was therefore unsurprising. In spite of severe repression by the security forces (including detentions of thousands without trial, the torture of detainees, extra-judicial killings, and violent and heavy-handed measures used against protest action), a vocal civil society – trade unions, community organisations, professional bodies, religious groups and the media – had maintained a persistent clamour against apartheid. This broad and mass-based resistance often was accompanied by an articulation of the alternatives to repression that communities and these organisations envisaged, and can be seen as the embryo of security sector reform.

The End Conscription Campaign, for example, was a broad-based campaign that captured the hearts of numerous white youths who refused to enrol, on principle, for then-compulsory military service. Similarly, the campaign for the release of political prisoners, the campaign to end the State

of Emergency, and the campaign for peace and stability in the townships of KwaZulu/Natal, which later spread to the Vaal Triangle, all aimed at the repressive nature of the security system. Towards the end of the 1980s, the powerful trade union federation, the Congress of South African Trade Unions (COSATU), the United Democratic Front (UDF), and other organisations promoting democracy coalesced into a formidable alliance: the Mass Democratic Movement (MDM). Given the volatile security situation, typical MDM issues included demands for an end to the State of Emergency, for the removal of troops from the townships, and the release of detainees and political prisoners.

Once it had been “unbanned”, the ANC engaged in consultative meetings with anti-apartheid organisations. Human rights groups and various research institutes also joined in the debate about the future of the security services, and made many influential contributions to the negotiating forums.<sup>3</sup> One of the most important developments was the signing of a National Peace Accord (NPA) in 1991. Signed by all the major political actors after a tortuous process of negotiations, the NPA focused on the inadequacies of the police in addressing the ongoing violence. Chris Spies captures the impact of the Accord:

It created an unprecedented country-wide network of structures to implement the agreement by addressing the behaviour of political parties and the security forces, issues related to justice, and conflict management through participatory processes of localised mediation and monitoring coordinated at the regional and national level. Although aimed at ending the violence, its principles and structures provided an important safety net for national negotiations. Later, politicians knew that even when they walked out of the constitutional negotiations, they retained their common commitment as signatories of the NPA, which provided a mechanism for channels of communication to remain open.<sup>4</sup>

During this period, the media played a remarkable and courageous role in exposing the hidden hand of the state security forces in the violence. Images of violence in townships, eyewitness accounts and vigorous investigative journalism began to lift the veil on what was afoot in South African society. Media coverage of the discussions and activities of various segments in society demonstrated the near universal desire for change.

*Intra-Party Engagement*

The political environment put pressure on political parties to ponder the type of future they envisaged, and to consult their members and constituencies on this matter. In 1991, the ANC convened a national policy forum where for the first time in decades, on South African soil, it could legally and openly debate a wide range of policy issues, including the future of the security sector. The Democratic Party, one of the main parliamentary parties in opposition to the government, at its National Congress of November 1991, called for broad public involvement in containing the political violence gripping the country, and urged that the role of the security forces be the subject of political debate. They also urged the integration of the disparate homeland forces into the structures of the South Africa Police (SAP) and South African Defence Force (SADF), and the integration of combatants of the ANC and PAC into these structures where they were not demobilised. Other parties also met to consolidate the positions they would take to the various forums that were meeting to consider the future of the country. The significance of all this internal political engagement was that it made the political actors reflect on the alternatives that they would propose to their compatriots in subsequent dialogue.

*Bilateral Engagement*

The change in legal status of the ANC and PAC paved the way for the return of leaders of these liberation movements from exile, and raised the question of the future of the armed struggle. Within months, the ANC and the government had met and made a commitment to resolve ‘the existing climate of violence and intimidation from whatever quarter, as well as a commitment to stability and the peaceful process of negotiations’.<sup>5</sup>

But reaching consensus on the terms of engagement was a protracted process, and it would be several months before a more detailed agreement was reached. The government, being sensitive to criticism from its own constituency – white voters, who were extremely nervous about the path that was being taken – denounced the ANC for its refusal to unequivocally abandon the armed struggle in the months immediately following its unbanning. The ANC, on the other hand, was contending with several challenges. Its leaders had to consult with its members, particularly those in the armed wing, on the question of the suspension of the armed struggle, on which the government insisted. It prioritised consolidating its relationship with the mass democratic structures – including the trade unions, the United

Democratic Front and its affiliates, the organised religious community – all of whom had played a critical role and continued to play an important role of pressuring the government through campaigns of mass action.

When the Pretoria Minute was signed between the government and the ANC on 6 August 1990, the main elements of this agreement were the suspension of the armed struggle by the ANC; a government commitment to release all political prisoners by 30 April 1991; that all political exiles were to be allowed to return home to South Africa; that national, regional and local structures would be set up to address situations of conflict; and that talks would commence about a future constitutional dispensation for the country.<sup>6</sup>

The talks between government and the ANC were not the only bilateral engagement to take place during this period. In June 1989, only months before the dramatic developments of 1990, the UDF-COSATU alliance met with the Inkatha Freedom Party in a meeting brokered by church and community leaders. Both sides agreed that there was a need to end the violence in which hundreds of people had died as a result of political rivalry in black communities. They pledged support for the principles of association and expression, and the right to live in any area regardless of political affiliation. Though the meeting in itself did not lead to an immediate reduction of violence, it prepared the ground for the arduous work that was to follow, and that was to lead more than two year later to the signing of a NPA.

#### *Multiparty Engagement*

Inclusive multi-party talks to thrash out the details of achieving a transfer of power to a democratically elected government were another instance of local ownership and participation in the South African transition. The historic Convention for a Democratic South Africa (CODESA) was a gathering significant for its inclusivity. Practically all the major political parties operating in South Africa, the South African government, the still existing ethnic “homeland” authorities, as well as the ANC and its allies participated in these talks, which focused on creating conditions for free political participation by all parties. Ultra left-wing black groups however, such as the PAC and the Azanian People’s Organisation (AZAPO), were suspicious of the initiative, and boycotted the talks in spite of the ANC’s efforts to involve them in a broad-based, politically inclusive Patriotic Front. So did right-wing political parties represented in parliament, which saw the talks as a betrayal of white voter interests. Notwithstanding this, repeated calls were made to

those outside the process to join, on the grounds that it represented the only reasonable and peaceful mechanism for resolving South Africa's political future. On the whole, the overall level of political engagement during the multilateral process was high.

CODESA 1, held in December 1991, culminated in the adoption of a Declaration of Intent, in which most of the participating parties pledged to work together to craft a unitary political dispensation for South Africa.<sup>7</sup> CODESA 2, a similar forum held a year later, focused more squarely on the process of moving the country towards a new political system. One of the main outcomes of the talks was the passage of legislation by the tricameral parliament that would see the creation of a Transitional Executive Council (TEC), a multiparty instrument of collective governance, set up to facilitate the transition and to create conditions for free political participation.

#### *Translating Political Consensus into Interim Mechanisms*

The establishment of the TEC represented a major concession, and addressed a concern which had been persistent since the beginning of the post-1990 engagement, namely the need to level the political playing field. The TEC's core mandate was to facilitate the preparation for and transition to a democratic order in South Africa. The Council, broadly representative of the key actors in the transition process, was a wholly locally devised solution, the result of months of political dialogue. Through three of the seven sub-councils of the TEC – for Defence, for Intelligence, and for Law and Order, Stability and Security – the political parties began to establish mechanisms for reining in and calling the myriad security services to account for their actions and to align them to tasks associated with the transfer of political power.<sup>8</sup> The TEC was in existence right up until the first democratic elections on 27 April 1994.

The Interim Constitution of 1993 was another product of the negotiations process passed by parliament. It spelled out principles for the establishment of the future public service, including the fact that it should unite the disparate administrations that had existed under apartheid, and be non-racial and democratic in character.<sup>9</sup> In relation to the security sector, it provided guidelines for the police and defence forces – though it was silent on the future of the intelligence services – echoing the vision of unified entities.

In summary, it can be said that the political reform process was driven primarily by local political actors. Whilst the ANC and the government were the primary protagonists, both were sensitive to the need to encourage their

allies and constituencies to support their endeavours. CODESA was a broad platform that allowed all formal political parties an opportunity to have their say on key issues, including the containment of violence. And the Interim Constitution gave expression to the principles around which consensus was beginning to develop. Nevertheless, the situation remained fraught, and serious tensions between rival political groupings persisted. Because these tensions reached the point of violent and life-threatening conflict, the role of the security actors in the transition was brought into sharp focus.

#### *The Role of Security Sector Actors*

*As agents of an oppressive system.* Much has been written about the destructive role played by South Africa's security forces under apartheid. During the transition, their role remained the subject of both scrutiny and concern. This led to agreement during the negotiations that the security of the country could not be left in the hands of the apartheid-era security forces alone. The government and the public were poles apart in their perceptions of the police who, even after they were advised by President de Klerk that they were no longer required to play a political role, continued to be widely viewed by the public as complicit in the violence. Against the backdrop of harsh security laws, the police were seen as brutal when dealing with public protest; there were innumerable reports of torture used on people in police custody, as well as a growing number of convictions against members of the South African Police for crimes ranging from petty theft to murder to rape.

In the "homelands", the police were just as repressive in their conduct. Anti-apartheid opponents, as well as those who opposed and criticised the local authorities, were treated with similar heavy-handedness by the police in these areas. Networks of informers run by the police in the communities were a favoured means of keeping tabs on critics. Apart from this dubious role of suppressing dissent, the racialised nature of the South African political system meant that there was a proliferation of ethnically-based police and defence forces for different apartheid jurisdictions, a costly administrative burden that a new democratic state would inherit.

*As peace-brokers.* During the transition, the security services enjoyed a unique opportunity to participate in defining their own future. In the first instance, they were themselves instrumental in facilitating talks. In the 1980s, the government's National Intelligence Service (NIS) and operatives of the ANC's intelligence network advised their political principals to enter into negotiations with each other, and acted as go-betweens between their political masters for the next few years, before the climactic unbanning of

the ANC, SACP and other political parties. In itself, this was a highly significant role for the security services to play, signifying that they themselves – or at least elements within them – were ahead of their time in facilitating the momentous changes that were to come.

With the lifting of restrictions on the ANC and other organisations, state security forces had to cooperate in the repatriation of their former enemies, and once agreements had been reached, in their disarmament, demobilisation and eventual integration into a single defence force, police service and intelligence community. The senior and politically appointed management levels of the intelligence services, the armed forces and the police were presented with a unique opportunity to influence policy reforms, no doubt a critical factor in gaining their support and in their willingness to persuade the ranks to toe the line. Similarly, cadres of the liberation movements' armed wings were persuaded by their leaders that a negotiated settlement was the order of battle. And once the elections had been held, the task of standardisation and finding a common purpose proceeded apace.

*As subjects of interim civilian control.* If there was any miracle about the South African transition, it was that the security actors were eventually subjected to interim civilian control, despite their highly contested and controversial roles. This progression of events can be attributed to the strength of the political agreements concerning security actors. The Transitional Executive Council Act of 1993, for example, set detailed and high expectations for the management of the security sector. In relation to defence, for example, the Sub-Council had the following responsibility:

- To be kept informed on a continuous basis by each military force of any activities likely to have an adverse effect on the objectives of the TEC
- To investigate allegations around such activities and recommend actions to correct the impact thereof, where allegations were found to be valid
- To be kept informed of any proposed legislation and internal directives or rules regarding the conduct and deployment of any military force
- To formulate a code of conduct that would be binding on all military forces, and to monitor its observance
- To commission or undertake research into the parliamentary control, composition, manpower policy, organisation and executive command of a future defence force, and the future of the arms industry, among

other objectives. The Sub-Councils on Intelligence and Law and Order, Security and Stability, had very similar provisions.

The modalities for the enactment of these provisions involved the security actors themselves, and without their cooperation the TEC and its sub-councils could not have achieved their goals. As a general rule, the security actors were organised to reach agreement amongst themselves before proposals were put to the political actors. Painfully, and slowly over time, a measure of cooperation, even trust between former foes began to emerge.

*As peacekeepers.* Pre-1994 levels of cooperation owe their emergence to agreement between the parties that the high levels of political violence between rival political groupings were unacceptable. Moreover, public confidence in the apartheid security forces to unilaterally create conditions for peace was exceedingly low. The TEC was charged with the establishment of a National Peace Keeping Force (NPKF), a mechanism that would draw on the security resources of the parties participating in the negotiating process. The NPKF was disbanded after the 1994 elections, and its short existence foreshadowed a number of challenges – concerning resourcing, command and control, training doctrines and mandate – facing the architects of South Africa's new security services.<sup>10</sup> Nevertheless, the main lesson of the NPKF was that integration, however difficult, was a possibility.

As the security actors engaged with each other, agreement was being reached between their political leaders on a set of principles for the new security services, which filtered down to the services. The most significant of these principles was that the security services should exist to uphold the broader goals of the transition, that they should be subject to civilian control and to the rule of law, that members should have the right to refuse to obey illegal orders, that the services should promote peace and cooperation with South Africa's neighbours, and that they should be subject to parliamentary oversight.

These ideas were as important for the security actors to come to terms with as their need to begin understanding each others' abilities. There were of course great disparities in orientation, training, culture and ability that would have to be overcome. The liberation movements were geared to conducting insurgency operations, whilst the statutory forces were orientated towards conventional methods of defence.

At no stage in the South African transition were external security actors deployed – though at times the expertise of foreigners was called upon

to help build capacity. The roles of advising decision makers on security threats, of policing, and of keeping the peace, remained in the hands of South Africans. At the same time, however, given the repressive role of the apartheid-era security actors, the negotiations saw vigorous discussion about how to subject them to political control, and about how they should operate in the post-apartheid era.

#### *The Role of the International Community*

While South Africa's political transition and the attendant security reform processes were not dependent on donor support, the international community nevertheless played a positive role. In the first instance was the international anti-apartheid movement, whose campaigns brought pressure to bear on their own governments to isolate Pretoria until it accommodated its political opponents. Multilateral organisations, among them the United Nations and the Organisation of African Unity (OAU) also condemned apartheid. When the Commonwealth met in 1985, at the height of South Africa's State of Emergency, several member states mounted a campaign to increase South Africa's isolation through economic sanctions. Because of opposition by the United Kingdom government, an "Eminent Persons Group" (EPG) was appointed instead to assess conditions in South Africa. After its visit to the region, during which it consulted widely on both sides of the conflict, the EPG formulated a "Possible Negotiating Concept". After the South African government failed to endorse its recommendations, the EPG called for economic sanctions, saying that this was the last opportunity to avert a bloodbath in South Africa.<sup>11</sup>

In Harare, Zimbabwe, in August 1989, the OAU's ad hoc Committee on Southern Africa, at the suggestion of the ANC, adopted a Declaration recognising the possibility of a negotiated settlement and spelling out the main principles that would govern a future democratic South Africa. The Declaration, which called on the South African government to undertake a number of steps to ease tensions and create a climate for negotiations, reverberated in a number of intergovernmental forums around the world. It was endorsed by the Non-Aligned Movement of nations (NAM), and formed the basis of the "Declaration on Apartheid and its Destructive Consequences in Southern Africa" adopted by the UN General Assembly later that year.

*The role of the international community in the transition.* During the transition, the international community played a supportive role. One form of support was capacity-building, with several foreign governments, for example, providing training to the NPKF. Several observer missions were

deployed to the country in the months preceding the 1994 elections, including a UN Observer Mission, and an OAU Mission. The UN Mission came about as a result of Resolution 772, and it required UN observers to monitor conditions in the country, promote the resumption of negotiations, and to work closely with the NPA Structures. Apart from its election observation role, the UN observer mission found itself actively engaged in the run-up to elections, holding discussions with leaders across the political spectrum and actively attempting to address bottlenecks and reduce tensions among opposing political parties.<sup>12</sup> The relatively small OAU Mission was mandated to work with and strengthen peace structures, monitor the violence and contribute to its end.<sup>13</sup>

The role of the international community complemented other pressures emanating from within South African itself which led to negotiations and ultimately elections. A combination of strong leadership, mass pressure, and a certain momentum that the process had gained, resulted in the historic elections of 27 April 1994, by which time some thought and considerable discussion had already taken place about the future of the country's security services.

### **Sustaining Local Ownership of Security Sector Reform in Post-Apartheid South Africa**

From the preceding account and analysis, the overall picture that emerges is one of ongoing engagement by a number of local actors in transitional SSR efforts. In addition, security actors were subject to ongoing political scrutiny and, later, political control through the transitional mechanisms. Whether they were inclined to or not, security actors were obliged by their political principals to cooperate with each other in achieving desirable conditions for the holding of free and fair elections. Not surprisingly, a measure of suspicion remained, and was to filter through into the post-election period. By and large, though, the combination of explicitly stated new principles to govern the conduct and role of the security actors, and the experience of working to achieve a common set of goals, laid a sound basis for the mutual cooperation that would be required in the formal integration of these structures.

*Impact of Donors*

In examining whether security sector reform in post-apartheid South Africa has remained true to the principles contained in the basic policy frameworks in the post-apartheid period, a complex picture emerges. The relatively peaceful nature of the transition did not necessitate a sustained peacekeeping role for the international community, which withdrew its observer missions after the elections. Foreign donors – intergovernmental organisations, individual governments and even private foundations – have given extensive support to security governance initiatives, but the effect of this has been to support the overall thrust of government's own policy initiatives, rather than to redirect the attention of government. The criminal justice sector – which had emerged as the most challenging arena – has been particularly generously funded by foreign donors, which have focused on improving community-police relations as well as providing basic detective training and human rights training.<sup>14</sup> This support to the South African government's policy agenda, while welcome, does not denote a state of dependency, and can be appreciated as much for the transfer of capacity and skills as for the injection of financial resources.

*The Constitutional Framework*

In spite of the foundation laid in the pre-1994 period, security sector reform after 1994 has been a complex process. With the violence still not resolved by 1994, it was not surprising that tensions would prevail around the role of the former apartheid security structures, as the newly elected Government of National Unity (itself a fragile construct fashioned by the ANC majority under the conciliatory influence of Nelson Mandela) set out to unite and redirect state institutions to the task of serving the needs of the people. Creating a sound and permanent constitutional basis was a key imperative. Thrashed out over several months by the first democratic parliament, the Constitution of the Republic of South Africa (Act 103) was eventually adopted in 1996, replacing the Interim Constitution of 1993. The constitution spelled out the framework in which a gargantuan project would have to be undertaken by South Africans: healing a racially divided society with glaring disparities between rich and poor, a weakened economy, and weak and dysfunctional state institutions. A definitive chapter on the security services – the product of the pre-1994 debates and agreements, and fleshed out in further deliberations in parliament and joint structures of the security actors who were by then preparing for integration – was included in the

Constitution. Its key principles were that the security services were to be subject to the rule of law, under political supervision, politically non-partisan; subject to multi-party oversight; and aligned with the needs and aspirations of the citizens they served.<sup>15</sup>

Following the constitutional revisions, the legal frameworks and mandates of the South African security services have been realigned. New legislation governing the national defence force, the civilian intelligence services and the South African Police Service has emerged from policy review processes. Another significant development has been the efforts to address the wrongs committed under apartheid, particularly by the security forces. The Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995) made provision for a series of mechanisms that would manage the transitional justice system in relation to politically motivated crimes committed during the apartheid era. These included the granting of indemnity from prosecution to individuals who made full disclosures of such crimes, and the awarding of compensation or reparations to those who had been grossly affected by apartheid. People from both the liberation movements and the security forces applied for indemnity or amnesty. The Truth and Reconciliation Commission was an important vehicle for healing, though there are many who argue that it made too many compromises and that there is still unfinished business, particularly regarding the role of the security forces in South Africa's troubled past.<sup>16</sup>

#### *Demobilisation, Disarmament and Reintegration (DDR)*

The challenges of repatriation, demobilisation and disarmament of the former guerrillas of the ANC and PAC were complex. The return to South African society after many years of exile required a profound social adjustment for those involved, while questions arose regarding how to cater for elderly veterans of the liberation movements who were not suitable for integration into the armed forces. There was also the matter of how to cater for the aspirations of youths who had been part of the self-defence units created at the behest of the guerrilla armies, and who found themselves unsuited to absorption and without the skills to be effectively absorbed into the civilian economy.<sup>17</sup> These dynamics unfolded in the context of a hangover of suspicion between former foes, very different political cultures and traditions to which they had earlier pledged allegiance, and differing training orientations (the liberation movements schooled in the traditions of the Soviet Union and its allies, with the former apartheid forces schooled in the Western tradition).

The actual paths of the integration or amalgamation processes were different for each of the security structures. The officials and cadres absorbed were now part of bureaucratic hierarchies and no longer political instruments of war. As such they had to get on with the job of running the new institutions. The leverage for influencing the actual implementation differed too, from structure to structure. In the case of the newly created intelligence service, the early adoption of a White Paper on Intelligence and new laws establishing the integrated entities were accompanied by the appointment of senior ANC and PAC intelligence figures to senior and strategic posts. Given that the statutory forces of the former government far outnumbered the non-statutory (ANC and PAC) components, the symbolism of this change of faces was important.

In the case of the new SA National Defence Force (SANDF), the old white-dominated SADF had strongly resisted the appointment of the guerrilla-trained ANC and PAC cadres into senior and strategic posts, insisting that to do so would weaken the effectiveness and undermine the professional character of the SANDF. This argument held sway, subject to an understanding that the guerrillas' training would be fast-tracked so they could ultimately be placed across all levels and in all roles. With this agreement, the strategic leadership of the SANDF in its early years was in the hands of former commanders, resulting in frustration and demoralisation of lower ranking cadres.<sup>18</sup> The opportunity to undertake a comprehensive Defence Review came only later, in 1997. However, this was a thorough and far-reaching process, with significant civil society participation.

The police had seen some changes to their political role in the early 1990s, particularly with the disbanding of the notorious Security Branch, which had played such an explicitly political role, detaining, torturing and even murdering political opponents of apartheid. In the run-up to the elections of 1994, the police had been accused of continued partisan behaviour. Whilst there was a great need to change the internal culture of the police service, the lack of non-statutory members absorbed made this a major challenge.<sup>19</sup> As the focus of the police shifted to improving relations with the communities they served, much effort went into institutionalising a new ethos, but this was erratic, and the persistence of violence well into the first years of the democracy did not inspire public confidence in the police.<sup>20</sup>

In all three cases however, the change of political system (apartheid to democracy) in itself was a sea change. It meant that the security services were no longer responsible for upholding an indefensible political order. They were now truly national assets, charged with defending the integrity and sovereignty of a united South Africa. The Constitution subjected them to

a range of democratic principles and stressed that they were compelled to disobey illegal orders.

### *The Role of Oversight Bodies*

The role of oversight bodies in ensuring a culture of accountability – a critical component of accountability – was also important. Yet, just as the security services faced serious challenges in coming to terms with their tasks – repatriation, integration, demobilisation and adjustment, whilst simultaneously delivering on their core mandates – the structures charged with watching over them were also on steep learning curves. Members of the parliamentary committees for defence, safety and security and policing were not only new to their role as members of parliament, but also had to understand how the bureaucracy functioned. Resources were not initially adequate and a lack of expertise meant that there was a lapse of time before they could effectively play their role, both of oversight and of holding the Executive to account.<sup>21</sup>

### *Scope for Civil Society Involvement*

The roots of local ownership of security sector reform can be traced to the struggles of the South African peoples against repression, and to the founding agreements between the apartheid regime and their liberation movement adversaries: the lifting of political restrictions in exchange for the suspension of the armed struggle; the subjection of all armed structures to multi-party political supervision in the run-up to the first democratic elections, and then the critical agreement to unite them into single national entities for defence, intelligence and the armed forces.

With the terrain of engagement having shifted to the structures of the state, the scope for civil society involvement changed as well. Whilst the Defence Review of 1997 allowed for submissions by the public before policy decisions were taken, this was not on the scale seen during the heightened mobilisation and political involvement of the transition period. In other cases, measures for civilian control have dissipated significantly. In contrast to the situation in the Department of Defence, where a separation of policy and technical functions between a Secretariat for Defence and the Arms of Service has bedded down well, in the case of the South African Police, a Secretariat for Safety and Security was disbanded after several years. Given the current scenario where the success of the crime fighting capabilities of the South African Police is in question, this may have been a

serious mistake.

### *Service Delivery*

Fourteen years into South Africa's democracy, success in achieving the mandates of the post-apartheid security services has been only partial. The problems are the making of South Africans, and have little to do with whether or not the international community has been involved. This is not to suggest that all is lost. Much good has been achieved by the South African security services under able policy stewardship. The SANDF serves as a force for good, and has played a critical peacekeeping role on the continent. The SANDF has also played a vital role in several emergency deployments in the region and at home. Even as it has rationalised and reduced its numbers significantly, it has provided employment for many young people.

Policing resources have been more equitably spread across the country, servicing the poor in contrast to the situation under apartheid. The fact that the police are no longer required to uphold an illegitimate political system is in itself an advance. The police are now able to cooperate with their counterparts in the region and around the world, and over the years have scored impressive successes in countering arms and drugs smuggling, and combating urban terrorism, and have generally improved in their ability to maintain public order in times of protest.

The performance of the intelligence services is probably the most difficult to measure, given the secrecy that surrounds their operations. Nevertheless, they have played an important support role in some high-profile crime fighting operations, including a decisive campaign against urban terrorism in the Western Cape in the period 2001-2004. They have provided reasonably competent support around major international events taking place in the country. And in terms of the law, they perform the critical role of providing strategic national intelligence to the government, and a sense of the major threats to national security.

But in as much as there have been successes in the performance of the security sector, there are also worrying indicators of poor performance. Among the many challenges facing the security sector are continuing controversy around tender procedures, political disarray following a Strategic Arms Procurement Deal involving the SANDF, a high-profile corruption investigation against the National Commissioner for Police, and a complicated set of legal cases arising from an investigation into allegedly illegal conduct by a former head of the country's domestic intelligence services. All have received significant media coverage, and this article will

not dissect these highly controversial sagas. There is, finally, the ongoing debate about the most effective institutional mechanisms to combat South Africa's high crime rate.

Recently, the deputy minister of justice reported to the cabinet that the criminal justice system was fragmented, highly dysfunctional and in serious need of reform. He reported, for example, that the crime statistics released periodically by the police – alarming as they are – do not reflect the full extent of crime in South Africa because people had lost faith in the criminal justice system; that 50 per cent of all crime scenes were currently not being examined, because of a lack of forensic capacity; that the country had only 2,082 forensic investigators to investigate more than 600,000 contact crimes per year; and that the justice department would have to find a way of reducing the court rolls by an estimated 200,000 cases per year.<sup>22</sup>

Recently, there has also been fierce debate about the cabinet's decision to integrate the Directorate of Special Operations ("the Scorpions"), an investigative arm of the National Prosecuting Authority, into the South African Police Service. Those opposed to the move say it is a bid by the ANC to protect ruling party leaders who had become the subject of investigation by the Directorate. The ANC and the government have rejected these claims, saying that integrating the Scorpions is merely an attempt to consolidate resources so as to improve the fight against organised crime. The public hearings scheduled by parliament into the proposed legislative amendments that will see the dismantling of the Scorpions have drawn intense public interest, and judging by the submissions made, public opinion on the matter is clearly divided.<sup>23</sup>

In spite of these challenges, South Africa remains a resilient democracy, and as the political system matures, the security services find themselves under public scrutiny and subject to further reforms. The civilian intelligence services are currently the subject of an extensive review, the outcome of which will be their further alignment with the Constitution. There is an initiative to launch a second Defence Review. And the effort to strengthen the criminal justice sector – in a sense the government's nemesis – is due for yet another round. These examples indicate that there remains a large measure of public concern about, and engagement with, the role of the security services, even if this is coupled with frustration.

While the security services operate within the framework of a legitimate constitution, in accordance with the rule of law, and consistent with international law, the picture that has emerged, especially in relation to public safety, is that security sector reform has not benefited the most vulnerable groups in society. Crime levels remain worryingly high, driving

the haves, who feel the state is not meeting their needs, towards the multi-billion rand security industry. The poor, on the other hand, see themselves as being at the mercy of criminals. The challenges of security in its broadest sense – domestic, regional and global stability; public safety, and the absence of social violence – are the new issues with which reforms must engage.

### **Conclusion**

South Africa was fortunate enough to craft an inclusive and resilient constitutional and legislative framework for its post-apartheid security dispensation. This was remarkable given the polarised position that the security services had occupied under apartheid. But it is clear that sustaining the changes must be an ongoing process.

Current conditions present new challenges for local ownership of security sector reform. Some of the lessons of the transition period are well worth invoking here. In that period, political actors were under pressure to rise above partisan interests in the interests of a common goal – that of achieving peace and ending the senseless violence. A strong and compelling vision of what was required was articulated and all political parties were bound by it if they wished to be part of the solution.

The second lesson from the transition period is that the participation of civil society – the public in its organised and structured forms – was consciously facilitated and encouraged. Despite the spirit of the constitution, however, security continues to be seen as the responsibility of the state. The top-down delivery of security services, the executive initiated debates on changes in strategy, and a persistent culture of secrecy make it difficult for the public to insert itself meaningfully into the process. In some cases, it is conceded that the public has a role to play (in community policing forums, for example), but by and large a gulf remains between the security actors and the people.

Resistance on the part of the security services to fundamental change is another problem that may need to be vigorously addressed. Especially where technical power lies in the hands of security actors, it is not easy for civilian actors – even parliament and the executive – to exert influence. Security actors may either drag their feet or conduct themselves in a partisan fashion if adequate oversight and mechanisms to limit their leverage are not fashioned into the security system design.

Another lesson is that capacity must be built through proper and effective strategies. Even with the best intentions behind the reforms, the performance of the security services has often fallen short of public expectations. This, as we have seen has been the result of several interrelated factors including poor leadership, inadequate resourcing, poor management, misreading of the problems, and internal corruption. All of these elements speak to the need for built-in accountability in the design of the security reform. Only if government is accountable to parliament and to the public for the performance of the security sector, and if the security services themselves are managed in an efficient and transparent way, can there be any hope of meaningful ownership.

Finally, there is also a need to definitively include popular and civil participation in the definition of security priorities and the evolution of appropriate strategies – the marginalised are as much the victims as the perpetrators of insecurity, as they resort to desperate measures to alleviate their own misery.

## Notes

- <sup>1</sup> South Africa's first non-racial democratic elections were held on 27 April 1994.
- <sup>2</sup> The notion of reform was viewed suspiciously by the ANC and its allies in the mass democratic movement, the context being a series of political and economic reform measures unilaterally introduced by the government in the seventies and eighties that fell short of universal franchise and fundamental changes to the economy. The ANC and the democratic movement favoured the notion of "transformation" of South African society, including that of the security services, over that of reform.
- <sup>3</sup> The Military Research Group, which consisted of researchers and analysts aligned to the democratic movement, was formed during this time, as was the Institute for Defence Policy. Both made contributions to the debate on the role of the security services in a democracy, civil-military relations and oversight of the defence and security services, the integration of the armed forces and so on. The individuals in such forums could draw on their networks in overseas research institutions, where similar issues were being debated at the time.
- <sup>4</sup> Chris Spies, 'South Africa's National Peace Accord: its structures and functions', Conciliation Resources, <http://www.c-r.org/our-work/accord/public-participation/southafrica-structures-functions.php>.
- <sup>5</sup> See 'Groote Schuur Minute' signed 2 May 1990 between the African National Congress and Government of South Africa, 'Minutes and Accords between the ANC and the South African Government, May 1990 - February 1991', African National Congress, <http://www.anc.org.za/ancdocs/history/minutes.html#GSM>.
- <sup>6</sup> See 'Pretoria Minute' signed 6 August 1990 between the African National Congress and Government of South Africa, 'Minutes and Accords between the ANC and the South African Government, May 1990 - February 1991', African National Congress,

- www.anc.org.za/ancdocs/history.
- <sup>7</sup> Some parties (the IFP, and the governments of Bophutatswana and Ciskei) did not sign, because they were in principle opposed to the ruling out of a federal option. Another issue raised by the IFP was the position of traditional leaders in CODESA, and this was one of the issues that were considered in the smaller multiparty working groups that met subsequently to CODESA 1.
- <sup>8</sup> The detailed provisions can be studied in Republic of South Africa, Transitional Executive Council Act, 1993 (Act No. 51 of 1993), Pretoria.
- <sup>9</sup> See Republic of South Africa, Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), Pretoria.
- <sup>10</sup> See Institute for Defence Policy/Human Sciences Research Council, 'The National Peacekeeping Force, Violence on the East Rand and Public Perceptions of the NPKF in Katorus' (June 1994).
- <sup>11</sup> R. Rosenthal, *Mission Improbable: A Piece of the South African Story* (Cape Town: David Philip Publishers, 1998), 8.
- <sup>12</sup> Rosenthal, *Mission Improbable*, 8.
- <sup>13</sup> Ibid.
- <sup>14</sup> 'What is the UN up to? Angela King explains', in *Mayibuye (Journal of the African National Congress)* 4, No. 1 (February 1993): 24-25.
- <sup>15</sup> 'Face to face with the OAU', in *Mayibuye (Journal of the African National Congress)* 4, No. 1 (February 1993): 26.
- <sup>16</sup> M. Malan, 'Police reform in South Africa: Peacebuilding without peacekeepers', *African Security Review* 8, No. 3 (1999).
- <sup>17</sup> See Chapter 11 (Security Services) RSA. Constitution of the Republic of South Africa, 1996. (Act No. 108 of 1996), Pretoria.
- <sup>18</sup> See T. Bell, *Unfinished Business: South African Apartheid and Truth* (Cape Town: Red Works, 2001), 1.
- <sup>19</sup> T. Motumi, 'Self-defence units – a brief examination of their history and a look at their future', *African Defence Review*, No. 15 (March 1994), 7-9.
- <sup>20</sup> R. Williams, *South African Guerrilla Armies: The Impact of Guerrilla Armies on the Creation of South Africa's Armed Forces*, ISS Monograph, No. 127 (Pretoria: Institute for Security Studies, 2006).
- <sup>21</sup> J. Rauch and E. van der Spuy, *Police Reform in Post-conflict Africa: A Review* (Pretoria: Institute for a Democratic Alternative in South Africa, 2006), 26-28
- <sup>22</sup> According to Malan, by September 1997, approximately 1,200 community policing forums and sub-forums had been established at approximately 1,221 police stations nationwide. This looks like a staggering success story in the implementation of a partnership between the police and the communities they serve, but better crime detection and prevention have not necessarily followed from such initiatives: Malan, 'Peacebuilding without peacekeepers'.
- <sup>23</sup> See T. Modise, 'Parliamentary oversight of the South African Department of Defence', in *Guarding the Guardians: Parliamentary oversight and civil-military relations: the challenge for SADC*, eds. L. Le Roux, M. Rupiya and N. Ngoma (Pretoria: Institute for Security Studies, 2004), 45-53.
- <sup>24</sup> Deputy Minister of Justice and Constitutional Development, cited in Johnny de Lange, 'Our dysfunctional justice system', *Pretoria News*, 14 August 2008.
- <sup>25</sup> The dismantling of the Scorpions is all the more controversial because it comes in the wake of recommendations by a Commission of Inquiry headed by Judge Sisi Khampepe. Whilst the judge had pointed out flaws in the functioning of the Scorpions, the

recommendations had not gone as far as the dismantling of the Directorate, but included measures for correcting the flaws and improving accountability and governance.



## Chapter 10

# And They Came In and Took Possession of Reforms: Ownership and Palestinian SSR

*Roland Friedrich and Arnold Luethold*

### **Introduction**

Many Palestinians feel that they have been dispossessed first of their land, then of their resources and more recently of their reforms. This impression raises a fundamental question: what ownership can a society have over security sector reform (SSR) in a situation of protracted international armed conflict and occupation? Can a society have any ownership at all if, in addition, it is caught up in internal conflict and depends for its survival entirely on external financial assistance? And if it can, what form does such ownership take, in the absence of statehood and in a context of territorial fragmentation and internal political divisions?

This chapter demonstrates that Palestinian SSR has remained, in essence, an externally-controlled process, driven by the national security interests of Israel and the United States, and characterised by very limited ownership on the part of Palestinian society. The asymmetric relations of power, inherent in occupation, have enabled Israel and the US to exert control over the direction of the reform process, its objectives, implementation and evaluation. As the texts of the Wye River Agreement, the Tenet Work Plan and the Road Map illustrate, the primary Israeli and American interest is to transform the Palestinian security sector into an instrument in their fight against terror. Institutional development, democratic accountability and respect for human rights are mentioned as policy objectives, but, in practice, are in conflict with the core interests of external actors and hence of lower priority.

In order to provide a better understanding of how occupation has shaped Palestinian SSR, the first two sections of this chapter describe the context of reform and the framework for international assistance. The third

section examines ownership at different stages of the reform process, while the fourth provides an overview of some SSR initiatives for which Palestinian civil society can claim ownership and which could be helpful for developing governance.

It goes almost without saying that the externally-led reform process does not constitute SSR as typically understood by the development community. It is more a cluster of activities, which provide equipment and training to selected individuals and groups and prevent undesired actors from exerting influence. The chances for such reforms being sustainable, in a society which stands to receive little direct benefit from them, are practically nonexistent. A more sustainable reform effort, from which all parties could benefit, would have to give much higher priority to the security needs of Palestinians, including their wish that professional and efficient security forces be properly managed by the Executive and held accountable by the Palestinian Legislative Council (PLC), the judiciary and Palestinian civil society.

### **Understanding the Context of Reform**

Palestinian SSR has many particularities. One is that Palestinians have to undertake reform in the absence of both statehood and functioning institutions, since progress on reform has been made a pre-condition for attaining some form of statehood. In a situation of armed conflict and occupation, the influence of local reformers over outcomes, objectives, allocation of resources, sequencing, speed, and the partners with whom they work, is severely constrained. Moreover, total dependence on external funding has undermined Palestinian sovereignty possibly as much as occupation. It has also strengthened the influence of regional and international players.

#### *Occupation*

The Palestinian National Authority (PNA)<sup>1</sup>, since its inception, has been a self-governing body with limited administrative control over some parts of the West Bank and the Gaza Strip only: it has no control over its borders, airspace and seaspace, nor does it control its water resources or its population registry. In contrast, the Occupying Power, Israel, holds discretionary power to control Palestinian territory and access to it from land, sea and the air, to restrict movements, and to conduct military

operations at any place and time.

The Oslo II Agreement of 1995, the blueprint for the redeployment of Israeli troops in the occupied territory, divided the West Bank and the Gaza Strip into three different areas – A, B and C.<sup>2</sup> It was only in the so-called Area A that the PNA was given full administrative and security control.<sup>3</sup> Area A included the major population centres in the West Bank – some 18 per cent of overall West Bank territory – and the territory of the Gaza Strip minus the Jewish settlements there.<sup>4</sup> With the outbreak of the second Intifada in 2000, Israel reoccupied the bulk of the West Bank, imposed severe restrictions on travel, and rendered the Oslo arrangements practically irrelevant.<sup>5</sup> Furthermore, in 2002 Israel began the construction of the separation wall – a 720 kilometre-long system of fences, walls and electronic surveillance systems that put large swaths of the West Bank out of Palestinian reach.<sup>6</sup> Moreover, Israel considers East Jerusalem as annexed territory and therefore entirely outside the scope of the PNA. The withdrawal of Jewish settlers and military from the Gaza Strip in 2005 – the so-called “disengagement” – has not altered the situation there in practical terms. Israel still controls land, sea and air access to the Strip, as well as the population registry. Even in the West Bank, the Israeli armed forces continue to conduct daily military operations in what is Area A under the Oslo Agreement.

Dissatisfied with the victory of Hamas in January 2006 legislative elections, Israel began to tighten its policies toward Gaza, after the new government had failed to comply with the conditions that Israel and donors had dictated as a pre-condition for its recognition.<sup>7</sup> What began in March 2006 as a “closure of Gaza”, had developed by early 2008 into a policy of complete isolation. All crossing points to the Strip became closed for Palestinians; ostensibly as a response to the firing of rockets from the Gaza Strip, Israel imposed a severe sanctions regime that entailed a strict ban on all imports with the exception of basic food materials, medical supplies, fuel, and electricity. As of late 2007, even the supply of these essential goods had been reduced severely by Israel.<sup>8</sup>

The geographical fragmentation of the Palestinian Territories has grave consequences for the administrative work of the PNA, both in relation to SSR and the provision of services in general. Travelling between the Gaza Strip and the West Bank is limited to a very small number of Palestinian VIPs who receive Israeli permits. Within the West Bank, the Israeli closure regime of checkpoints, travel restrictions and the separation wall impedes civil servants, security officers and private sector representatives from moving about and effectively conducting their work.

*Internal Conflict*

Not only is the geography of the Palestinian Territories fragmented, but so too is the Palestinian political system, which remains divided along numerous lines. Long-standing rivalries between Fatah and Hamas resulted in bloody clashes in June 2007 and led to the emergence of two separate Palestinian governments, both of which claim legitimacy: the de facto government in the Gaza Strip headed by Prime Minister Ismail Haniya and the caretaker government in Ramallah – installed by President Mahmoud Abbas and headed by Prime Minister Salam Fayyad. Attempts at political reconciliation have thus far proved fruitless.

Following Israel's arrest of over 40 parliamentarians affiliated with Hamas in summer 2006, and Fatah's decision to boycott meetings of the PLC after the takeover of the Gaza Strip by Hamas in June 2007, parliament has become paralysed.<sup>9</sup> Parliamentarians continue to meet in the Gaza Strip and issue decisions and laws, albeit in the absence of a constitutional quorum, as meetings are attended by Hamas members only. The PLC in Ramallah has not sat in session since summer 2007. In absence of a functioning legislature, the PNA President issues decrees with the power of law, the legitimacy of which is regularly contested.

Palestinians disagree on what "security" means for them in concrete terms. Various groups hold competing visions of security, which fluctuate between appeasement and resistance. This creates an obstacle to the formulation and implementation of a Palestinian security policy and forms the core of the intra-Palestinian conflict. As a result, the current SSR process lacks both strategic direction and popular support.

In addition, the political separation between the West Bank and the Gaza Strip spurred different development processes in both parts of the Palestinian Territories. Encouraged by some donors, the caretaker government in the West Bank issued the so-called Palestinian Reform and Development Plan (PRDP 2008-2010). The plan contains a large number of reform projects in the areas of governance, social development, economic and private sector development, and public infrastructure.<sup>10</sup> Under the umbrella of governance, the plan proposes reform projects for the security sector, such as technical assistance and training for PNA security organisations, including the Civil Police, Preventive Security and Civil Defence branches, as well as to the ministries of the interior and justice, the PNA civil service, the PLC and the judiciary. Parts of the US\$ 7.7 billion pledged by donors during the December 2007 conference in Paris are supposed to go towards implementation.<sup>11</sup>

In the Gaza Strip, the de facto government is making efforts to provide public services, but PNA institutions are crumbling due to political infighting, and the economic boycott imposed on the Strip. The government in Ramallah pays salaries only to those workers who refuse to work with the de facto authorities in Gaza and stay at home; consequently, more than 76,000 employees reportedly receive a salary without having to render any service in return.<sup>12</sup> Though it is difficult to verify the accuracy of this figure, the costs of this policy are high: using a conservative estimate of an average monthly salary of US\$ 300 per employee, US\$ 22.8 million of international financial aid would be required every month to keep employees away from work.

The boycott has also had adverse consequences for institutional development. Because former PNA security personnel have been banned from working with the de facto government, Hamas decided to reorganise the remaining security forces in Gaza and integrate parts of its armed groups into the Palestinian Police. Since the boycott entered into force, the Palestinian Police in Gaza and the Civil Police in the West Bank have had no formal contact. This reality may make the reunification of the PNA institutions in Gaza and the West Bank more difficult in the future.

SSR is also inhibited by the fragmentation of Palestinian society as a whole. Socioeconomic decline, Israeli-imposed restrictions and internal political struggle have reinforced existing social cleavages; cleavages between the West Bank and the Gaza Strip, between cities, villages and refugee camps, and between the urban elite and the middle- and low-income strata. Families and tribes have become more important as the main source of protection for the individual, as the population has become more and more disillusioned with the PNA as such.<sup>13</sup>

#### *External Interests*

In the wake of Hamas' electoral victory, the United States, the EU, Canada and Japan aligned their policies with those of Israeli and participated in the boycott against Hamas before it had been given a chance to rule. Sanctions have undermined Hamas' performance in government and exacerbated internal tensions.<sup>14</sup>

At the same, the United States actively pursued a strategy of regime change through the training and equipment of Palestinian security forces loyal to Fatah, and more specifically, to Fatah leader Muhammad Dahlan. By establishing security forces outside governmental and parliamentary control, the US not only ignored principles of good practice for SSR

assistance, but also helped create the conditions which led to the bloody clashes in the Gaza Strip in 2006 and 2007 and the subsequent takeover of the Strip by Hamas.

Thus the question of ownership of Palestinian SSR raises several questions on political and societal inclusiveness in the Palestinian decision-making process: what is the vision of reform, and does this vision address the security needs of all Palestinians or just those of a few? Does the Palestinian public approve of the vision, objectives and strategies and does it have a possibility to influence decisions? Does SSR decision making follow proper institutional process or are there shortcuts, which give certain groups more power to influence outcomes?

### **Understanding the Framework for International SSR Assistance**

Since its establishment in 1994, the PNA and its security forces have received comparably large amounts of support. Numerous donors have provided equipment, funds, technical aid, and training for security personnel. In the 1990s, when the concept of SSR was still at an embryonic stage, much of that support was given under the name of policing support or intelligence cooperation. This was also because the Oslo Agreements aimed at establishing a Palestinian Police Force rather than a full-fledged security sector.<sup>15</sup>

In the Wye River Agreement, signed on 23 October 1998, Israeli and Palestinian negotiators agreed on a set of practical steps to implement previous agreements.<sup>16</sup> They also assigned to the CIA a lead role in assisting and monitoring Israeli and Palestinian security cooperation, formalising what was already happening. While both parties exchanged general security assurances, the catalogue of detailed security obligations contains essentially commitments for the Palestinian side only and fails to mention Israeli settlements. The more important Palestinian undertakings include:

- To combat terrorism
- To apprehend suspects
- To outlaw incitement
- To collect all illegal weapons within three months of the agreement's signature
- To provide Israel with a list of Palestinian police recruits
- To report progress to the United States

In 2002, the US president expanded further the CIA's role when he mandated CIA Director George Tenet to work out a solution to the Israeli-Palestinian conflict and broker a ceasefire (the Tenet workplan). The Israeli intelligence community also became increasingly involved in the political decision-making process. In spring 2002, Ephraim Halevy, a former head of the Israeli intelligence service Mossad, together with General Moshe Kaplinsky, the military secretary to Prime Minister Ariel Sharon, drafted a detailed blueprint for Palestinian regime change aimed at shifting political power away from President Yassir Arafat.<sup>17</sup> According to Halevy, the plan received swift approval from the Israeli prime minister and endorsements from Egypt, Jordan, the UK, the US and several other countries that had been consulted. The US president issued a final clearance in his Call for a New Palestinian Leadership.<sup>18</sup> Under this plan, international actors began to establish a new power centre inside the Palestinian parliament and transferred security responsibilities from the president to a newly-installed prime minister, shifting the Palestinian polity from a presidential towards more of a parliamentary system.

Interestingly, it is Halevy himself who raises the question of legitimacy for such intervention:

As I look back upon those days, I cannot avoid remembering that no discussion took place on the principle involved in pursuing such a policy. No one asked if it was legitimate for us to openly sponsor steps and policies of this nature ... Within less than a week, a major policy step had been presented, approved and put into action.<sup>19</sup>

The CIA also coordinated the training of the Palestinian security forces and ran training courses for them with the participation of Egyptian and Jordanian instructors.<sup>20</sup> Foreign ministers of Egypt, Jordan and Saudi Arabia had agreed in Washington on restructuring the Palestinian security services, and on retraining their cadres in an effort to contain suicide attacks against Israel. The programme was later put on the back burner, partly over disagreements on the direction of reform, and partly because Israel believed the forces to be infiltrated by terrorists.<sup>21</sup>

While Palestinian experts and practitioners had been demanding reforms to the Palestinian security forces as early as 1999,<sup>22</sup> Palestinian SSR became of interest to the larger donor community only in 2003, with the publication of the Road Map.<sup>23</sup> Under the heading 'Ending terror and violence, normalising Palestinian life, and building Palestinian institutions', phase I of the Road Map essentially revived the contents of the Wye River

Agreement and the Tenet workplan. It demanded that the PNA undertake 'visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere' and be accountable to the Quartet (the United States, EU, Russia and the UN) for progress.<sup>24</sup>

The plan also demanded that Palestinians and Israelis resume security cooperation. A 'rebuilt and refocused Palestinian Authority security apparatus' had to confront 'all those engaged in terror' and dismantle 'the terrorist capabilities and infrastructure'. The text stipulates that this includes confiscating illegal weapons and consolidating security authority, 'free of association with terror and corruption'.<sup>25</sup>

With the election of Mahmoud Abbas as successor to Yassir Arafat in January 2005, donors became increasingly interested in Palestinian SSR. Washington dispatched Lieutenant General William Ward as US Security Coordinator (USSC) to the region.<sup>26</sup> Initially, his mandate focused on the concentration and unification of Palestinian security services in preparation for Israeli "disengagement" from Gaza and the "right-sizing" of Palestinian forces through retirements.<sup>27</sup> It later widened to include technical support and training to the Presidential Guard and the National Security Forces. His successor, Lieutenant General Keith W. Dayton made it clear why the US, through the agent of the USSC, remained so visibly involved in the region:

It is not altruism, and it is not because we have nothing else to do. We are here because it remains profoundly in the US national security interest for us to be involved ... What happens in Israel, the West Bank and Gaza has a direct impact on the immediate neighbours of Jordan and Egypt and US strategic interests there.<sup>28</sup>

Led by the UK, in 2006 the EU established a police support mission – EU Police Co-ordinating Office for Palestinian Police Support (EUPOL-COPPS) – which engaged in capacity-building with the Palestinian Civil Police.<sup>29</sup> Several EU countries, as well as a number of non-EU countries such as Canada and Norway, contributed to EUPOL-COPPS.

In the wake of the Paris International Donors' Conference for the Palestinian State (December 2007), Western donors stepped up their involvement. Some countries, such as the UK and Germany, sent security advisers to work with the caretaker government in Ramallah, whereas others, such as Canada and the Netherlands, increased their involvement in judicial reform. EUPOL-COPPS, following the Berlin Conference in Support of Palestinian Civil Security and the Rule of Law (June 2008), expanded its

mission with a rule of law component, whereas USAID became increasingly involved in supporting the judiciary in the West Bank. USSC had already expanded its staff to include representatives of Canada and the UK. UN agencies also increasingly became engaged in SSR, with UNOPS (the UN Office for Project Services) acting as a conduit for technical assistance in support of USSC and UNDP playing a role in coordination. In addition, donors continued to provide support for ongoing intelligence cooperation.

The increased international involvement in the Palestinian security sector throughout 2008 is part of the US-defined “West Bank first” strategy, which aims to support the caretaker government in the West Bank while isolating the de facto government in the Gaza Strip. Although donors have become more careful in using the security vocabulary of the Road Map, the “counter-terrorism” paradigm continues to underlie the bulk of international efforts. In contrast, Colin Smith, a former Head of EUPOL-COPPS, has argued that solving the problem of Palestinian militant groups is impossible without first creating security from the ground up.<sup>30</sup>

To describe the security activities undertaken in the framework of the road map as SSR is somewhat misleading, as these activities focus almost exclusively on the security forces and not on the security sector more generally. In the Palestinian territories, most international security assistance is delivered through force-to-force relations, involving military, police and intelligence officials, with little concern for the wider institutional framework. Such an approach might more correctly be described as “transformation of the security apparatus” than “security sector reform” which, in OECD donor language, implies the establishment of effective governance, oversight and accountability, so that the security forces and the political authorities, which control and oversee them, operate in a manner consistent with democratic norms, and within the rule of law.<sup>31</sup>

### **Security Sector Reform Assistance and Ownership**

The strategic management literature and donor standards, such as the Paris Declaration,<sup>32</sup> *The OECD DAC Guidelines on Security System Reform*,<sup>33</sup> or *The OECD DAC Handbook for Security System Reform*,<sup>34</sup> consider ownership to be a precondition for sustainability. In order to evaluate the extent to which Palestinian SSR departs from the goal of national ownership, this section briefly examines the role of international assistance in each of the five stages of the strategic management process: 1) vision; 2) objectives; 3) strategies; 4) implementation; and 5) evaluation.

*Vision*

The vision for Palestinian SSR has been formulated under occupation and thus, not surprisingly, reflects the asymmetric power relations inherent in that situation. The Road Map and the previous agreements and workplans respond predominantly to Israeli security concerns: common to these texts is a vision, according to which restructured and retrained Palestinian security forces prevent all forms of attacks against Israeli citizens, arrest and disarm resistants and maintain close security cooperation with the occupying power, as well as with the United States and its allies.<sup>35</sup>

While improving Israeli security is made a necessary condition for achieving progress in other areas, the documents remain vague on the responsibilities of the other party, for example concerning the final status that the Road Map seeks to achieve. The agreements also avoid addressing the specific security needs of the population living under occupation. In the section that deals with security, Israel commits itself simply to abstain from attacks against civilians, demolition of Palestinian property, destruction of Palestinian institutions and the construction of new settlements, all of which are already prohibited under the Fourth Geneva Convention of 1949. At no point does the Road Map demonstrate concern for the security services that Palestinian security forces will have to provide for Palestinians themselves. Though the Road Map recognises the need for institution-building and democracy, it fails to link Palestinian security performance to broader questions of institutional control and oversight, which would also be necessary to protect Palestinian citizens against human rights violations. Human Rights Watch and Palestinian human rights organisations have criticised the Road Map for paying insufficient attention to the delivery of security and justice to Palestinian citizens.<sup>36</sup>

In contrast, Palestinian society appears to possess a much broader vision for SSR. According to a poll conducted in spring 2006, a large majority of Palestinians want less corrupt, more efficient, rights-respecting security organisations, which are properly managed by the Executive, overseen by the PLC and capable of delivering security and justice to the people.<sup>37</sup> They also desire a functioning court system and a strong civil society capable of holding the security forces accountable.<sup>38</sup> Many senior security officers, who were socialised in the revolutionary environment of the Palestinian Liberation Organisation (PLO) or trained in countries under authoritarian rule, resent accountability and oversight and tend to seek as much autonomy as possible.<sup>39</sup>

The Quartet, which the former UN Special Coordinator for the Middle East Peace Process characterised as more ‘a group of friends of the US than anything else’, lacked the impartiality required to assist in the formulation of a shared vision to which both societies could subscribe.<sup>40</sup> Instead, it imposed an externally-owned vision, from which Palestinians feel themselves largely excluded. Palestinians also fear that reforms which fail to address the underlying causes of violence will sacrifice their rights and their long-term security interests in favour of the economic and strategic interests of Israel. Palestinian institutions and civil society, too weak to participate effectively in these discussions, have been largely excluded and have had little opportunity to make their voices heard in a process led and controlled by Israeli and American security officials.

### *Objectives*

The Road Map had the declared ambition of providing performance-based and goal-driven objectives for Palestinian reform, and a strategy divided into clear phases, with timelines, target dates and benchmarks. In this plan, the self-appointed Quartet also assigned to the US a leading role in rebuilding and training Palestinian security forces and selected close US allies, Egypt and Jordan, as partner countries for providing training support.

That the choice of the United States as external assistance provider cannot count on large popular support is illustrated by a poll conducted in May 2006. While 95 per cent of respondents said that the PNA security forces needed international support, only 16 per cent trusted the US and Canada for advice and assistance related to SSR, compared to 73 per cent for Muslim countries and 51 per cent for Arab countries.<sup>41</sup> In another survey, only 4 per cent wanted a future Palestine to be modelled on the United States.<sup>42</sup> In various workshop discussions, Palestinian participants also expressed doubts that Egypt, under uninterrupted emergency rule since 1981 and hence itself in dire need of SSR, was a useful source of expertise for democratic transformation.

Donor demands for tangible “reform benefits” typically come with overambitious, unrealistic and sometimes politically motivated timelines, often at the expense of due process. The Wye River Agreement, for example, aimed to achieve complete disarmament of all armed groups within 12 weeks from the date of signature, without even asking whether the political and economic pre-conditions for disarmament were met. More recently, the Palestinian Reform and Development Plan (PRDP), a development matrix for 2008-2010, drafted with international assistance, made a similar attempt

to isolate SSR from wider political reform.<sup>43</sup> Contrary to OECD recommendations, the plan presents SSR as separate from judicial reform, public administration and civil service reform, or accountability and transparency programmes.<sup>44</sup> In addition, it refers only to police and criminal justice reform – and not to the financially much larger US support to the National Security Forces and the Presidential Guard. Prepared under considerable international pressure within a very short period of time, the plan left little room for broad stakeholder consultation. Behind closed doors, Palestinian stakeholders admit that the PRDP has very little chance of succeeding within the narrow timeframe dictated by donors.

### *Strategy*

With a two-state solution gaining broader domestic and international acceptance, a major challenge for Israel consists of preparing options that allow it to preserve its strategic interests in the Palestinian territories after occupation ends. Some may look at SSR as an instrument for preparing for transition from direct to indirect occupation, as the US military did with post-war police reform in Japan. There, the declared official policy had been to ‘exercise authority through Japanese governmental machinery and agencies ... to the extent that this satisfactorily furthers United States objectives’.<sup>45</sup> The vision and objectives of Palestinian SSR suggest a strategy by which Israel and the US seek to minimise their costs and risks by relying increasingly on Palestinian forces and instrumentalising them to further their own interests. However, a policy of indirect occupation, interventionist by definition, would be difficult to reconcile with a policy of democratisation.

### *Implementation*

Donors, because of their control over funding, hold considerable power and use it for determining stakeholders, priorities, programmes, budgets, the size of forces, the type of training and equipment needed, and the speed of implementation. They influence the choice of security commanders and set up the criteria for Palestinian security personnel who receive training. Members of the National Security Forces, for example, underwent a three stage vetting process before the USSC admitted them in 2008 to one of its training programmes in Jordan.

Some observers nickname the PNA a “de facto international protectorate” because of the strong control that donors exert over local aid disbursement. In 2006, following its decision to boycott Hamas, the EU

suspended money transfers to the PNA and established the so-called Temporary International Mechanism (TIM). Bypassing PNA ministries, the EU used the mechanism to pay salaries and social allowances directly to Palestinian beneficiaries.<sup>46</sup> In February 2008, the EU replaced TIM with the so-called *Mécanisme Palestino-Européen de Gestion de l'Aide Socio-Économique* (PEGASE), another temporary mechanism, which broadened the scope of financial aid but kept the basic structure of TIM in place.<sup>47</sup> PEGASE is set to last for three years and is aligned with the PRDP (2008-2010). Donors have structured the mechanism in a way that would allow them to quickly redirect or modify funding in the event of political developments contrary to their interests.

The USSC programme also established a Strategic Planning Department in the ministry of the interior in Ramallah and pays the salaries of its Palestinian staff. Other donors embedded foreign advisers at various levels within the PNA. Several donor states and organisations involved in this type of assistance have recently stepped up security at their compounds. This fortification of international presence adds further to the mistrust of locals, who see in almost every international organisation an intelligence agency at work. As popular discontent over the international role continues to grow, the legitimacy of Palestinians assisting donors in SSR-related programmes gets thinner.

Furthermore, USSC supports the training of eight battalions of the National Security Forces, which are to be deployed in the various governorates of the West Bank; as of July 2008, two battalions had completed and a third was still undergoing training. The programme also includes the establishment and training of a rapid response capacity in the Presidential Guard, which is supposed to deploy in the case of major civil unrest.<sup>48</sup> These forces are trained in counter-terrorism techniques, surveillance methods, defusing of explosives and VIP protection. EUPOL-COPPS provides riot control training for the police and supports construction and renovation of prisons and other detention facilities in the West Bank. Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine, and others view such technical aid to Fatah-dominated forces as an international attempt to suppress internal opposition and impose some form of dictatorship. The perceived shift towards authoritarianism has widened the gap between the people and the authorities.

While many Palestinians in principle welcome the implementation of the security plan in the West Bank, some resent the deployment of newly-trained units from the National Security Forces and Presidential Guard. In several instances, security operations in Nablus, Ramallah and Jenin led to

civilian injuries. There were also allegations of severe human rights violations, some involving the death of persons in custody. Palestinian human rights organisations also expressed concern over limitations to freedom of expression.<sup>49</sup>

Because of weak Palestinian ownership, sometimes even well-intended and urgently-needed reform measures meet strong resistance. For many Palestinian reformers, for example, the downsizing of PNA security organisations had been long overdue. Nevertheless, the laying off of thousands of security employees in 2007 provoked criticism even amongst reformers because the caretaker government, pressured by donors, had acted hastily and without sufficient prior consultation.

The strategy to prevent former government employees in Gaza from working with the Hamas administration also proved counterproductive. A number of former security employees, previously loyal to Fatah, changed sides and eventually became integrated into Hamas' new police force. Ironically, it was Western support to the caretaker government which prevented Hamas from reducing public sector employment. Instead of assisting Hamas in carrying out staff cuts, as promised, Western policy forced it to dramatically increase public employment in order to compensate for the shortfall in personnel caused by the boycott.

Occasionally Palestinian ownership is also difficult because proposed solutions do not fit the target environment. Donors tend to design SSR support programmes based on their own organisational and administrative experience. The technical and administrative support that USAID had offered to the Palestinian Parliament until 2004 was based on the administrative needs of a parliament in a presidential system. As a result, the PLC had long been structurally ill-equipped for its role in a parliamentary system.

### *Evaluation*

The Road Map for Peace entrusts the Quartet with monitoring and evaluating implementation. Its members decide by consensus whether conditions are appropriate to proceed to the next stage, taking into account the performance of both parties.

Outside the Road Map, donors have so far shown limited interest in evaluating past reform efforts. Various Palestinian security organisations have undertaken internal reviews, and the Office of the President in June 2007 launched an investigation of the events that led to the Hamas takeover of the Gaza Strip. Despite its political motivation, the report of the Office of

the President contains a number of entry points for future reform, such as strengthening Executive management capacities and establishing better command and control mechanisms.<sup>50</sup> Hamas has also completed an internal review of the events of 2007.

Adverse political conditions, rapidly-shifting donor strategies and tight time schedules have so far hindered a comprehensive review of Palestinian SSR efforts. The ministry of the interior has become suspicious of external involvement in evaluation, after Strategic Assessment Initiative, a private consultancy firm, reportedly leaked a confidential assessment report to the press. The USSC and the Palestinian interior ministry had mandated the firm in 2005 to conduct, together with Palestinian officials, a detailed capability assessment of the Palestinian security forces.<sup>51</sup>

The externally-led reform process, based on the Road Map vision of security, is doomed to failure because, in the eyes of the Palestinian population, it lacks legitimacy and fails to offer them tangible benefits. Allegations and reports of human rights violations by Western-trained security forces further undermine the already thin credibility of these forces and risk bringing SSR assistance under increased scrutiny from both human rights organisations and taxpayers.<sup>52</sup>

SSR, in its current design, also suffers from several conceptual weaknesses. Among them:

- It fails to admit that the parties' interests in a situation of occupation are fundamentally different.
- It implies that technical and limited SSR can contribute to conflict resolution, while in reality it only replicates the asymmetric power relations of the ongoing conflict.
- It suggests that open security cooperation between Israeli and Palestinian intelligence officials, the occupier and the occupied, is natural, while a large segment of the Palestinian population opposes it.
- It overlooks the demotivating effect externally-led reform has on Palestinian officials; they may pay lip service, but lack serious commitment.
- Entrusting the intelligence community with SSR suggests a search for a technical, not a political solution, even though a political process is needed in order to mobilise support; and
- The policy of exclusion has increased the potential for spoilers.

### **Strengthening Governance : An Alternative**

In sharp contrast to the ongoing, externally-led and -controlled SSR process, several Palestinian SSR initiatives do exist which are characterised by a high degree of local ownership. Common to all of them is a broad vision which links security sector governance with democratic development. Taken together these various activities may be seen as comprising the beginnings of an alternative SSR process, driven by civil society, which seeks to broaden stakeholder participation and increase domestic influence in defining the outcomes of SSR. This section provides a brief overview of some of these activities.

#### *Perception Studies*

Public perception studies can provide useful insights, and provide a practical tool for triggering a broader public debate on reform, for determining reform priorities and for ensuring responsiveness to needs. They can also be used to monitor and evaluate SSR activities. The Palestinian Central Bureau for Statistics, in cooperation with international development partners, has conducted several perception studies which measured public trust in a broad range of security sector actors, including statutory and non-statutory forces, as well as oversight and management mechanisms; they also collected views on perceived reform needs. Local NGOs then organised workshops to discuss the findings with local stakeholders, including decision makers, security officials and civil society organisations.<sup>53</sup> As these discussions were fully documented in Arabic, they provided topical input into follow-on discussions in other parts of the Palestinian Territories.

Gradually the PNA authorities began developing an interest in public perceptions and started to use the tool for measuring public approval of their performance. The caretaker government in the West Bank, for example, conducted public perception studies in Nablus during the implementation of the security plan for the city in late 2007 and early 2008.

#### *Transparency Development*

Several Palestinian NGOs, either on their own initiative or with the support of international actors, have sought to enhance transparency in Palestinian security sector governance by organising events that discussed certain aspects of SSR. In Nablus, for example, civil society organisations set up roundtable discussions with security officials and media representatives to

discuss the role of the media in Palestinian SSR.<sup>54</sup> One of their objectives was to make sure that the public was kept apprised of ongoing reforms.

Palestinian experts with diverse political and professional backgrounds shared their views on the needs of the Palestinian security sector in workshops and publications. Such publications, because they reflected local views and were accessible in the local language, were widely read and referenced.<sup>55</sup> Palestinian authorities acknowledged that reform proposals emerging from civil society discussions had informed the design of several reform projects.

In some cases, Palestinian civil society organisations have even laid out concrete proposals for the SSR process and drafted model legislation and schemes for the reorganisation of the security forces. In 2007, the Palestinian Centre for the Study of Democracy, Muwatin, published several studies on security sector-relevant subjects, such as national security policy formulation, structural reform of the security organisations and the enhancement of oversight mechanisms. Some of these publications were reprinted in local newspapers and so became available to a broader public.

#### *Linking Security Sector Reform and Respect for Human Rights*

Several Palestinian organisations realised that comprehensive SSR could help enhance respect for human rights. The Independent Commission for Human Rights (ICHR) – formerly the Palestinian Independent Commission for Citizens Rights (PICCR) – has taken the initiative to assist Palestinian security forces in defining rules of engagement.<sup>56</sup> In the West Bank, local organisations, such as the PICCR, the independent Palestinian non-governmental human rights organisation Al-Haq, the Mandela Institute for Human Rights and Political Prisoners and the Palestinian Red Crescent Society have offered human rights training for security personnel over the past 10 years. In Gaza, a group of civil society representatives developed, with the assistance of the Palestinian Council for Foreign Relations and a group of former security officials, a police manual for the Palestinian police in order to ensure that the performance of Gaza police responded to the needs of citizens.

#### *Mediation and National Dialogue*

In an effort to overcome the rift between Hamas and Fatah, or to negotiate various ceasefire arrangements, several smaller political factions and civil society organisations have initiated mediation activities. Even if these efforts

have so far failed to bring about the national dialogue and the expected reconciliation, they are important because they help develop a new culture of dialogue and prepare the political terrain for consensus. Because the struggle to control security forces is central to the intra-Palestinian conflict, all reconciliation efforts must address in one way or another the problem of SSR.

### **Conclusions**

The intended overall strategy of the dominant, externally-driven SSR process currently unfolding in Palestine, both in vision and in practice, appears to be the transformation of the Palestinian security apparatus into a reliable instrument for Israeli security policy and the US-led war on terror. Palestinian security interests play at best a subordinate role in the design and implementation of this transformation process.

In the current political context, democratic development, because of its incompatibility with the intended strategy, is assigned a low priority on the SSR agenda, especially after democratic oversight and control mechanisms have been disabled. Palestinian society views SSR, in which ownership and benefits are largely external, as counter to its interests and opposes it, sometimes violently. In many respects, externally-owned SSR has created the very problems it claims to solve.

Palestinian SSR stands and falls with its acceptance in the wider society. The failure to acknowledge that SSR is as much a political as a technical process has led to the erroneous belief that SSR can be removed from Palestinian politics. Since SSR involves societal values, interests and power, procedural aspects, such as the representation and participation of stakeholders, do matter to the entire society. The current SSR approach overlooks the reality that the complexity of the interests involved requires not a management approach, but rather a governance approach with a strong focus on the following:

- Promoting political and social inclusiveness through broad stakeholder participation in policy debates
- Supporting and assisting the development of a Palestinian national security policy, based on consensus and a society-owned vision of security

- Expediting the return of the PNA to normal institutional process and encouraging the development of effective management and oversight institutions that serve the interests of Palestinian society
- Increasing transparency and accountability in security sector governance and reform by promoting a culture of openness and human rights compliance that helps enhance legitimacy and
- Strengthening informal oversight capabilities through greater involvement of civil society and the media in security sector issues

The various Palestinian initiatives described above reveal a largely untapped potential for an alternative, Palestinian-owned SSR approach that could help overcome internal divisions. They also illustrate the capacity of the Palestinian society for assessing its security needs and for critically evaluating its own internal functioning. Such initiatives deserve to be both recognised and funded.

Palestinians will not be able to take ownership of their security sector in the absence of an overhaul of Israeli and US policies. While Israeli occupation constitutes a major impediment to reform, incremental improvements in Palestinian security sector governance are possible, even under occupation, provided that international actors invest in an environment conducive to reform. This would require serious will to address Palestinian security needs, a readiness to engage all stakeholders in dialogue, and investment in the rapid reestablishment of legal process and institutional normalisation.

## Notes

- <sup>1</sup> 'Palestinian National Authority' is the term the Palestinian Government uses to refer to itself. The Oslo Agreements and Western practice use the term 'Palestinian Authority'. In an article on ownership the authors opted for using the first.
- <sup>2</sup> 'The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip' (Washington D.C.: 28 September 1995).
- <sup>3</sup> In Area A, the Palestinian National Authority enjoys both administrative and security responsibility; in Area B, the PNA has administrative responsibility whereas Israel has security responsibility; in Area C, Israel has both full administrative and security responsibility. The Interim Agreement did not apply to occupied East Jerusalem, which Israel continued to regard as annexed territory and incorporated into the municipality of Jerusalem.
- <sup>4</sup> 'West Bank Area A constitutes nearly 18 per cent of the land, and includes roughly 55 per cent of the West Bank Palestinian population'. See: United States Department of State cited in 'Palestinian Authority', Jurist Legal News and Research, University of Pittsburgh

School of Law, <http://jurist.law.pitt.edu/World/palest.htm>.

- <sup>5</sup> 'Estimates of the total restricted area are difficult to come by, but it appears to be in excess of 50 per cent of the land of the West Bank'. World Bank Technical Team, 'Movement and access restrictions in the West Bank: Uncertainty and inefficiency in the Palestinian Economy', United Nations Information System on the Question of Palestine, <http://domino.un.org/UNISPAL.nsf/eed216406b50bf6485256ce10072f637/3de751bf0a424afc852572d60043df42!OpenDocument>.
- <sup>6</sup> 'At the end of this reporting period, 57 per cent (409 km) of the announced route of the Barrier was completed, 9 per cent (66 km) was under construction, and construction had not begun regarding the rest of the Barrier (34 per cent, 248 km)'. United Nations Office for the Coordination of Humanitarian Affairs, *OCHA Closure Update: Occupied Palestinian Territory* (Jerusalem: May 2008), 2.
- <sup>7</sup> After the electoral victory of Hamas, the 'Quartet', in conjunction with Israel, formulated the so-called three conditions which any Palestinian government had to meet in order to receive financial support and to establish political relations with the donor community: Recognition of the State of Israel, renunciation of violence and a commitment to past agreements concluded between the PLO and Israel.
- <sup>8</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Gaza Humanitarian Situation Report: 1-31 October 2007* (Jerusalem: 31 October 2007).
- <sup>9</sup> List of 46 Palestinian Legislative Council Members in the Israeli Occupation Prisons, presented in Cape Town on 14 April 2008, received by the Inter-Parliamentary Union Human Rights Programme.
- <sup>10</sup> Palestinian National Authority, *Building a Palestinian State: Towards Peace and Prosperity* (Paris, 17 December 2007).
- <sup>11</sup> Europa Press Release, 'PEGASE and the PRDP', Document No. MEMO/08/48 (Brussels: European Union, 28 January 2008), Europa Gateway, <http://europa.eu/rapid/pressReleases>
- <sup>12</sup> This includes 63,639 employees in the security forces and 12,848 civil servants, Interview with high-ranking PNA official, Gaza Strip, 5 July 2008.
- <sup>13</sup> According to a recent poll, 38 per cent of Palestinians trust neither Hamas nor Fatah, and 23 per cent of the Palestinians believe that neither the de facto nor the caretaker government is legitimate. Near East Consulting, 'NEC's monthly monitor of Palestinian perceptions towards politics and economics - Special Focus: Popular perceptions of Fatah and Hamas', *Bulletin No. III-3* (NEC, March 2008).
- <sup>14</sup> In 2006, the Hamas government announced a comprehensive reform plan for the PNA that included SSR, public administration reform and the re-activation of the PLC and the Judiciary. For details see 'Programme of the Tenth Palestinian Government of 27 March 2006', Inbaa, <http://www.inbaa.com/modules.php?name=News&file=article&sid=12921> (authors' translation); See also: Ghazi Hamad, 'The Challenge for Hamas: Establishing Transparency and Accountability', in *Entry-Points to Palestinian Security Sector Reform*, eds. Roland Friedrich and Arnold Luethold (Geneva/Ramallah: DCAF, 2007), 131-144.
- <sup>15</sup> Annex I of the Oslo Agreement allows the PNA to establish new security organisations, increasing the number of branches to six: 1) Civil Police; 2) Public Security; 3) Preventive Security; 4) Presidential Security; 5) Intelligence; 6) Emergency Services and Rescue (Civil Defence). Annex I of the Agreement further establishes a Palestinian Coastal Police. 'Interim Agreement', 1995, Annex I, Article 4 (2a/b).
- <sup>16</sup> The White House, Office of the Press Secretary, '10/23/98: Wye River Memorandum: Interim Agreement', United States Department of State, [http://www.state.gov/www/regions/nea/981023\\_interim\\_agmt.html](http://www.state.gov/www/regions/nea/981023_interim_agmt.html).

- <sup>17</sup> Efraim Halevy, *Man in the Shadows: Inside the Middle East Crisis with a Man Who Led the Mossad* (London: Weidenfeld & Nicolson, 2006), 212 – 214.
- <sup>18</sup> The White House, Office of the Press Secretary, 'President Bush Calls for New Palestinian Leadership', The White House, <http://www.whitehouse.gov/news/releases/2002/06/20020624-3.html>.
- <sup>19</sup> Halevy, *Man in the Shadows*, 214.
- <sup>20</sup> See *Agence France-Presse*, 16 September 2002; *The Sun Herald*, 7 June 2007.
- <sup>21</sup> John Ward Anderson, 'U.S.-backed Reforms for Palestinians seem adrift', *Washington Post*, 19 January 2003.
- <sup>22</sup> For example, in 1999 the Independent Task Force on Strengthening Palestinians' Public Institutions published a report that addressed various shortcomings in the PNA's performance in the security domain. Yezid Sayigh and Khalil Shikaki, *Strengthening Palestinian Public Institutions*, Independent Task Force Report (New York: Council on Foreign Relations, 1999), 73-78.
- <sup>23</sup> The 'Road Map' is a gradualist peace plan consisting of three phases, issued by the Quartet of Middle East mediators in April 2003. The Quartet comprises the United Nations, the European Union, the United States and Russia.
- <sup>24</sup> United States Department of State, Office of the Spokesman, 'A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict', United States Department of State, <http://www.state.gov/r/pa/prs/ps/2003/20062.htm>.
- <sup>25</sup> *Ibid.*
- <sup>26</sup> From February to December 2005, Lieutenant General William Ward, Deputy Commander of US European Command, held the post. Lieutenant General Keith Dayton, former Director of Strategy, Plans and Policy for the US Army at the Department of Defense and Commander of the Iraq Survey Group, succeeded him. The US in 2008 stepped up its involvement on the ground and dispatched two more military envoys, a four-star general – General William Frasier, Assistant to the Chairman of the Joint Chiefs of Staff – whose mandate is to monitor the implementation of Israeli and Palestinian commitments under the 'Annapolis process', and a retired four-star general – General James Jones, former Commander of US European Command and Supreme Allied Commander Europe (SACEUR) – who coordinates between the Annapolis process and regional security.
- <sup>27</sup> See Condoleezza Rice cited in 'Interview With James Rosen of Fox News', 22 April 2005, United States Department of State, <http://www.state.gov/secretary/rm/2005/44976.htm>.
- <sup>28</sup> Statement by United States Security Coordinator Lieutenant General Keith W. Dayton, Senate Foreign Relations Committee cited in 'The Middle East', in *Congressional Record Daily Digest 15 March 2006*, D244.
- <sup>29</sup> More recently, EUCOPPS also began to develop activities related to the criminal justice system.
- <sup>30</sup> See Colin Smith, 'High Noon - of the Palestinian Civil Police', *Haaretz*, 18 June 2008.
- <sup>31</sup> OECD-DAC, *The OECD-DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD Publishing, 2007), 23-24.
- <sup>32</sup> Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability (Paris, High Level Forum, 28 February – 2 March 2005).
- <sup>33</sup> See OECD-DAC, *Handbook*.
- <sup>34</sup> OECD-DAC, *Security System Reform and Governance* (Paris: OECD Publishing, 2005).
- <sup>35</sup> See for example the Tenet plan: 'The Tenet Plan: Israeli-Palestinian Ceasefire and Security Plan', June 13 2001, United States Institute of Peace, <http://www.usip.org/library>

- /pa/israel\_palestinians/adddoc/tenet\_plan.html; and the section related to security in Phase 1 of the Roadmap: United States Department of State, 'A Performance-Based Roadmap'.
- <sup>36</sup> Human Rights Watch, 'The "Roadmap": Repeating Oslo's Human Rights Mistakes', Human Rights News, <http://www.hrw.org/backgroundunder/mena/israelpa050603.htm>.
- <sup>37</sup> Roland Friedrich, Arnold Luethold and Luigi de Martino, *Government Change and Security Sector Reform: Palestinian Public Perceptions - Summary Report* (Geneva: DCAF-IUED, 3 August 2006).
- <sup>38</sup> DCAF-Shams Forum, *Delivering Security to the Palestinian People*, DCAF Workshop Report Series (Ramallah: DCAF 2008), 4.
- <sup>39</sup> Based on various interviews with Palestinian security officers conducted by the authors between January 2007 and July 2008.
- <sup>40</sup> Alvaro De Soto, *End of Mission Report - UN Under-Secretary-General* (May 2007), 33.
- <sup>41</sup> Friedrich, Luethold and de Martino, *Palestinian Public Perceptions*, 25-26.
- <sup>42</sup> Near East Consulting, *Public Perceptions Towards Liberal Values in Palestine*, (Ramallah: Friedrich Naumann Stiftung, January 2008), 12.
- <sup>43</sup> The 'Palestinian Reform and Development Plan' (PRDP) was initiated by the caretaker government under Prime Minister Salam Fayyad and the Office of the Quartet Representative, Tony Blair. Formulated by the Ministry of Planning with help of British advisers, the PRDP is the main conduit for the Western funding pledged at the Paris conference in December 2007.
- <sup>44</sup> Palestinian National Authority, *Building a Palestinian State*, 12, 39 - 40
- <sup>45</sup> United States initial post-surrender Policy for Japan, dated 29 August 1945, cited in Christopher Aldous, *The Police in Occupation Japan: Control, Corruption and Resistance to Reform* (London: Routledge, 1997), 44.
- <sup>46</sup> European Commission Technical Assistance Office for the West Bank and Gaza Strip, 'The Temporary International Mechanism', European Commission Technical Assistance Office, [http://www.delwbg.ec.europa.eu/en/tim/tim\\_in.htm](http://www.delwbg.ec.europa.eu/en/tim/tim_in.htm).
- <sup>47</sup> Europa Press Release, 'Origin of PEGASE?', Document No. MEMO/08/46 (Brussels: European Union, 28 January 2008), Europa Gateway, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/46&format=HTML&aged=0&language=EN&guiLanguage=en>.
- <sup>48</sup> Steven Smith, 'Too little, too late', *International Herald Tribune*, 19 May 2008.
- <sup>49</sup> In Ramallah, a number of demonstrations in solidarity with Palestinians in Gaza were either prevented or forcefully dispersed by the security forces in early 2008. For an overview see Independent Commission for Citizens Rights (ICHR), *The Status of Human Rights in Palestine: The Thirteenth Annual Report - 1 January 2007-31 December 2007* (Ramallah: ICHR, 2008).
- <sup>50</sup> Office of the President, Report of the Investigation Committee Concerning the Failure to Face the Illegal Armed Militias, Head of the Committee, Tayeb Abdel-Rahim, Secretary-General of the Presidency, 18 February 2008.
- <sup>51</sup> Ahmad Hussein, 'Reconstructing the PNA Security Organisations', in *Entry-Points to Palestinian Security Sector Reform*, eds. Roland Friedrich and Arnold Luethold, (Geneva-Ramallah: DCAF, 2007), 56.
- <sup>52</sup> See *Times Online*, 'West Bank torturers funded by Britain', 19 June 2008; *Human Rights Watch*, 'Occupied Palestinian Territories: Donors Should Press Security Forces to End Abuse', 23 June 2008.
- <sup>53</sup> Friedrich, Luethold and de Martino, *Palestinian Public Perceptions*; DCAF-PCFR, *Government Change and Security Sector Governance: Palestinian Public Perceptions*, DCAF Workshop Report Series (Gaza City: DCAF, 2006); DCAF-PCFR, *Moving*

*Forward or Backward: Good Palestinian Security Sector Governance or Accelerated Tribalisation*, DCAF Workshop Report Series (Khan Younis: DCAF, 2007).

<sup>54</sup> DCAF-Palestinian Media Institute, Workshop on 'The Relationship between Media and Security in the Palestinian Territories', Nablus, 12 June 2008.

<sup>55</sup> See for example Roland Friedrich and Arnold Luethold, eds., *Entry-Points to Palestinian Security Sector Reform* (Geneva-Ramallah: DCAF, 2007).

<sup>56</sup> PICCR, 'Workshop Concerning the Rules of Opening Fire by Those Charged with the Implementation of the Law', December 2007. The PICCR held four follow-up workshops and drafted rules of engagement that were sent to the Office of the President and the minister of the interior of the caretaker government.



## Chapter 11

# Shadow Ownership and SSR in Afghanistan

*Antonio Giustozzi*

### **Introduction**

There is a growing consensus that security sector reform efforts have little chance of success in the absence of local ownership, understood here as the ability to define and control processes and shape them according to the interests of indigenous stakeholders. At the same time many post-conflict countries do not have the resources to manage security sector reforms without external support. The problem which often arises then is one of lack of convergence between the interests of local actors and international sponsors and donors. Afghanistan is clearly one of these cases, suggesting that the equation “more local ownership = more successful security sector reforms” is overly simplistic, particularly in contexts where a stable political system and monopoly of violence have not been established. In the absence of a solid power sharing agreement, it might be more appropriate to talk of local ownerships as different local players compete for the control of reform processes. I use the term “factional ownership” in this chapter to indicate those cases where ownership belongs just to a limited number of local players. The factionalisation of local ownership has at least one important implication for the reform process, because it makes local power brokers more interested in building fiefdoms which they might be able to directly control than in setting up impartial institutions, hence pitting them against genuine reforms. Such divergence of interests, as this article will try to show, did not result in an outright rejection of external help, both because of the presence of foreign troops and of the need for external resources to support the security apparatus. Instead, it resulted in a complex compromise where a reform effort based on international standards was carried out on the surface, leaving patrimonial and patronage relations to dominate the core of the security establishment. In this sense it is possible to talk of a facade of

reform, where most Afghan actors paid only lip service to international demands, and of shadow ownership of the security sector where those same actors seized control of the most substantial aspects of the reform effort and subverted them.

To various extents, this pattern of facades and shadow ownerships affected different programmes of security sector reform, which will be briefly reviewed in this chapter. Probably the programme characterised by the strongest shadow ownership was disarmament (DDR or Disarmament, Demobilisation and Reintegration and DIAG or Disarmament of Illegal Armed Groups). The reform of the Ministry of Interior (MoI) is another programme where reform did not penetrate very deeply and shadow ownership was widespread, even if it could be argued that the reform had a major impact in reshuffling positions of power within the ministry. The security service (NSD or National Security Directorate) is a somewhat ambiguous case as it is difficult to speak of a real reform programme in its case; nonetheless the NSD appears to be somewhat closer to what at least some foreign partners would like to see than either the MoI or the DDR-DIAG programmes. What is unclear is whether this is because Afghanistan's international partners chose to close one or both eyes to the workings of the NSD, or whether the NSD is qualitatively different from the country's other security institutions and therefore less in need of reform. Finally the Ministry of Defence (MoD) has been more deeply affected by the reform effort than any other security sub-sector. However, as we shall see, even in this case shadow ownership continues to play a major role.

### **Shadows over DDR and DIAG**

There have been two disarmament programmes in Afghanistan after 2001, DDR and DIAG, which together aimed at disarming all armed groups in the country and leaving a national police and a national army as the only armed forces of the country. The former started with President Hamid Karzai's signature of the Decree on Security Sector Reform on 1 December 2002, which followed discussions held in Geneva and Petersberg, Germany, earlier that year. The United Nations Development Programme (UNDP) was given the task of implementing the programme and created the ad hoc Afghanistan New Beginning Programme (ANBP) in 2003, to work in strict cooperation with the MoD. The planned division of labour foresaw Afghan partners playing the main role in disarmament and demobilisation, while ANBP would be more directly involved in the reintegration phase. ANBP drew on

know-how and expertise developed by the UN in previous years in order to give to the programme strong formal-bureaucratic procedures meant to prevent abuses and manipulation and to address the needs of individual ex-combatants. The drawback was that such a “template approach” lacked flexibility and could not be adapted to the Afghan context. Afghan input in the design was mostly limited to the role of the original director of the programme, Sultan Aziz, a career UN official of Afghan origins, who had close contacts with some of the formerly warring factions.<sup>1</sup>

The programme was rapidly forced to confront the reluctance of some Afghan factions to hand over even their heavy weaponry, particularly in the case of the Panjshir based militias of Shura-i Nezar (Co-ordination Council), a faction within Jami’at-i Islami (Islamic Society). The latter, having captured Kabul in 2001 and having staffed the MoD and its leadership with its own loyalists, was clearly in a privileged position to exercise serious influence over demobilisation. A few more armed groups were able to influence the process at the regional level, such as Junbesh-i Milli (National Movement) in the north and Hizb-i Wahdat (Unity Party) in the central highlands. Soon even elements from within Karzai’s circle and the president himself were competing with the leadership of various Jami’ati factions in courting local military leaders. Neither of these developments boded well for disarmament and demobilisation. In part through the control of the MoD and of the MoI by the militias and in part through the lobbying from below by individual commanders, Afghan actors were able to reclaim big chunks of ownership or even seize control over much of the process. Initially the MoD even tried to put forward a plan which was in fact a negation of disarmament and demobilisation, envisaging the reorganisation of the militias into a retrained National Army, with the militia commanders being appointed as officers. After the plan was rejected, the commanders linked to the MoD were believed to be inflating the number of men under arms, in the hope of winning more senior positions for themselves in the MoD and of pocketing the food allowances of tens of thousands of ghost soldiers. The manipulation of the process took place through the partial and selective inclusion of armed groups on the payroll of the MoD, and the incorporation of substantial numbers of militiamen into the police force, under the control of the MoI, which was exempted from demobilisation, all of which seem to have faced little opposition from the international community.<sup>2</sup>

Even after the DDR process was underway, the Jami’atis within the MoD, and by extension the militia leaders, maintained control over the selection of the units to be demobilised/disbanded and within those the names of the ex-combatants to be reintegrated.<sup>3</sup> Key players at the MoD

were under heavy pressure from their own constituencies of local military leaders to protect their interests and used the room to manoeuvre left in their hands to this end.<sup>4</sup> Although they could not avoid the official disbandment of the registered militia units (Afghan Military Forces, or AMF), they succeeded in minimising the actual impact of DDR on Afghan ground realities. For example, the collection of light weapons was far from being firmly imposed on the militias. According to ANBP figures over 70,000 weapons were collected from 63,380 ex-combatants, corresponding to just 56 per cent of the weapons previously registered and targeted for collection. Moreover 36 per cent of the weapons collected were either unserviceable or cheap Pakistani copies.<sup>5</sup> Similarly during the reintegration phase little effort was made to prevent ex-combatants from being reabsorbed by new or old systems of patronage run by warlords and local commanders, despite the claim that the DDR programme aimed to ‘break down’ such patronage relationships.<sup>6</sup> The weak supervision of ANBP and its unwillingness to confront the MoD about irregularities, together with the indifference of the United States and other international players, allowed the Afghans to win back much of the ownership which they initially lacked, but at significant cost to the overall objectives of the initial DDR strategy.

Most of the armed groups existing in late 2001 were not incorporated into either the MoD or the MoI and became known by 2004 as “illegal armed groups”, after the promulgation of Presidential decree no. 50.<sup>7</sup> UN sources conservatively estimated the strength of the illegal militias at around 180,000.<sup>8</sup> Illegal armed groups included three main categories:

- Local military leaders who were on bad terms with the leadership of Jami’at at the MoD
- A number of military leaders who deliberately avoided seeking incorporation in any official programme or structure, possibly because of their involvement with smuggling and other illegal activities or because they occupied very remote areas
- Local military leaders who were part of official structures but sought to maintain parallel structures outside the MoD, integrating only part of their men in the MoD-sponsored units; from 2004 these parallel structures helped the disbanded AMF units to evade genuine demobilisation by regrouping underground<sup>9</sup>

Following the completion of the DDR programme, the follow-up DIAG programme was launched in June 2005 in order to address the

problem of the remaining armed groups. Compared to DDR, this programme had from the beginning a much stronger inbuilt Afghan ownership: a Disarmament and Reintegration Commission was created to run the programme with support from ANBP and the United Nations Assistance Mission to Afghanistan (UNAMA) and relied mostly on the cooperation of notoriously weak and factionalised provincial authorities. Its bureaucratic procedures were much weaker than the ones adopted for DDR and it lacked the tools to exercise effective pressure on the illegal armed groups to disarm. The only incentives offered were the promise of development spending in areas where DIAG had been successfully implemented, the pressure of public opinion, support of social authority, media campaigns, a not very credible threat of intervention by law enforcement agencies and the threat of disqualification from running in national and local elections.<sup>10</sup> The last incentive might have been a substantial one for those who were seriously planning to run in the elections, but typically it was implemented very weakly. After some initial impact, which drew weapons handovers within the context of DIAG for a few months as 124 candidates tried to show at least some compliance, the whole process faltered as the Disarmament and Reintegration Commission, ANBP and UNAMA failed to press for more thorough compliance. In the end at least 90 out of the 249 MPs elected in 2005 were linked to armed militias, while just 32 candidates had been disqualified because of their links to armed groups.<sup>11</sup>

As of May 2008, just 10 per cent of the armed groups registered in the illegal armed groups database had “disarmed” (i.e. handed over at least some of their weapons), a fact which bore witness to the face saving character of the programme.<sup>12</sup> The international organisations involved in the DDR and DIAG processes (UNAMA, UNDP and ANBP) were able to avoid admitting their substantial failure by dragging on despite ever decreasing returns. The programme was sufficiently loose to not annoy any local power brokers. At the same time DIAG offered a route for local military leaders, especially those who had been excluded from the political process or had been marginalised in other ways, to reintegrate into the “good society”; all they had to do was to surrender some weapons. In other words, as in the case of DDR the final outcome of DIAG represented an informal compromise between the demands of the international community and the desires of key Afghan allies.

### **Residual Ownership in MoD and the Army**

The MoD came under growing pressure to reform as a result of its failure to push DDR through as rapidly and as effectively as desired by its international partners and of the growing evidence of its factionalisation as well as of the lack of professionalism of most appointees. In March 2002 the UN was already raising the issue of factional seizure, not least because the MoI and the Department of National Security were also under the control of the same faction – Shura-i Nezar.<sup>13</sup> Little changed throughout 2002, in fact if anything even older allies within the United Front became marginalised, like the ethnic Uzbek warlord General Abdul Rashid Dostum.<sup>14</sup> Because Shura-i Nezar was mostly composed of Tajiks from Parwan and Kapisa provinces, a growing source of criticism was the alleged ethnic discrimination against other ethnic groups, particularly Pashtuns. Indeed during 2002 Defence Minister Mohammad Qasim Fahim was asked to diversify the ethnic makeup of the MoD. Having failed to deliver sufficient change, in 2003 the formation of a recruitment board was imposed upon the MoD by the Americans, and charged with the responsibility of selecting appointees on the basis of merit and ethnic quotas. By the end of 2005 a complete overhaul of the MoD had been completed, with over 4,000 appointments made. However, because of the exclusive focus on ethnicity, Fahim and his colleagues of Shura-i Nezar were able to recruit political allies among Pashtuns and other non-Tajik ethnic groups, thereby maintaining a high degree of influence within the ministry even after Fahim was removed from the job in August 2004. The new minister, Rahim Wardak, although much more amenable to reform than his predecessor, was largely seen as a figurehead with little influence over appointments, whereas real power lay with the Chief of Staff, Bismillah Khan (a member of Shura-i Nezar). International partners opted to rely on Wardak as an approachable and relatively pliable interlocutor and drafted their reform and development strategies with him, refusing to engage with those deemed to be obstructionists, even if far more influential. Although Fahim was for a while out of government before being appointed by Karzai as an adviser, his circle maintained ownership over the lower ranks of the MoD, where decisions concerning who was removed and who remained during the reform process were affected by favouritism and not often made on the basis of meritocratic criteria. Many foreign consultants from MPRI, an American private security firm, were deployed to the MoD for training and mentoring. However, these consultants were too often completely unaware of the political landscape and had little impact on the prevailing tendency to favour political patronage in

appointments.<sup>15</sup>

The security sub-sector where Afghan ownership has been lowest as of mid-2008 is the Afghan National Army (ANA). This was due to the fact that from the beginning the training of the new force was taken over by foreign contingents, with the new units subsequently deployed under foreign command in the field, rather than under the command of the MoD. The Americans provided logistics, communication resources and most importantly field leadership and close air support management in the form of embedded trainers, right down to the platoon level (together with some other foreign contingents). Models alien to the Afghan tradition, like a highlighted role for non-commissioned officers or Western disciplinary practices, and practices resisted by most of the MoD, like voluntary recruitment and the stress on light infantry as the core of the ANA, were forced upon the Afghans.<sup>16</sup> The MoD and the cabinet also had no control over the speed of the process of creating the ANA; by 2006 the pace seems to have been significantly slower than many in the Afghan government would have desired. Afghan authorities seem also to have been keen to use the ANA as a tool to pressure Pakistan during their confrontation over alleged Pakistani support to Afghan insurgents. Clearly the Americans had no intention of allowing that to happen, as it would have made the management of relations between Afghanistan and Pakistan very difficult; they did what they could to slow down the emergence of an effective and autonomous Afghan army, at least until the insurgency in the south started getting out of control in 2006.<sup>17</sup>

There are several obvious examples of delaying tactics. The army was not given anti-tank or anti-aircraft training. Even if the training was gradually handed over to Afghans, its supervision was still in foreign hands as of 2008. Similarly, progress towards the logistical and operational autonomy of the ANA has been modest and slow. Nonetheless, attempts by local actors to claim back a degree of Afghan ownership occurred repeatedly and in different forms at various points. The first instance was at the very beginning of the process, as the MoD tried to sabotage the formation of the new army or at least protest against its own lack of ownership in it by providing recruits in insufficient numbers and of inferior quality. As a reaction, the Americans seized control of the recruitment drive too, creating a dedicated structure which was part of the ANA but outside the MoD chain of command.<sup>18</sup>

Another instance of an attempt to assert some degree of shadow ownership over the ANA occurred again at the early stages of its formation, when the MoD tried to impose trainee officers of its liking. Such efforts were rebuffed at least in part, although a significant number of sub-standard

commanding officers still managed to get through and had to be gradually removed after having failed on the battlefield. As a result of the friction between the desire for political patronage at the MoD and the demand for performance and professionalism from the foreign trainers, the officer corps increasingly had to meet both criteria, at least as far as field officers were concerned. While the professionalism was far above what it had been within the militias DDRed in 2003-2005, clearly candidate officers coming from a Shura-i Nezar background or from some of its allies were still being given preference. One UN source estimated that in 2008 70 per cent of the battalion and brigade commanders were Tajik. This de facto compromise on appointments was kept as much as possible out of the public eye through the refusal to address issues of ethnic background or political affiliation of the officer corps on the part of both the MoD and the CFC-A (Combined Forces Command – Afghanistan). Until 2005, aggregate figures about the ethnic composition were circulated, although with some manipulation, but after that a curtain of silence was drawn over the issue.<sup>19</sup>

This invisible ownership proved to be controversial even among the ruling coalition, as clearly not everybody was happy with the disproportionate influence of Shura-i Nezar in particular and of Tajik officers in general. By 2006 some key players were beginning to complain about their lack of ownership over the ANA, in part motivated by the fact that the latter was emerging as the major military force on the government side. Interestingly, it was the defence minister and the president who were making the most noise.<sup>20</sup> Both might have hoped to gain more room for manoeuvre in appointments, in order to weaken the hold of Shura-i Nezar, whose relationship with Karzai was increasingly troubled as he proceeded to gradually remove their men from government positions. Among the top ranks of the army, some Pashtun officers were beginning to articulate demands for greater influence of fellow Pashtuns within the ANA. As of mid-2008 most of these demands had not been met, although the ANA and the MoD were beginning to assume greater responsibilities in planning and in overall responsibility. In particular, the ANA Central Army Corps was scheduled to take over command of the central military region, even if the demand was resisted by some within the International Security Assistance Force (ISAF), who felt that the Afghans were not ready. Even concerning the size of the ANA some concessions were made to the demands of the MoD, which had always resented the original decision to limit the force to 64,000 and at one point was demanding an army as large as 250,000. As of 2008 some confusion reigned over the actual size to be of the ANA. Although an increase was agreed, it was initially limited to 86,000, but the

NATO meeting of Bucharest in April 2008 saw the agreed number rise to 120,000.<sup>21</sup>

In most regards, however, there was still very little Afghan ownership of the ANA in May 2008, starting from its funding. As a volunteer army, its weight on the weak finances of the post-2001 Afghan regime would have been intolerable even with its size fixed at 70,000 and assuming that all equipment needs would be met by external sponsors. Some flirting with the idea of cutting the size of the ANA to 50,000 around 2006 was rapidly abandoned as the insurgency began to escalate. As of Afghan year 1387 (2008-2009), the Afghan state budget already included an expenditure of US\$ 243 million for the MoD, despite extensive US support, whereas internal revenue was projected (optimistically) at US\$ 887 million.<sup>22</sup> The continuing presence of the embedded trainers/close air support operatives was another major factor preventing a strengthening of Afghan ownership of the ANA. Even if the embedded trainers seemed to be gradually abandoning their role of “colonial officers” in at least a dozen of the better prepared battalions, every unit of the ANA remained dependent on the close air support provided through the embedded teams. The training imparted to the ANA, with the exception of a handful of commando battalions, was not particularly suitable to fighting a counter-insurgency war either, most notably because of lack of training in fighting in small units. Some MoD officers occasionally complained about this, but to no avail.<sup>23</sup>

### **Crisis at the MoI**

In the early days of the Karzai era, the MoI was only marginally affected by reform efforts, which under German leadership were conceived as long term and focused on training a wholly new generation of policemen through the rehabilitated Police Academy. The new police were expected to gradually replace the militiamen who had been incorporated into the MoI in 2001-2002. The slow pace of reform soon began to look completely inadequate, as police forces in the provinces appeared increasingly to play a major role in creating turmoil and driving local communities towards the insurgency. Important lobbies, such as traders and businessmen, started complaining vociferously about the extortions of the police. Within international organisations, concerns started arising with regard to the ability of the existing police force to secure the forthcoming electoral process (2004-2005). In sum, it was soon clear that the process of reform had to be accelerated. The first interior minister, Yunis Qanuni, was sacked by Karzai

in 2002 because he was, as a member of Shura-i Nezar, too committed to the status quo and to factional control over the MoI. His replacement, Taj Mohammad Wardak, an elderly former state official, avowed a reform platform but failed to implement it even minimally. At the beginning of 2003 Ahmad Ali Jalali was appointed minister. A committed reformer, he was nonetheless not perceived as a charismatic or strongly assertive politician. Throughout most of 2003, he tried however to assert his authority and the ministry's appointments policy was clearly affected, with meritocracy for the first time starting to play an important role.<sup>24</sup>

At the same time a kind of quick-fix reform was launched by the Americans to partially retrain the existing police force and teach them some basics in order to allow them to manage large crowds during the voting operations.<sup>25</sup> This aspect of the reform process was managed relatively smoothly as it was not perceived as a threat to vested interests. The main exception was Herat province, where local strongman Ismail Khan viewed the external training (managed by DynCorp, an American private security company) with suspicion and refused to cooperate.<sup>26</sup> Ismail Khan's suspicions aside, control over the provincial police forces by Afghan power brokers was left unchallenged by the international community at this stage; even at the central level, Jalali was managing his reform effort alone, without significant external advice or support. Although UNAMA supported the reform effort by pointing to corruption or incompetent officers and sometimes suggesting replacements, at this stage its efforts were non-intrusive and even restrained; it does not appear that even a single appointment in 2003-2004 was the result of UNAMA's suggestions. In other words, Afghan ownership was fully respected.<sup>27</sup>

Relatively rapidly, however, Jalali's reform ground to a halt due to the opposition of well entrenched groups within the ministry itself and the shifting political alliances around it. With President Karzai increasingly opposed to meritocratic reforms and inclined to use appointments at the MoI to reward new and old political allies, Jalali's efforts were almost entirely paralysed by the end of 2003.<sup>28</sup> Although he kept serving as a minister until September 2005, he was able to achieve little during his last two years. The fact that the Germans, the Americans and UNAMA all had different views about the reform of the MoI might have helped give groups opposed to reform within the MoI more room for manoeuvre.<sup>29</sup> At the same time the deficiencies of the police force were being mercilessly exposed by the rapidly growing insurgency, particularly in Karzai's own southern region. Initially the international response to the crisis was to start pumping more resources into the police, but as this clearly appeared not to be delivering the

desired improvement, more substantial reforms started being promoted. The urgent task of creating a professional police force was for the first time set out in the Afghanistan Compact of 2006, which set this achievement as a goal for 2010. By 2006 internal documents of the MoI were also recognising the need to improve the ethnic balance within the police.<sup>30</sup>

The main result of these converging pressures was growing international involvement in the pay and rank reform process, which was planned as part of the MoI reform during 2005 and started being implemented at the end of that year. It was at this point that international involvement into the process started reaching much deeper. Although an Afghan Rank Reform Commission was formally in charge, the process included human rights vetting conducted by UNAMA and the US Department of State as well as the interviewing of officers by a selection board which included, among others, non-Afghan members. The process had been designed to be a solidly bureaucratic one, but it was clearly imposed by international players; even professional Afghan officers were sceptical of it. After a seemingly successful start in 2005-2006, as officers were chosen to run the top levels of the ministry, when it became time to appoint provincial chiefs of police, power groups within and without the MoI still managed to reassert their ownership of the process. Initially it was President Karzai, more concerned with building alliances centred around his person than with building strong institutions, who led the counteroffensive, issuing a decree to reappoint many of the “generals” who had failed the qualifying exam, quite a few of whom had been reported by UNAMA as drug traffickers or as being involved in other unsavoury activities. The ensuing reaction of the international partners involved in police reform led to another of the type of compromise which has been described in earlier paragraphs: Karzai’s most highly suspect appointees were placed on probation and subsequently the removal of 11 out of 14 of them was recommended by an Afghan-staffed probation board. As Karzai failed to remove them as recommended, international pressure grew until finally in January 2007 they had to be sacked.<sup>31</sup>

This was seen at the time as proof that police reform in Afghanistan was now on track. However, information gradually became available about appointments at lower levels of the ministry and about the exams which were supposed to assess the professional capabilities of the candidates that cast a different light on the process. The attempt by the international community to impose a particular process at the MoI was subtly subverted through manipulation, rather than through direct confrontation as initially attempted by Karzai. Cheating about qualifications was reportedly

commonplace, with barely literate individuals suddenly producing fake university degrees; attempts to guarantee a greater balance in ethnic representation were confronted with the reality of individuals altering their stated ethnic background at will. In the absence of reliable formal records of the professional and educational history of individuals, inventing new qualifications was relatively easy, particularly since the higher echelons of the ministry were complicit in the cheating. Similarly, there was no effective external monitoring of the exams, so even some nearly illiterate individuals were able to pass them. As a result, by late 2007 the system was once again flooded with large numbers of professionally incapable and corrupt individuals, who were however linked to the dominant power groups in the cabinet and within the ministry. The process was however not just a reassertion of the old factional ownership of the MoI: the reform implemented under international pressure offered the opportunity for important realignments. The old power bloc created by Qanuni in 2002 and barely affected by Jalali's reforms was broken by Karzai and his allies in 2005-2007, who successfully coopted individuals previously linked to Qanuni and Shura-i Nezar in exchange for protection against the reform imposed by the foreigners.<sup>32</sup>

### **Cosmetic Change at the NSD**

As mentioned earlier, Afghan ownership of the NSD was stronger than in the case of any other security establishment examined in these pages and was never really challenged. Some external involvement did take place, in particular through training provided by the CIA, about which, unsurprisingly, not much is known. Some organisations, such as the International Committee of the Red Cross and the Afghan Independent Human Rights Commission (AIHRC), managed to secure access to NSD prisons, but on condition that they not release information to the public on what they witnessed; the purpose of the visits was exclusively to assess the conditions of the detainees.<sup>33</sup> The NSD came under pressure at times because of its unreformed status, particularly when episodes of torture of prisoners came to the surface, but its full Afghan ownership has never been challenged (even if local ownership of the institution effectively precluded its reform). With the insurgency picking up in 2006 and onwards, the desire to interfere with the NSD, which of course played a pivotal role in the war effort, became even weaker.

International pressure to develop a more presentable NSD, with a less obvious factional imprint, did however have some impact on the organisation, as it led to the replacement in early 2004 of its first head of the post-Taliban era, Aref Sarwari, a Panjshiri linked to Shura-i Nezar who was seen as unwilling to cooperate with the international partners of Afghanistan's government. Sarwari was replaced by Amrullah Saleh, who was certainly more amenable to cooperation. A young and educated Afghan in his 30s, Saleh maintained some links to Shura-i Nezar but had not been involved in the civil wars of the 1980s and 1990s, making him the ideal compromise candidate. He also spoke English, which helped endear him to foreign partners, and had previously worked as chief liaison officer of the government with the foreign military and diplomatic presence; clearly he was a candidate meant to assuage Western concerns about the NSD without carrying out any in-depth reform. Indeed, as of early 2008 the NSD had not even handed over a single copy of its rules and regulations to the AIHRC, which had requested it. Practices such as torture were continuing, as well as allegations of bias in its counter-insurgency activities. Saleh maintained widespread support in his job and even after the April 2008 attack on Karzai, which caused major criticism of Afghanistan's security establishment, Saleh could count on international support to stay on as head of NSD. In a sense it could be argued that international partners, including inter-state organisations such as the EU and the UN, behaved on the implicit assumption that pushing for reform was incompatible with local ownership and that it would have risked wrecking a relatively effective counter-insurgent effort on the NSD side.<sup>34</sup>

## **Conclusion**

On the surface, quite a lot has been done in Afghanistan after 2001 to ensure that the security sector is reformed and brought more into line with international standards, as defined by the UN and other organisations. The more we deepen our analysis, however, the more we realise that much of the change was only superficial. Demand for the implementation of these standards was modest at best among Afghanistan's main political players. After an interlocutory period, during which such players squared up their international counterparts and tested different strategies to confront them, they managed to develop tactics which allowed them to grab back a substantial amount of control over the different reform processes affecting the security sector. The end result was a number of compromises over the

shape gradually acquired by the security subsectors. Civilian oversight bodies like the National Security Council (NSC) and the Office of the National Security Adviser (ONSA) were created and continue to exist, but their effective weight in terms of influencing the internal operations of MoD, MoI and NSD remain limited.<sup>35</sup> Often, these bodies too ended up being used in the turf wars among factions in Kabul; the ONSA, for example, was widely seen as a counterbalance to Tajik control over the security agencies.

The compromises were the result of a number of factors. One is the contradiction between the humanitarian concerns of some implementing partners (human security) and the political interests of those international actors who were mainly concerned with maintaining good relations with key Afghan power brokers. Another reason is the limitations of the international organisations and military structures involved in the reform processes (ANBP, UNAMA, the US-led Office of Military Cooperation (OMC-A) and the European Union Police Mission (EUPOL)). In some cases they lacked monitoring and supervising capabilities (ANBP, OMC-A, EUPOL), in others there was a disjuncture between the capabilities which they were able to develop and the will to act on the basis of the information available (for example UNAMA). The fact that all of these organisations were staffed ad hoc for the tasks of the day also removed a key bureaucratic incentive to think in terms of long-term results, as opposed to quick fixes which would simply allow staff members to return home. This was particularly the case of ANBP and OMC-A.<sup>36</sup>

In conclusion it is worth asking whether the existing compromises are likely to hold into the future, and what the prospects are for further waves of security sector reform. Given that the Afghan political landscape is in constant movement, the compromises can be expected not too last for long at least as far as deals among Afghan are concerned. In terms of keeping foreign ownership out, however, the political deals are likely to be much more resilient. Some potential, however, does exist in terms of deepening security sector reform if Afghan political alignments change, for example in the event of a new president being elected in 2009. Some structures are now in place at the MoI and at the MoD which could allow for a chain of command to be effectively re-established, if the political will to do so existed at the top.

Are there wider lessons to be learnt from the Afghan case? As hinted in the introduction, security sector reform can only work in appropriate political contexts, where the local authorities are sufficiently confident in either their control over the country, or in the political settlements which are at the base of the political system, to engage in long-term reform processes

divorced from their immediate political or strategic interests. Should such a situation not exist, creating it should be a priority over reform. The only alternative, as far as the advancement of a reform process leading to a people-centred, democratically accountable, and professional security sector is concerned, is the establishment of a de facto protectorate, which would eliminate any trace of local ownership at least in the short and medium term.

## Notes

- <sup>1</sup> For more details see A. Giustozzi, 'Bureaucratic façade and political realities of disarmament and demobilisation in Afghanistan', *Conflict, Security and Development* 8, No. 2 (2008): 169-192.
- <sup>2</sup> Giustozzi, 'Bureaucratic façade'; P. D. Thruelsen, *From Soldier to Civilian: Disarmament Demobilisation Reintegration in Afghanistan*, DIIS Report, No. 7 (Copenhagen: Danish Institute for International Studies, 2006), 22.
- <sup>3</sup> S. Rossi and A. Giustozzi, *Disarmament, Demobilisation and Reintegration of ex-combatants (DDR) in Afghanistan: Constraints and Limited Capabilities*, Crisis States Research Centre Working Paper Series 2, No. 2 (London: London School of Economics, 2006), 10.
- <sup>4</sup> Giustozzi, 'Bureaucratic façade', 180-181.
- <sup>5</sup> Eckhart Schiewek, UNAMA, unpublished communication with author, November 2005.
- <sup>6</sup> Rossi and Giustozzi, *Constraints and Limited Capabilities*, 10, 12-13.
- <sup>7</sup> Afghan Presidential decree no. 50 on Disarmament and Demobilization (Kabul, 14 July 2004), Disbandment of Illegal Armed Groups, <http://www.diag.gov.af/diagpresidentialdecrees/>.
- <sup>8</sup> This is the highest estimate produced by ANBP. For a discussion see Giustozzi, 'Bureaucratic façade', 184.
- <sup>9</sup> Ibid.
- <sup>10</sup> Thruelsen, *From Soldier to Civilian*, 34.
- <sup>11</sup> Giustozzi, 'Bureaucratic façade', 190.
- <sup>12</sup> ANBP announced in May 2008 that 280 such groups had disarmed; the January 2006 version of the database already included 2,753 armed groups: Ahmad Khalid Mohid, 'DIAG disarms hundreds of armed groups: UNAMA', *Pajhwok Afghan News*, 12 May 2008. ANBP figures are not always consistent and in October 2007 they were referring to 124 groups disarmed out of 1,818: *Pajhwok Afghan News*, 'Most irresponsible armed groups yet to surrender arms', 11 October 2007.
- <sup>13</sup> Report of the Secretary-General, *The situation in Afghanistan and its implications for international peace and security*, United Nations General Assembly-United Nations Security Council, Document No. A/59/744-S/2005/183, 18 March 2005.
- <sup>14</sup> The United Front, also known as the Northern Alliance, is the Tajik-dominated alliance which ousted the Taliban in 2001 with US and other Western support.
- <sup>15</sup> Ahmed Rashid, 'Karzai mounts anti-warlord campaign in Afghanistan', *Eurasianet*, 3 January 2003; Matt Kelley, 'Afghan National Army Faces Arduous Path', *Associated Press*, 26 January 2003; US and British Officers, unpublished communication with author, December 2003; Richard Berthon, United Kingdom Ministry of Defence,

unpublished communication with author, May 2005; Gen. Zahir Azimi, unpublished communication with author, March 2005; Report of the Secretary-General, *The situation in Afghanistan*, 5; M. Bhatia, K. Lanigan and P. Wilkinson, *Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan*, AREU Briefing Paper (Kabul: Afghanistan Research and Evaluation Unit, 2004), 13; M. Sedra, 'Security Sector Reform in Afghanistan: The Slide Towards Expediency', *International Peacekeeping* 13, No. 1 (March, 2006): 106; Coalition Official, unpublished communication with author, 22 February 2005; Ministry of Defence Officers, unpublished communication with author, December 2003 and January 2004; United Nations Official, unpublished communication with author, May 2008.

- <sup>16</sup> The armoured component of the ANA was always modest, while anti-tank and anti-aircraft training was not provided to the troops. The training of the artillery only started in 2008: *Xinhua*, 'Afghan army conducts first artillery live-fire exercise', 13 May 2008.
- <sup>17</sup> See A. Giustozzi, 'Auxiliary force or national army? Afghanistan's 'ANA' and the counter-insurgency effort, 2002-2006', *Small Wars and Insurgencies* 18, No. 1 (March 2007): 45-67; also European Union Diplomat, unpublished communication with author, October 2007.
- <sup>18</sup> See Giustozzi, 'Auxiliary force or national army', 50-51.
- <sup>19</sup> *Ibid.*, 60; United Nations Official in Kabul, unpublished communication with author, April 2008; Mark Sedra, unpublished communication with author, April 2008.
- <sup>20</sup> See for example Carlotta Gall, 'U.S.-Afghan Foray Reveals Friction on Anti-rebel Raids', *The New York Times*, 2 July 2006.
- <sup>21</sup> Military Attaché, unpublished communication with author, April 2008; United Nations Official, unpublished communication with author, April 2008; Julian Borger, 'Many pledges but few new troops for Afghanistan', *The Guardian*, 4 April 2008.
- <sup>22</sup> Figures provided by a consultant working for the Afghan government in April 2008 in an unpublished communication with the author.
- <sup>23</sup> Giustozzi, 'Auxiliary force or national army', 2.
- <sup>24</sup> Personal observations of the author, who served as UNAMA Political Officer in 2003-4.
- <sup>25</sup> International Crisis Group, *Reforming Afghanistan's Police*, Asia Report, No. 138, (Brussels: 30 August 2007), 7.
- <sup>26</sup> Police Officers in Herat, unpublished communication with author, May 2005.
- <sup>27</sup> See Crisis Group, *Reforming Afghanistan's Police*, 7; C. Hodes and M. Sedra, *The Search for Security in Post-Taliban Afghanistan*, Adelphi Paper, No. 391 (London: Institute of International Strategic Studies, 2007), 61-62.
- <sup>28</sup> See A. Giustozzi, *Good State vs. Bad Warlords? A Critique of State-building Strategies in Afghanistan*, Crisis States Research Centre Working Paper, No. 51 (London: London School of Economics, 2004), 12-13.
- <sup>29</sup> Crisis Group, *Reforming Afghanistan's Police*, 8.
- <sup>30</sup> *Ibid.*, 3, 5.
- <sup>31</sup> A. Wilder, *Cops or Robbers? The Struggle to Reform the Afghan National Police* (Kabul: Afghanistan Research and Evaluation Unit, 2007), 40-1.
- <sup>32</sup> United Nations Officials, unpublished communication with author, March, May and October 2007; Political Analyst from an international NGO, unpublished communication with author, October 2007 and April 2008.
- <sup>33</sup> ICRC and AIHRC Officials, unpublished communication with author, May 2007 and May 2008.
- <sup>34</sup> Amnesty International, 'Afghanistan: Detainees transferred to torture: ISAF complicity?', 13 November 2007, Amnesty International, <http://www.amnesty.org/en/library/info/>

ASA11/011/2007; Afghanistan Independent Human Rights Commission, *Annual Report 2007* (Kabul: 2008), 41; European Union and United Nations Officials, unpublished communication with author, October 2007.

<sup>35</sup> For more details about the NSC, see M. Sedra, *Security Sector Transformation in Afghanistan*, DCAF Working Paper, No. 143 (Geneva: Centre for the Democratic Control of Armed Forces, 2004), 18-9. For a more detailed discussion of the ONSA, see Bhatia et al., *Minimal Investments, Minimal Results*, 9.

<sup>36</sup> On some aspects of ANBP's work in Afghanistan see Rossi and Giustozzi, *Constraints and Limited Capabilities*.



## Chapter 12

# Local Ownership and the Experience of SSR in Indonesia

*Riefqi Muna*

### **Introduction<sup>1</sup>**

Indonesia's experience with security sector reform (SSR) is a good example of an insider-led process aimed at the promotion of democratic security sector governance. In Indonesia, SSR has primarily been focused on military/defence reform, which has generally been seen as a requirement for the success of democratisation more generally, because of the military's deep and long standing involvement in socio-political affairs. In this context, the involvement of outsiders in the SSR process per se has been limited, and more focused on the broader agenda of democratisation. It is also worth noting that SSR is a relatively new term in the Indonesian context, despite the fact that the word *reformasi* (reform) has widely been used to refer to the overall project of democratisation.

This paper will address local ownership in the context of Indonesia's recent experience with SSR. Local ownership is understood here as the extent to which SSR is driven by local demands and needs and according to a locally established agenda, rather than as a process that is promoted, imposed or dictated by outsiders beyond the borders of the reforming state. Following this interpretation, the SSR process in Indonesia has emerged as part of a locally driven domestic agenda of democratisation, aimed at moving Indonesia beyond the authoritarian regime of the *Orde Baru* (New Order).

This paper will discuss the specific experience of SSR in the post-authoritarian period. In this process, the *gerakan reformasi* (reform movement) has emerged as the domestic driving force for SSR in Indonesia. As the direct involvement of outsiders in SSR has been very limited, it is fair to say that Indonesia's SSR process has been genuinely locally driven and locally owned.

### **Setting the Domestic Political Landscape: Democratisation and the Reform Movement**

SSR in Indonesia, with a general focus on military reform, has emerged through a national consensus on democratisation within an overall agenda of *reformasi total* (total reform). Total reform has been simultaneously conducted in the socio-political, justice, education, and economic spheres (among others) in order to build a new democratic Indonesia. Indonesian SSR was initiated in parallel with the broader democratisation movement that began with the student-led national reform movement in 1997-1998. This reform movement provided the umbrella for the overall initiative of total reform, meant to move Indonesia out of the authoritarian era of the New Order that dominated the country for three decades. Within this context, reform followed an Indonesian driven agenda in accordance with the people's demand for the promotion of democracy after 30 years of authoritarianism.

The democratisation process in Indonesia, led by *gerakan mahasiswa* (the university student movement), hastened the end of the New Order regime; a key theme of a series of nationwide demonstrations was that *reformasi ABRI* (reform of the military) was a prerequisite for broader political reform. Consequently, military reform was an essential aspect of the democratisation process in Indonesia.<sup>2</sup> The term "military reform" has been more common than security sector reform, but the essence was the same (although military reform can be viewed as one element of the broader SSR agenda). Military reform in the Indonesian context has widely been understood as the total disengagement of the military from politics and the subsequent reorientation of the military to focus on its original duties of defending the country; important corollaries include ending repression and professionalising the military. Following these reforms, the Indonesian Defence Forces (ABRI) has changed its name to TNI (Indonesian National Defence Forces), and police and military forces have been formally separated.

Military reform in Indonesia is a reasonably successful example of how democratic control and good governance of the Armed Forces can be achieved in a post-authoritarian political context. The successes (and limitations) of the reform process may provide useful lessons for other developing nations undertaking SSR. Since 1998, Indonesia has undergone a peaceful democratic transition following a successful nationwide social movement, making Indonesia the world's third largest democracy.<sup>3</sup> Since then, there have been significant changes to at least 34 state institutions,

including legislative, executive and judicial bodies.<sup>4</sup>

For three decades Indonesia was administered under the 'bureaucratic authoritarian'<sup>5</sup> ethos of the New Order,<sup>6</sup> which came to power in 1966 following the abortive Communist coup of September 1965.<sup>7</sup> The anti-communist stand of the New Order and its economic growth orientation required internal stability. In the New Order's political thinking, with the existence of a vast archipelago and a pluralistic society, stability could only be achieved through strong centralised control and significant political repression.

Consequently, the armed forces were systematically involved in abuses of power to support the regime and to maintain internal stability and security.<sup>8</sup> As the dominant concern of the regime was internal threats, its stability-first policy in support of economic development permitted repression and emphasised what was known locally as *pendekatan keamanan* (security approach). Thus the military went far beyond its main duties that were conceptually constructed under the *Dwi Fungsi* (Dual Function) doctrine, in which, alongside a defence role, the military was also a key actor in social-political affairs.<sup>9</sup>

After 30 years in power, the New Order regime faced large scale popular demands for reform, not only in the military and larger security sector, but in all aspects of social, political and economic life. Consequently, the pressure for democratisation and total reform gained strength, especially after the financial crisis that hit East Asia, and affected Indonesia with particularly severity, in 1997.<sup>10</sup> The regime had to respond to massive pressure for change, and especially to nationwide demonstrations carried out by the student-led social movement for *reformasi* on university campuses and in cities across the archipelago.<sup>11</sup> The military-backed regime of the New Order ended with President Soeharto's resignation on 21 May 1998.<sup>12</sup> Soeharto's resignation was demanded when thousands of students from different universities across greater Jakarta and Java jointly occupied the compound of the DPR (House of Representatives) building. In this critical situation, the military played a crucial role in bringing Soeharto's leadership to a peaceful end, with Soeharto ultimately appointing Vice-President B.J. Habibie to replace him. Following the peaceful transfer of power, the military continued to carefully adapt to the new atmosphere of openness and began its internal reforms in October 1998.

Though the military initiated its own political reform, further progress meant confronting the legacy of the New Order. The fact that the military was deeply linked to the New Order's political machinery presented obstacles to implementation and further *reformasi TNI*. In this context,

*reformasi TNI* had to deal with the culture and the political and historical doctrine of the military. Also of significance was the legacy of the revolutionary experience against the Dutch colonial power, which involved a guerrilla warfare strategy, and the importance of the military in the founding of the Indonesian state.<sup>13</sup> Doctrinally, the TNI remained a ‘revolutionary army, a people’s army that was born from the people’.<sup>14</sup> Within this nostalgic doctrine, the political doctrine of the military was embedded in military thinking. Consequently, reforming the military to adjust to democratic governance means dealing with the issue of cultural or behavioural change, both individually and institutionally. In this regard, reform is not simply about changing strategic policies but requires deeper insight into how to change the culture of the military from viewing itself as the dominant defender of the regime in an authoritarian state to taking on a “normal” national defence role in a democratic society.

### **Internal Reform of the Military and the SSR Agenda**

The military referred to this process of adjusting to a new political and strategic environment as *reformasi internal TNI* or internal reform, as the decision to pursue reforms emerged not as a political decision from civilian authorities, but was taken by the Defence Headquarters in conjunction with the commemoration of national military day on 5 October 1998.

The initiative for internal reform demonstrates the responsiveness of the military to popular pressure for change. The military abandoned its direct political role in the parliament and the bureaucracy. It has carefully designed its internal reform agenda and has contributed to the broader process of national political reform. Of course, some critics felt the military did not go far enough in its internal reforms, but it is also important to acknowledge that Indonesia was simultaneously undergoing a turbulent reform process involving virtually all aspects of life, without an integrated political blueprint to guide the reform process; in other words, military reform cannot be divorced from broader political developments at the national level.

One key initiative was to civilianise the Department of Defence, especially at the top level. Following the fall of Soeharto in 1998, a civilian minister defence was installed, and the Department of Defence was separated from the Defence Headquarters. This change broke the tradition of the New Order, under which a serving four-star general was always appointed jointly as Minister of Defence and Chief of Defence Forces. This old structure possessed no democratic mechanism to control the armed forces, and civilians typically held only clerical positions within the department. Attention to the institutional and structural aspects of reform – and to broader questions of defence policy, military doctrine and force structure, and decision making concerning the preparation and use of military forces – have therefore been key elements in managing the transition of the armed forces in Indonesia's emerging democracy.<sup>15</sup>

It has been shown above that the Indonesian case of military reform is unique in the sense that in the early stage of reform, the military began to reform itself in the absence of any political directives from civilian authorities. However, the reform challenge has been complicated by the reality that it has taken place not only in the broader context of total reform, but also in the face of the challenge of national economic recovery in the aftermath of the 1997 financial crisis.

Beyond the military's internal reform process, there has been virtually no significant opposition to the national reform process, and military officers often affirm that the military will respect any state-level political decision. Since the beginnings of the reform process, the Indonesian military has successfully carried out the directives of the civilian government that directly implicate the military, such as the provision of military support for the peace process in the rebellious province of Aceh. However, the government's principal difficulty in dealing with the military has been the lack of economic resources to provide adequate budgetary support both for military welfare and for increasing professionalisation.

While the military's acceptance of civilian leadership demonstrates its commitment to democracy, there has been some resistance from military elites to particular ministers from specific political parties. This position is not a rejection of civil authority, but emerges out of concerns about the personal integrity of individual ministers, and whether ministerial loyalty is to the party or the government. While the tensions between a formerly politically active military and a civilian-led government have thus far not substantially undermined the broader process of reform, there are ongoing concerns about the maturity and accountability of the country's civilian political elite, not only in the military/defence sphere, but in the security

sector in general. Parallel to the concerns about civilian leadership are concerns that parliamentary authority over the military by parliamentarians lacking adequate knowledge or understanding of security and defence matters could both affect the broader reform process and generate tensions between the military and their civilian overseers.

Ultimately, both military reform and SSR more generally require sophisticated civilian leadership. It is therefore naïve to view SSR as a self-contained process; rather, it takes place within, and interacts with, the broader domestic political process. It is also important to understand that SSR in Indonesia is part of a much wider nation-building process which, in a country like Indonesia, involves not only a post-authoritarian political transition but also a post-colonial transition in which nationalist perspectives are not easily discounted. In this regard, SSR is one element of an agenda of macro political reform; within this context, public and especially civil society participation has also emerged to play an important role.

### **The Role of Epistemic Communities in SSR**

Public participation in political life in Indonesia has substantially improved since the fall of Soeharto. The student movement itself provided an effective mechanism of correction and control *vis-à-vis* a military that was deeply involved in politics, while the popular demand for military professionalism (withdrawal from politics) and respect for human rights was a key aspect of public involvement during the authoritarian era. Space for public participation was substantially opened following the process of *reformasi*. The growth of free media and the declining climate of fear towards the state security apparatus laid the groundwork for the media to openly report cases of human rights abuses as well as on corruption within the military.

In this paper, the term “epistemic community” is used instead of the more general “civil society” to indicate a specific group of concerned scholars on SSR.<sup>16</sup> Only a few groups focused on policy advocacy on SSR; these groups joined together to create an epistemic community known as the Indonesian Working Group on Security Sector Reform (IWG-SSR) that emerged as a vibrant example of civilian advocacy on SSR issues within the broader security sector establishment (including the Department of Defence, Defence Headquarters, the National Police, National Intelligence, and Parliament). The IWG-SSR has also been active in the media, and more generally on public advocacy on SSR issues. The group has been deeply involved in broad areas of SSR at different levels of advocacy, from the

promotion of public awareness and SSR literacy to direct participation in policymaking processes (including drafting laws and participating in the preparation of a defence white paper and strategic defence review), to assisting parliamentarians in the exercise of their oversight capacity.

The IWG-SSR's involvement in Indonesian SSR may in fact serve as a best practice example for other states engaged in SSR, especially given its contributions to policy formulation. The group also produced informal submissions on many security policies, drafted working papers, and was involved in many discussions and brainstorming sessions within the security establishment. The IWG-SSR, to some extent, was able to act as a hub for a wider civil society/NGO network with an interest in the security sector. Indeed, one of the key strengths of the IWG-SSR was its capacity to provide an academic/conceptual framework for the development of alternative security policies.

The epistemic community represented by the IWG-SSR has emerged as a key mechanism for public participation in, and oversight over, the broader SSR process in Indonesia's emerging democracy. Originally, those NGOs with a focus on human rights issues and implementation had to confront the reality of the state security apparatus, and especially the military. In 2000, an initiative was taken by the Pro Patria Institute, a leading NGO, to bring together intellectuals from different institutions and universities, as well as national NGOs focusing on human rights, to initiate discussions concerning SSR. This initiative led to the development of expert groups focusing on various aspects of SSR, especially on defence matters under the umbrella of the IWG-SSR and facilitated by Pro Patria.<sup>17</sup> Moreover, the IWG-SSR initiated focus group discussions (FGD) to address both broad and specific issues of national security and defence matters with, among others, high level and middle-ranking military officers, members of parliament, public representatives, police officers and media editors on a regular basis.<sup>18</sup> The FGD emerged out of a firm belief that public participation in defence matters is crucial in the ownership and the legitimacy of defence policy.

The experience of the IWG-SSR and its wider network shows that civil society has a significant role to play, both directly and indirectly, in SSR. It can act as a public watchdog, monitoring the behaviour of the security apparatus, engage in policy advocacy on issues of democratic security sector management, strengthen research on security related issues (as a basis for policy advocacy), enhance civilian awareness of security and defence matters, promote greater transparency and accountability in military budgeting, put forward ideas for alternative defence policies in the name of

human emancipation, promote trust and confidence both nationally and regionally, and encourage “security literacy” among the wider public in the belief that security is not the exclusive domain of the state security apparatus.<sup>19</sup>

However, the number of institutions and civil society groups working on SSR in Indonesia remains limited. SSR remains an elite issue, focused on the capital city, despite substantial programming, such as seminars and discussions, involving local (provincial/district) NGOs. Much work, however, remains to be done to promote SSR as a more general component of NGO activities.

### **Local Ownership and Domestic Trust Building**

Within the post-authoritarian political landscape, among the crucial challenges of SSR is building trust and confidence between the security establishment and civil society. The difficulties are understandable, as the security apparatus served as a tool for regime survival in the past, and was deeply involved in systematic human rights abuses in the name of national security and stability. On the one hand, the security apparatus claims that their previous involvement in social and political affairs and in human rights violations was justified on national security grounds. On the other, civil society organisations generally demand accountability for past abuses. Bridging this gap is necessary in order to create the space in which SSR can unfold, and in which the democratic management of the security sector can be promoted.

To promote trust-building, the IWG-SSR conducted a series of closed FGDs (as noted above) involving both official and civil society actors. These discussions were generally conducted behind closed doors, with media representatives attending in their private capacity only (with Chatham House rules in force). Meeting outcomes were not for public consumption, since the purpose was: 1) to brainstorm on national security policy matters; 2) to create an atmosphere of confidence and trust among participants; 3) to overcome the taboo of secrecy and sensitivity surrounding national security issues; and 4) to breach the wall of authority and awkwardness maintained by post-authoritarian elites towards the security apparatus.<sup>20</sup> The closed approach of the FGD, thus far, has generated an open dialogue on sensitive matters of security that were never discussed during the authoritarian era, and represents a significant breakthrough in building a climate of trust around national security issues and generating a critical consensus on key

issues on the SSR agenda.

**Table 1. SSR Achievements in Indonesia (1998-2008)**

Sector	Example of Achievement
<b>Department of Defence</b>	<ul style="list-style-type: none"> <li>• Civilian Minister established</li> <li>• Publication of Strategic Defence Review</li> <li>• New Regulations on Procurement (Integrity Pact)</li> <li>• Process to take over military businesses initiated</li> <li>• Production in 2008 of: 1) Defence White Paper; 2) defence doctrine; 3) defence strategy; and 4) defence posture.</li> </ul>
<b>Military Headquarters (The Military)</b>	<ul style="list-style-type: none"> <li>• Internal Reform of the TNI</li> <li>• The abolition of “Dual Function”</li> <li>• Total withdrawal of military from day-to-day politics (parliamentary seats and bureaucratic posts from central to local government)</li> <li>• Neutrality of the TNI in General Election</li> </ul>
<b>National Police</b>	<ul style="list-style-type: none"> <li>• Separation of police from Defence Forces</li> <li>• Adoption of Civilian Police Doctrine</li> </ul>
<b>Intelligence</b>	<ul style="list-style-type: none"> <li>• National Intelligence Bill proposed to Parliament</li> <li>• Growing public awareness on the need for reform, limited dialogue initiated between intelligence and epistemic communities on reform issues</li> </ul>
<b>Parliament</b>	<ul style="list-style-type: none"> <li>• Strengthened role for Commission I (responsible for defence forces, intelligence, information and foreign affairs)</li> <li>• Commission III to oversee National Police</li> <li>• More open debate on security sector oversight</li> <li>• Closer scrutiny of military budget</li> <li>• Vet and proper test for candidates for Chief of Defence Forces</li> </ul>
<b>Media &amp; Civil Society</b>	<ul style="list-style-type: none"> <li>• Growth of free and open media</li> <li>• Increased participation in policymaking processes</li> <li>• Growing debate on SSR and security issues</li> <li>• Greater consultation and dialogue with security establishment</li> <li>• Growing civil society attention to SSR/security policy</li> </ul>

Some of the key achievements of Indonesia’s SSR process are illustrated in the table above. Other areas of the broader SSR agenda are not

included in this list; one example is judicial reform where there has nevertheless been substantial achievement, such as the civilianisation of the Office of the Attorney-General.

As SSR in Indonesia is taking place within a post-authoritarian environment, it could not be achieved without reforming the legal system as well. SSR (as well as reforms to other sectors) must be based on a solid legal foundation to ensure that changes are both legally binding and legitimate. Many aspects of legal reform have had a direct impact on SSR, such as constitutional amendments (five since 2000); People's Consultative Assembly (*Majlis Permusyawaratan Rakyat* – MPR) decrees regulating the military and police, which include MPR Decree No. VI/2000 on the separation of police from the defence forces and Decree No. VII /2000 on the role of the Police Force and the TNI; changes that give more power to parliament; revision of electoral laws, etc. There have been many changes/revisions as well as new provisions within existing laws dealing with the security sector. The establishment of the Anti-Corruption Commission, with unlimited power to combat corruption, is also a significant development with far reaching ramifications for SSR. However, more time and effort is needed to comprehensively advance SSR on the legal front, as more than 10 additional laws need to be revised, while only three new laws have been introduced.

### **The Role of Outsiders in Indonesian SSR**

Indonesia's SSR process is deeply rooted in the country's broader domestic political struggle. Within this context, the interplay between the interests of certain political groups and the need to formulate "proper" security policies may produce compromised political outcomes. In this situation, the involvement of outsiders in the process of SSR per se in Indonesia has been very limited. However, even before the emergence of the SSR agenda, donors and international funding agencies were involved in other issues of relevance to SSR, such as human rights, anti-corruption, governance, democratisation and community development. During the *Orde Baru* period, the role of funding was limited to areas considered not to be politically sensitive, so issues such as democracy, transparency, and governance had to be carefully addressed, and the scope for serious donor engagement was circumscribed.

*Reformasi* has opened up space for international donors to expand their programming in Indonesia to include SSR, but generally under the

banner of democratic development. USAID's post-*reformasi* programme, for example, focused on civil-military relations. The programme initially supported a Working Group on Civil-Military Relations in Indonesia, facilitated by the Pro Patria Institute, but within two years the working group was transformed into IWG-SSR as described above. A limited number of funding agencies formally and directly support SSR programming in Indonesia, while many activities linked to SSR have also received substantial donor attention, including legal reform.

Problems have also emerged from the persistence of classical donor thinking in terms of how support is provided to local partners. There appears to be a lack of understanding among donors that the SSR process, and the policy advocacy surrounding it, is a highly political process that in most cases cannot be planned in a linear and sequential fashion. For example, policy advocacy on SSR issues is in many cases very fluid, and requires flexible responses such as ad hoc negotiations with members of parliament, government officials or officials from the security establishment (the military, police or intelligence) which are impossible to plan in advance. In such situations, donors must be able to adapt to the reality of the domestic political process, and support activities which cannot be predicted or anticipated within a standard project proposal. To a certain extent, these conditions demonstrate the limits on the capacity of outsiders to participate in terms of: 1) resource mobilisation; and 2) involvement in policy debates, which are largely restricted to a domestic audience.

No specific policies on SSR in Indonesia have emerged as a result of outsiders' involvement, because SSR is a political process that relies on the capacity and willingness of governmental officials within relevant institutions/departments, parliamentarians, and civil society actors to advance SSR policy development. In other words, SSR in Indonesia has followed its own dynamic, driven almost exclusively by the domestic political environment.

In this regard, outside understanding of the domestic political setting, culture and language is a crucial determinant of the effectiveness of any donor intervention. Without this understanding, any SSR programme initiated and designed from the perspective of outsiders has little chance of success and may be opposed by the recipients. This shows clearly that planning for engagement in SSR on the part of outsiders requires in-depth consultation with local actors (government as well as non-government) in an equal partnership. Along with the need for greater flexibility due to the nature of the political process, this suggests that business as usual within funding organisations, driven by the preference for top-down, linear, project

based initiatives, is not appropriate for the needs of Indonesia's SSR process.

Despite this, some good donor practices have emerged, such as the UK Government's support for the Strategic Defence Review (SDR). The UK's Defence Advisory Team (DAT), which has now become the Security Sector Development Team (SSDAT), worked closely with the Department of Defence on the review, providing advice on methodology rather than attempting to do the job itself. As a result, the SDR was a locally owned initiative, even if the outcome was not exactly what was expected by the DAT. In terms of methodology, there has been a transfer of knowledge, even if selectively adopted. There was also an agreement between UK Prime Minister Tony Blair and Indonesian President Susilo Bambang Yudhoyono to develop modern defence cooperation between the two countries. Another useful initiative was DCAF's translation of its *Parliamentary Oversight of the Security Sector* handbook, which provides a useful reference for members of parliament and other concerned groups seeking to better understand the principles of security sector oversight.<sup>21</sup> This initiative was simple but well-targeted, as it aimed at generating discussion among Indonesians of the relevant norms involved in democratic security sector governance.

The success or failure of outside involvement also depends to a large degree on the entrance strategy, especially in a country intent on protecting its culture. In other words, the tone of the knock on the door will often determine the outcome, with arrogant, "outsiders know best" approaches likely to do more harm than good. It is clear that an understanding of local wisdom and culture is a prerequisite for effective engagement and for fostering constructive relations between insiders and outsiders. In addition, the fact that the SSR process is directly linked to the broader dynamic of elite politics makes it essential that outsiders possess a clear understanding of the domestic political process and how to effectively influence policymaking.

Another strategic issue related to the effectiveness of outside engagement is the language barrier. In any context, understanding the local language(s) is a crucial factor in communication as well as in knowledge transfer. While English is the international language, it is not enough. The inability of outsiders to communicate in the local language (Bahasa Indonesia) is a serious issue, as this will substantially reduce the size of the listening audience and complicate programme delivery. For example, the effectiveness of trainings is substantially reduced when simultaneous translation is required.

Given these constraints, outsiders can most effectively contribute to SSR in Indonesia by working through civil society to promote greater awareness and understanding of SSR, even if the impact of such activities on the policymaking process is at best indirect. Outside support will be most effective in the area of training and information dissemination, which in turn will help sensitise the population to the importance of a democratically controlled security sector. Direct outside involvement in SSR policy advocacy is difficult due to the sensitivity of the issues and outsiders' limited knowledge of local language, politics and culture. Direct policy advocacy should therefore remain the domain of local partners, who better understand the nuances and dynamics of domestic politics. In this situation, the ideal model of external engagement would take the form of an equal partnership with local civil society, with each side bringing important resources to the relationship. Financial support, where possible, should take the form of block grants, which would allow local partners to respond flexibly to the needs of SSR policy advocacy.

SSR in Indonesia has emerged through local initiative as part of a wider state-wide democratisation process. Given this, in Indonesia's case the application of external conditionalities to accelerate SSR processes could backfire. A cautionary tale in this regard comes from the process of economic recovery following the 1997 financial crisis, when the International Monetary Fund (IMF) required the Indonesian government to be more open and transparent in its military budgeting. The IMF initiative was viewed locally as too interventionist, and was strongly resisted by the government, which ultimately decided to cut off relations with the IMF. In short, donors would be wise not to push too hard in the hopes of advancing the SSR process in Indonesia.

### **Challenges for Reform: Internal and External**

SSR in Indonesia has advanced in a number of key areas over the past decade. Among the notable success stories: the internal reform of the military, the separation of the police from the armed forces, the reorientation of the military on defence matters and the police on internal security issues, the withdrawal of the military from day-to-day politics, civilianising the ministry of defence and separating defence headquarters from the ministry, and strengthening parliament's oversight role. Despite these achievements, however, serious impediments remain. The first challenge is the uncertain commitment of the political elite. Many reforms could be initiated simply by

a political decision from the president or the parliament. However, the president has not made advancing the SSR agenda a key priority. For example, the Law on National Defence that was issued by the parliament in 2002 mandated the president to set up a National Security Council. As of mid-2008, however, this body had still not been formed, and as a consequence key national security policies remained to be formulated. The lack of elite political will has also affected the process of strengthening the legal foundation for SSR. Comprehensive SSR requires revisions to at least 14 pieces of legislation dealing with national security issues. However, since SSR began, only three relevant new laws have been passed.

The second challenge concerns the still unfolding process of democratic consolidation in Indonesia. While democratisation has created a more open society and institutionalised direct elections for political leaders, from the president to local government leaders to heads of villages, many civilian leaders running for election still rely on the support of the military, and many candidates for governorships forge alliances with ex-generals. This situation demonstrates the lack of confidence among civilian leaders/politicians, and reflects the residual influence of the military as a political actor.

Third, there remains a lack of civilian expertise on security sector matters, from state-level policymakers to civil society activists. The lack of resources and expertise in security policy matters means that almost by default, security policy remains in the hands of the security apparatus. Within the Department of Defence, for example, most high level policymakers continue to be military personnel seconded from military headquarters. On the other hand, most civilian personnel continue to work at the administrative and clerical levels.

The fourth challenge is the unfinished process of fully separating policing and military roles, as well as developing a fully professional civilian police force. Since the police also played a combatant role during the *Orde Baru* period, there remains a need to demilitarise police culture, just as on the military side, there is also a need to “de-policise” (*de-polisasi*) the military.<sup>22</sup> Finally, additional impediments which pose risks for the future of SSR in Indonesia include: 1) the absence of a governmental blueprint for SSR; 2) potential funding shortfalls; and 3) the lack of reform incentives within the security sector itself. In this situation, Indonesian SSR may continue to be characterised as partial rather than comprehensive.

On the external side, the language of foreign donors has now been integrated into the SSR agenda. However, successful external engagement in SSR requires an equal partnership with domestic partners, which is not

always easily achieved. As well, as indicated above, external engagement needs to be carefully adapted to local conditions and context. Clearly, programmes designed by officials in the headquarters of donor agencies without due regard to local knowledge and wisdom are of dubious utility. At the same time, donors also have to overcome the suspicions of local audiences, which are often critical of outside involvement in SSR. This condition may be related to nationalist sentiments and understandable post-colonial sensitivities. At the civil society level, even though local partners often face pressure to follow externally driven agendas which are not necessarily compatible with local traditions or norms, the external SSR initiatives most likely to make a lasting impact are those which are sensitive to local culture.

External support to SSR in Indonesia has sometimes displayed arrogance and a lack of sensitivity towards the local cultural setting; it also betrays a belief that external SSR support offers a kind of salvation to the recipient country. Old colonial habits, including the tendency to look down on local partners, sometimes reassert themselves in the SSR context, with unfortunate results. Another issue in need of attention is the tendency of outsiders to take a linear approach to programming, and to assume that a single SSR template can be applied in different country settings. While best practices from elsewhere can of course offer useful lessons and insights, taking a template approach to the complex problems of SSR is likely to result in wasted energy and resources.

Moreover, the reality that SSR is an internal political process involving the executive and legislative branches and the relevant security institutions means that policy making within an SSR context is inevitably fluid and dynamic, and subject to shifting political tides. The fact that policy debates are non-linear necessitates flexibility in funding for policy advocacy. In most cases, current donor funding models don't reflect this reality, and serve to limit donor influence and effectiveness.

### **Lessons Learned**

Indonesia's experience in reforming its security sector highlights the crucial importance of SSR in a post-authoritarian context. In this setting, the democratisation agenda provided the foundation and driving force for SSR. Military reform has been the focus for reform due to the military's deep involvement in politics and previous role as the defender of the regime. Consequently, SSR generally reflects domestic initiative in promoting the

democratic management of the security sector; there can be no doubt, therefore, that the SSR process in Indonesia has been genuinely locally owned.

The second point to emphasise is that SSR is rooted in the domestic political process. This reality has major implications for outside involvement in SSR in Indonesia, or indeed in any country. In this sense, SSR must take into account domestic political dynamics and domestic actors as the key determinants in the outcomes of SSR processes. Yet while SSR in Indonesia has been locally driven, neither the executive nor the legislature has provided a clear blueprint for how the process should unfold, leading to both delays and a general lack of direction. These problems have been exacerbated by the general lack of SSR literacy among both the government and the society at large.

Because of the nature of the SSR project, outsiders seeking to become involved need to pay careful attention to the local political setting, and demonstrate considerable cultural sensitivity. SSR engagement strategies should be premised on an equal partnership between insiders and outsiders, given the clear dangers of outsiders trying to impose their agenda without prior consultation with local partners. This is all the more important since the SSR agenda is more sensitive, especially on the question of external intervention, than more traditional development assistant programmes.

In addition, SSR conditionalities tend to be perceived domestically as an effort to impose external values concerning the domestic management of security. Because of this, outsiders need to carefully choose their strategies for promoting SSR, and for attempting to ensure that internationally accepted norms and codes of conduct surrounding SSR issues are internalised by the reforming state. Promoting literacy on defence issues, fostering a more widespread public awareness of the importance of security policy, and encouraging greater elite commitment to SSR questions all represent intervention strategies through which donors can make a significant impact. In other words, in the Indonesian case, outsiders should offer support for the existing, locally driven SSR process, rather than resorting to conditionalities and attempting to impose externally defined strategies, which could jeopardise the ultimate goal of democratising security sector management. Finally, the SSR process and its dynamics in Indonesia show that there can be no generic template for SSR; rather, the underlying process of democratisation and *reformasi* has provided a vehicle for the gradual adoption of international norms in the area of democratic security sector governance.

## Conclusion

The process of SSR in Indonesia gained momentum from the democratisation process following the *reformasi* movement that began in 1998. In Indonesia's post-authoritarian political system, SSR originated with military reform, and especially with the imperative of military disengagement from day-to-day politics. The ongoing push to reform the military has provided a foundation for local ownership of a broader process of SSR. Indonesia's form of local ownership builds on the general desire of the public to dismantle the authoritarian system and to build a new democratic state. Civil society pressure, combined with the government's broader agenda for national reform and democratisation, have therefore emerged as a driving force for SSR. Elite political commitment to SSR is particularly crucial, and will determine the ultimate success or failure of the reform agenda. It is the responsibility of the political elite, and especially the executive and the parliament, to demonstrate their commitment to SSR by mapping out a strategic plan that coherently outlines the way forward for SSR. Given the nature of SSR in Indonesia, the engagement of external actors in the SSR process needs to be carefully attuned to domestic political dynamics and local culture. Effective external engagement needs to be based on a clear political agreement between insiders and outsiders concerning cooperation on SSR matters. Intrusive and insensitive external interventions could lead not only to ineffective programmes, but could also upset the delicate process of building up trust and confidence between the society and the security establishment, a crucial element in both democratisation and SSR in post-authoritarian Indonesia.

## Notes

- <sup>1</sup> This paper is based on the author's own experience with and assessment of the SSR process in Indonesia. The author has been involved in SSR policy advocacy primarily through participating as a member of the Indonesian Working Group on Security Sector Reform (IWG-SSR).
- <sup>2</sup> During the *reformasi* movement, pamphlets called, among other things, for total reform (*reformasi total*), for the abolition of 'Dwi Fungsi' (*Cabut Dwifungsi*), for the dissolution of Golkar (*Bubarkan Golkar*), for bringing down Soeharto and bringing him to justice (*Turunkan dan Adili Soeharto*), for the amendment of the Constitution (*Amandemen UUD*), for the implementation of the principle of legal supremacy (*Tegakkan Supremasi Hukum*), and for the implementation of local autonomy (*Otonomi daerah seluas-luasnya*). The author participated in some demonstrations, including the students' occupation of the parliament building before Soeharto's fall. Thousands of students from different cities

were involved in the demonstration, which was supported by a broad range of elements of civil society. Documentary evidence of the *reformasi* movement can be viewed on the documentary photo section of *Tempo Magazine*, TEMPO photostock, <http://www.tempophoto.com>.

- <sup>3</sup> According to the latest population census from the Indonesian Statistics Bureau (BPS) in 2000, Indonesia's total population was 206,264,595, making it the world's fourth most populous country. See 'Ulasan Singkat Nasional Hasil Sensus Penduduk tahun 2000', [http://www.bps.go.id/sector/population/Pop\\_indo.htm](http://www.bps.go.id/sector/population/Pop_indo.htm).
- <sup>4</sup> Jimly Asshiddeqie, *Perkembangan & Konsolidasi Lembaga Negara Pasca Reformasi*. (Jakarta: Konstitusi Press, 2006), x-xi.
- <sup>5</sup> The term 'bureaucratic authoritarian' (BA) is taken from Guillermo O'Donnell, *Bureaucratic Authoritarianism: Argentina 1966-1973 in Comparative Perspective* (Berkeley: University California Press, 1988) 2-31. According to O'Donnell, BA is a type of authoritarian state whose principal characteristics include the increasingly significant technocratic role incumbent in both private and public sectors. Regimes are labelled 'bureaucratic authoritarian' so as to distinguish them from oligarchic and populist forms of authoritarian rule found in less modernised countries. The term 'bureaucratic' was used to emphasise features specific to authoritarian systems at a 'high level' of modernisation: 'the growth of organisational strength of many social sectors, the governmental attempt at control by 'encapsulation,' the career patterns and power bases of most incumbents of technocratic roles, and the pivotal role played by large (public and private) bureaucracies.'
- <sup>6</sup> The *Orde Baru* (New Order) was the antithesis of *Orde Lama* (Old Order), the period of President Soekarno, which adopted elements of internationalist socialism in its political thinking/ideology. The term *Orde Baru* was seen as having a positive overtone by Soeharto's supporters.
- <sup>7</sup> On 30 September 1965, the communists launched a coup d'état with the support of the army elite group of '*Cakrabirawa*' forces in which six generals were slain. However, the mystery concerning the identity of the coup's architects remains unresolved. The official history (of '*Orde Baru*') blamed the coup entirely on the Indonesian Communist Party (*Partai Komunis Indonesia* – PKI). Following widespread discontent and killings, the incumbent President Soekarno released an instruction called 'The order of 11th March' or '*Supersemar*' (*Surat Perintah Sebelas Maret*) to Brigadier Soeharto to disband the Indonesian communist party and restore order. Soeharto used this order to demolish the PKI by extra-judicial killings and by detaining of suspected members of the communist party for years without trial.
- <sup>8</sup> For an account of the military and the policy of violence of the *Orde Baru* see the research report by the Centre for Political Studies: Tim Penelitian LIPI, *TNI dan Politik Kekerasan Orde Baru* (Bandung: Mizan Pustaka & P2P-LIPI, 2001).
- <sup>9</sup> For a historical account of the rise and fall of the military's *Dwi Fungsi* role, see Salim Said, *Tumbuh dan Tumbangnya Dwi Fungsi* (Jakarta: Aksara Karunia, 2002).
- <sup>10</sup> During the peak of the crisis, the value of the Rupiah against the US dollar dropped from IDR 2,300=US\$ to IDR 16,500. This dramatic drop in value drastically increased the price of goods, burdening people with reduced purchasing capacity.
- <sup>11</sup> For an account of the student movement in the *reformasi*, see: Muridan Widjojo at al., *Penakluk Rejim Orde Baru* (Jakarta: Yayasan Insan Politika & Ford Foundation, 2000).
- <sup>12</sup> In his statement of 21 May 1998, President Soeharto chose the term 'quit' and not 'resign'. In Indonesian, he said: '*Dengan ini saya menyatakan berhenti*' ('by now, I quit'). The author witnessed Soeharto's resignation statement live. See: 'Soeharto Quit', *The Jakarta Post*, 22 May 1989.

- <sup>13</sup> It is recognised that the ‘freedom fighter’ guerrilla approach played a significant role in the independence struggle. However, diplomatic efforts were also crucial, with both military and diplomatic efforts complementing each other on the road to Indonesian independence.
- <sup>14</sup> On Tentara Rakyat see: Notosusanto, Nugroho, *The National Struggle and the Armed Forces in Indonesia* (Jakarta: Dept. of Defence & Security, Centre for Armed Forces History, 1980). Indonesian military history also taught that the integration between the military and the people was due to the fact that the ABRI/TNI was born from the people (*ABRI lahir dari rakyat*). Nugroho Notosusanto, *Sejarah dan Hankam* (Jakarta: Mabes ABRI, Pusjarah, 1998), 135-136.
- <sup>15</sup> Julian Lider, *Military Theory: Concept, Structure and Problems* (London: Dartmouth Publishers, 1983), 437.
- <sup>16</sup> The term ‘epistemic community’ is generally known and used in the Asia-Pacific security discourse to refer to academics and other informed individuals concerned with a particular issue. Originally, in the Asia-Pacific, the term ‘epistemic community’ was used to address the activities of a group of intellectuals involved in track-two diplomatic activities in support of the creation of a regional security dialogue through the establishment of a Council for Security and Cooperation in the Asia-Pacific (CSCAP).
- <sup>17</sup> For further information on this institute, and its advocacy work on SSR issues, see: Pro Patria Institute, [www.propatria.or.id](http://www.propatria.or.id). The Pro Patria Institute is a ‘best practice’ example of civil society advocacy on military reform issues in Indonesia.
- <sup>18</sup> The FGD has emerged as an effective forum to build trust and confidence between the security establishment and civil society, to discuss wider issues of national security. The Pro Patria Institute organised the FGD on SSR, which is usually conducted on a bi-weekly or monthly basis.
- <sup>19</sup> With democratic civilian control of the armed forces, the military and police neither define their own duties nor evaluate themselves. Rather, security policy practice would emerge from political decisions made by democratic civilian governments.
- <sup>20</sup> Observations drawn from a series of FGD organised by the IWG-SSR/Pro Patria since 2001.
- <sup>21</sup> Hans Born, Philipp Fluri and Anders Johnsson, *Parliamentary Oversight of the Security Sector - Principles, Mechanisms and Practices: Handbook for Parliamentarians* (Geneva: DCAF & IPU), 2003.
- <sup>22</sup> The term ‘de-policising’ refers to efforts to detach the military from police duties, with the exception of aid to civil authority under the framework of military operations other than war (MOOTW) or peace support operations (PSO).



## Chapter 13

# Bosnia: SSR under International Tutelage

*Slobodan Perdan*

The experience of recent armed conflict and the existence of ethnically based, parallel security institutions have made the tasks of reforming the security sector in Bosnia and Herzegovina (Bosnia) particularly complex. The transformation of Bosnia's security sector has been further complicated by the plethora of international actors involved in the process, and by the absence of domestic consensus on both the need for and the direction of security sector reform (SSR).

However, despite the complexity of the task, SSR has recently produced some notable results, particularly in the sphere of defence. The focus of SSR has now moved to police restructuring, and at the time of writing these reforms have entered a decisive phase.

For those who have followed SSR in post-Dayton Bosnia, it has been clear that the reform process has been driven predominantly by international actors. From the Dayton Peace Accords' initial guidance on the security sector to the most recent police restructuring proposals, international actors have designed and directed SSR. This externally driven process has managed to move the SSR agenda forward but a lack of local ownership raises concerns regarding the legitimacy and sustainability of reforms.

Experience with SSR in various post-conflict states demonstrates the importance of local ownership – where local actors participate in reform programmes with a view to continuing them on their own without the presence of international actors.<sup>1</sup> In the case of SSR in Bosnia, however, participation of local actors in the reform process has been limited, and so far included only domestic political elites. The SSR process has also been characterised by intense pressure from international actors such as The Office of the High Representative (OHR), the OSCE, the EU and NATO, who have used their institutional leverage, including their powers as donors, to push the reform agenda forward. Given these two dominant features, it is not surprising that SSR in Bosnia is not yet truly “locally owned”.

There are indeed different views on what local ownership means in practice – from the minimalist model of simple local support for any externally generated initiative at one end of the spectrum, to locally designed, financed and fully implemented reforms at the opposite end. SSR in Bosnia has more or less so far leant towards the minimalist policy by which locals were expected to support and eventually take ownership over an externally defined reform programme. However, in the current political setting this approach has clear limitations. It is perhaps time to think of the SSR ownership issue in Bosnia in more ambitious terms, which would involve a more inclusive reform process enabling other stakeholders, rather than just international actors and/or domestic political elites, to shape reform outcomes. Widening the circle of relevant actors allowed to participate in SSR discussions and decisions would not only lead to a genuinely locally owned SSR process, but could also generate more sustainable solutions and provide greater legitimacy to SSR in Bosnia. The question of legitimacy appears to be particularly important as SSR is wrapped up in a wider state-building process, and until the key issue of legitimacy is appropriately addressed, local ownership will remain elusive.

The following sections address these issues in more detail. The first section looks at challenges of SSR in Bosnia and progress made in addressing these challenges, followed by a brief overview of the current situation. The main characteristics of an externally driven SSR, local views on the ownership issue and on the Dayton legacy are then discussed. Finally, the chapter assesses the implications of the broader state-building process for the sustainability of SSR in Bosnia.

### **Progress and Challenges**

The starting point for SSR in Bosnia was the Dayton Peace Accords (DPA), signed by the parties to the Bosnian conflict under intense pressure by the US and the Contact Group – an informal grouping of the US, Russia, Great Britain, France, Germany and Italy – in November 1995. In terms of specific SSR tasks, the DPA provided some initial guidance. For instance, it addressed the issues of weapons holdings, oversight provisions, police reform and, to a lesser degree, military reform. Despite its wide ranging nature, however, the agreement was virtually silent on judicial, customs and border services, and on the sensitive but critical issue of reforms to intelligence agencies. It was also silent on the numerous challenges posed by small arms and light weapons proliferation and the demobilisation of

thousands of former combatants.<sup>2</sup>

One of the most sensitive issues on Bosnia's post-Dayton SSR agenda has undoubtedly been military reform. The DPA conceived of military reform in terms of a balance of power between the two entities, and specified confidence-building measures such as arms reductions to stabilise the region, removal of all foreign forces (except those specifically sponsored by the international community), and the establishment of a multinational military component to implement the military aspects of the DPA.<sup>3</sup>

From the outset, military reform had to address a number of difficult issues, including: the existence of separate militaries organised and commanded at the entity level and the related lack of adequate command and control at the state level; an unjustifiably large number of soldiers and reserves and excessive amounts of heavy, light and small weapons in their possession; high levels of military expenditure, and insufficient parliamentary control of the armed forces.<sup>4</sup>

Since Dayton there have been several attempts at defence downsizing and modernisation. It was estimated that at war's end, the armed forces in Bosnia totalled over 400,000 soldiers, of which approximately 264,500 belonged to the Army of the Federation of Bosnia and Herzegovina and around 154,500 to the Army of Republika Srpska.<sup>5</sup> The demobilisation of the armed forces (and the police) started immediately after the Dayton Accords were signed and an estimated 370,000 former combatants were demobilised over a five-year period.

A number of initiatives that followed the initial post-Dayton downsizing further reduced the number of professional soldiers, conscripts and reserves. The most comprehensive reforms began with the establishment of the Defence Reform Commission in 2003. In July 2006, the state Presidency adopted a decision that the Armed Forces should be fully professional, with no conscripts and no passive reserve, with the total size of 10,000 military professionals, 5,000 active reservists and 1,000 civilians employed mainly in the Ministry of Defence.<sup>6</sup> No further military reduction is expected, at least not in the foreseeable future.

Another, and as it turned out, particularly intractable challenge to defence reform was the existence of separate military forces organised and commanded at the entity level. This specific challenge was the legacy of the DPA, which created two autonomous entities in the country – the (Bosniak-Croat) Federation of Bosnia and Herzegovina and Republika Srpska – leaving each entity responsible for its own defence and armed forces.<sup>7</sup> Additional complexity stemmed from the fact that, in practice, the country had three armed forces. Although the new Federation army was designed as

a single force, it was effectively divided into the Army of the Federation of Bosnia and Herzegovina, and the Croat Defence Council.

The fragmentation of the state's defence prevented Bosnia from developing armed forces commensurate with its actual security needs. Despite the early reforms that created a quasi state-level chain of command and control, actual power remained with the entities whose constitutions and laws defined their defence responsibilities in detail. The result was two, even three distinct and parallel chains of command and levels of authority, creating conflicting command and control arrangements extending from both state and entity levels.

However, since Bosnia declared its willingness to join NATO's Partnership for Peace (PfP), the lack of state-level command and control over the armed forces, and the independent authority of the entities to control and command military forces, presented a major impediment for integration into Euro-Atlantic security structures. Efforts to tackle these problems started in earnest in May 2003 with the above mentioned establishment of the Defence Reform Commission. James R. Locher III, former US Assistant Secretary of Defence, chaired the commission which included both international and local commissioners. Its mandate was to draft or amend the legislation required to reform Bosnian defence structures in accordance with Euro-Atlantic norms. The commission immediately identified the reform of the command and control structure as a key issue. NATO had specifically linked the creation of a unified state-level defence organisation, with command and control responsibilities, with Bosnia and Herzegovina developing closer ties to NATO, including eventual PfP membership.<sup>8</sup>

As a result, significant reforms were pushed through towards the establishment of a unified armed forces command in 2003-2004, including the High Representative's decision to abolish Republika Srpska's Supreme Defence Council. The Defence Reform Commission endorsed PfP and NATO membership as goals to guide reform.<sup>9</sup> A new Law on Defence was adopted in December 2003. Its enactment and supporting legislative action at state and entity levels eventually enabled the formation of a single state-level defence establishment, with a clear chain of command emanating from the state down to the entities, reinforcing the supremacy of the state for defence matters. Entity armies were made part of a single military establishment – the Armed Forces of Bosnia and Herzegovina – commanded by a single operational chain of command.<sup>10</sup> The Bosnian Parliament created a Joint Commission on Security and Defence to oversee these new state-level institutions, officials and procedures. The Law on Defence also ensured that state-level institutions, including the Presidency of Bosnia and Herzegovina,

were able to carry out fully their responsibility for protecting Bosnia's sovereignty and territorial integrity.

Another landmark in defence reform was reached in July 2006 when the state presidency, after much political wrangling and discussion of relative national representation in the Armed Forces of Bosnia and Herzegovina, finally adopted a decision on their size and structure that allowed for the development of an integrated force. As a result, the country now has just one defence minister, one chief of staff, one chain of command and one army.

In November 2006 NATO invited Bosnia to join the alliance's Partnership for Peace. That act signified fulfilment of one of the main defence reform benchmarks. There are still a number of outstanding issues, such as the full implementation of the defence and armed forces structure and the transfer from the Entities to the State of all property needed for defence purposes. Generally, however, defence reform has been regarded as a significant success, with Bosnia's acceptance into the Partnership for Peace heralded as 'a milestone on Bosnia and Herzegovina's road to Euro-Atlantic integration'.<sup>11</sup>

While the focus on the military is understandable in a country emerging from armed conflict, Bosnia's own experience has provided one of the clearest illustrations that the military is only one component of security, and that other security institutions such as the police, judiciary, customs and border services are even more vital for the security of individuals and society during peacetime.<sup>12</sup> Considerable progress has been made in most of these areas as well.

Intelligence reform proved an even more difficult challenge than defence reform. These highly politicised services were thought to spy not just on other entities, but also on international actors present in the country, including international peacekeeping troops and researchers from the International Criminal Tribunal for the former Yugoslavia (ICTY). In fact, the Republika Srpska government was forced to close a military intelligence office in April 2003 after it had been caught spying.<sup>13</sup> The services were also linked with a broad range of criminal activities, including helping indicted war criminals such as Radovan Karadzic evade arrest.

Recently, however, pressure for reform in this field has increased due to international concerns regarding terrorism and organised crime. The EU made intelligence reform a key condition, along with tax system reforms and cooperation with the ICTY, for opening negotiations on a Stabilisation and Association Agreement (SAA), seen as an important step towards full EU membership.

During Paddy Ashdown's tenure as High Representative, an Expert Commission for Intelligence Reform was set up following a number of scandals involving parallel Bosnian security structures.<sup>14</sup> Although a politically sensitive project, the work on physical and organisational unification of the two former entity intelligence services made progress and, after a comprehensive overhaul of the country's intelligence agencies, a new single Intelligence and Security Agency was approved by the Bosnian parliament and became operational in 2004. The agency now collects information on threats to Bosnia's security both within and outside the country and is obliged to forward information about war crimes suspects to the ICTY. In his latest report to the UN Security Council, the current High Representative Miroslav Lajčak noted:

The BiH Intelligence-Security Agency (OSA) continued to develop its operations in the fields of organised crime, counter-terrorism and war crimes. Cooperation with law enforcement agencies remains satisfactory, but the obvious inefficiencies of the country's policing and judicial systems limit the impact of these efforts.<sup>15</sup>

Border control agencies have been reformed as well. Shortly after the Dayton accord was signed, the United States Agency for International Development (USAID) established a customs training team to teach standard law enforcement techniques to Bosnia's customs officers.<sup>16</sup> In 2000 the international community established for the first time a single and uniform customs territory in Bosnia. The formation of a State Border Service (SBS) the same year ended a long standing feud between Bosnia's two entities and marked significant progress in the management of Bosnia's international borders. With the adoption of a new state border service law in 2004, the SBS now possesses the capacity to control the international borders of Bosnia and Herzegovina, and is effectively contributing to the rule of law through surveillance and control of the borders and the detection, prevention and investigation of cross-border crime.

Judicial and legal reform efforts in Bosnia have been halting and painstaking. They have included legal education, strengthening of bar associations, law school development, and only recently serious judicial and legal reform measures. Judicial reforms, in particular, have been exceedingly slow, but more recently produced some notable results such as:

- Bosnia's criminal codes and criminal procedure codes are now compatible with the European Convention for Human Rights

- A High Judicial and Prosecutorial Council has been established
- The State Court is up and running, and has already shown that it is capable of trying once high-ranking and still influential politicians
- The State Investigation and Protection Agency, a police force under the jurisdiction of the state court, is up and running<sup>17</sup>

Another important development in the judicial area was the establishment of the War Crimes Chamber within the Court of Bosnia and Herzegovina in 2004. This ensured the effective and independent prosecution of individuals accused of war crimes and organised crime through Bosnia's own judicial system.

### **Current Situation**

Current SSR efforts in Bosnia are focused on police reform, an issue that has dominated Bosnia's political life for some time.

There is no doubt that Bosnia's police forces are in need of reform. Under the current system, the police forces work according to an outdated policing philosophy with a discredited management style.<sup>18</sup> They have no clear strategies for modernisation; their equipment and systems are outdated; and they have too many under-trained police officers. Effective crime fighting is hampered by the many uncoordinated levels of policing and the absence of cooperation mechanisms.<sup>19</sup> Police powers are highly decentralised, with each of the ten Federation cantons having an interior ministry, while central state authorities are responsible for international and inter-entity policing only. The extreme fragmentation and lack of cooperation impede effective policing of organised crime and trafficking.

Bosnia's policing also suffers from continuing political interference and control over police structures and appointments, and little democratic accountability. The police are poorly paid, perceived as corrupt and not trusted by the public to enforce the law fairly. Frequent scandals suggest the widespread collusion of state and political authorities, including police, border guards and customs officials, in organised crime.

In July 2004, OHR launched a comprehensive policing reform initiative which started with the establishment of a Police Restructuring Commission, which was given a mandate to propose 'a single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers'.<sup>20</sup> The commission's final report, published in December 2004, recommends that policing,

including legislative and budgetary authority, should be an exclusive competence of the state.<sup>21</sup>

The report set out a model for police reform based on three principles endorsed by the European Commission, namely budgetary and legislative authority for policing lodged at state level; policing operations free of all political influence; and policing districts based on operational and technical criteria.<sup>22</sup>

After some promising initial development in 2005, police reform entered a difficult phase in 2006-2007, during which little progress was made. In April 2007 the government of Republika Srpska called for a new process, as well as a referendum on a future model. Subsequent political discussions yielded no significant agreement. When he became High Representative in July 2007, Lajčak made police reform a top priority, and facilitated discussion between the parties.

In October 2007, governing party leaders signed the Mostar Declaration, setting out their desire to see police reform in line with the three EU principles and intention to take this and other issues forward. After much political wrangling and unsuccessful negotiations, a compromise proposal was eventually put forward by the two strongest political parties, SNSD (the main Bosnian Serb party) and SBiH (currently the strongest Bosniak party). The proposal envisaged setting up seven new state-level police coordination bodies, without immediately affecting the autonomy of the entity forces.

Finally, in mid-April 2008, the Bosnian Parliament adopted police reform laws which incorporated the SNSD/SBiH proposal. The bills stipulate that the new police bodies will assume authority over the separate police forces a year after the completion of constitutional reforms, although no date has been set for the start of the constitutional reform process.

Adoption of the long disputed police reforms was hailed by OHR as ‘a breakthrough for BiH on the road to Europe’.<sup>23</sup> Some local actors, however, were less enthusiastic about it, particularly the parties such as the SDA, formerly the dominant Bosniak party, and the social democratic SDP. For instance, SDP leader Zlatko Lagumdžija was unhappy with the decision to leave the unification of police force out of the adopted laws, calling it ‘the end of reforms’ that would result in “cementing” the existing state of policing in the country’.<sup>24</sup>

Despite the adoption of new laws, police reform remains very much a work in progress. The laws did establish a number of coordinating and supervising bodies in line with EU requirements but left the authority of those central bodies over local police forces to be defined only after the completion of constitutional reforms. When this will happen is hard to

foresee. The compromise solution adopted by parliament established seven bodies that would coordinate police work and integrate some areas, like education or forensics, but did not foresee the full merger of the two existing police forces. All in all, laws have been passed but police reform remains far from being completed.

In sum, SSR in Bosnia has undoubtedly produced some notable results. What is also without doubt is that the international community has been the driving force behind the reforms. All the key reforms have predominantly been designed and directed by international actors. Local actors have been unenthusiastic about the reform process, and have participated only after persistent pressure from the international community.

The creation of a single, central defence establishment, for instance, was agreed under intense international pressure. OHR pushed relentlessly on this issue, and ultimately succeeded in achieving many of its objectives, including the elimination of entity competencies, the transfer of all defence responsibilities and personnel to the state, and abolition of conscription. Some local actors, especially the Bosnian Serb leadership, tried hard to prevent the unification of armed forces yet were eventually forced to relent.

Police reforms have followed a similar pattern, although local actors have been more actively engaged in this process (although not necessarily in the most productive ways). OHR was again the most proactive and efficient participant in the process; despite frequent obstructions by local politicians and several missed deadlines, OHR eventually managed to push the process towards the adoption of a set of new laws on police restructuring, albeit with some significant amendments.

Conditionality has played a crucial part in the reform process. International actors have pragmatically wielded sticks and carrots in order to push key reforms through. In the case of defence reforms, the prospects of Partnership for Peace and eventual NATO membership were used as the main incentive. For police reforms, the promise of an SAA with the EU acted as the chief inducement. During the police reform negotiations, for instance, local actors were constantly reminded that without an agreement on police restructuring based on the three EU principles, there would be no SAA, and Bosnia's EU future would be in jeopardy.

International actors have been well placed to play the conditionality card in Bosnia. The prospect of integration into both NATO and the European Union and the provision of significant levels of financial and technical assistance to fulfil the conditions to do so, have indeed provided powerful positive inducements for the country to reform its security system. In the Office of the High Representative, on the other hand, the international

community has also possessed the political instrument to support these positive incentives with the power to take decisions even, should it be needed, over the objections of Bosnia's "local owners".

### **Externally Driven SSR and Local Ownership**

The short history of SSR in Bosnia points to a widespread perception among international actors that in order to move ahead with and lay the foundations for SSR, it has been sometimes necessary and/or convenient to bypass the local owners.

In Bosnia, the international community used the conclusion of a ceasefire agreement – the Dayton Peace Accords – to introduce SSR as a priority area for follow-up. The agreement provided the structural and institutional framework for the reconstruction and reorganisation of post-war Bosnia and, importantly, formed the basis upon which a string of international organisations – the UN, EU, OSCE, Council of Europe, Contact Group and the international financial institutions – established long-term regulation and oversight of political and civil affairs in Bosnia. The activities of these bodies, crucially, were premised upon the establishment of a more immediate civil order by a NATO-led peacekeeping force. The upshot was the creation of virtually an international protectorate subsumed within the system of international security governance and dependent for its status on NATO's continued commitment.<sup>25</sup> This point of departure has critically defined the character of SSR in Bosnia.

As Marcus Cox of the European Stability Initiative has argued, the Bosnian experience shows that complex peace missions involve divergent goals which are not easily pursued simultaneously and may come into conflict:

The presence of a large-scale international mission by no means necessarily contributes to strengthening domestic institutions or constitutional order. At the security level, keeping the peace may best be achieved by creating a balance of armed forces and tolerating ethnic separation, making it difficult to build common institutions. The efficient distribution of humanitarian and reconstruction aid may require co-operating with local warlords and extra-constitutional parallel structures, strengthening their political position. Attempts to exclude the protagonists of the war from a role in the post-war political environment may be difficult to square with building democracy.<sup>26</sup>

In this context, continues Cox, substantive goals may be more efficiently carried out through direct international authority, rather than waiting for local institutions to develop to the point where they can formulate and implement their own policies. In the case of SSR in post-conflict Bosnia, particularly during the early years of military stabilisation and reconstruction, the conditions were simply not conducive to a more democratic, locally owned process. It is therefore unsurprising that the international community opted for an intrusive approach that favoured efficacy over democracy. However, as SSR ultimately concerns the ability of national authorities to govern the security dimension effectively, the question of local ownership was bound to be raised at some point.

In the year 2000 the Peace Implementation Council decided to concentrate international efforts on building the core structures required for Bosnia to function as an integral and independent state. Consequently, the main international actors such as OHR started to focus on a state-building process which was at the time hailed by some analysts as ‘a constructive and forward looking interpretation of the concept of “ownership”’.<sup>27</sup> Building effective, self-sustaining institutions at state level was seen as a necessary precondition for full local ownership.

SSR was considered an integral part of this state-building process. Since this shift in international priorities, the general approach of international actors to SSR in Bosnia has been aimed at strengthening state-level institutions and eliminating parallel, ethnically-based security institutions. As a consequence, considerable effort has been invested in the process of unifying the country’s armies, and the Armed Forces of Bosnia and Herzegovina now appear to be firmly established as a single force. Establishing a similar single structure of policing with competency vested at the state level is currently the top SSR priority.

Paradoxically, however, the process which is ultimately aimed at creating conditions for local ownership has significantly inhibited the influence of domestic actors. Intrusive international actions via OHR and its Bonn Powers have engineered some significant structural changes but the domestic political process has largely been sidestepped.

To be fair, the international community has tried to address this problem, albeit in a somewhat inconsistent manner. The way recent police reforms have been dealt with may illustrate the point.

As already mentioned, police reform began in earnest with the establishing of the Police Restructuring Commission in 2004. In its final report later that year, the commission recommended that policing should be an exclusive competence of the state, including legislative and budgetary

authority.<sup>28</sup>

The negotiations involving political parties that followed the Commission's final report eventually resulted in the creation of a Policing Directorate. Importantly, in these negotiations international actors took a back seat and reduced their role to that of facilitator. Negotiations were undertaken entirely by the leaders of Bosnia's political parties, the fact hailed by OHR as historic. After one successful round of negotiations in April 2005, a delighted Ashdown issued the following statement:

What was achieved was the first stage of what I believe has the potential to become a historic agreement, not just for what was agreed but also for how it was done. This is an agreement whose exclusive label is "Made in BiH", not made by the international community.<sup>29</sup>

However, this celebration of local ownership proved premature. The work of the Policing Directorate stalled in the lead-up to elections in October 2006, largely because of opposition from Republika Srpska (RS). After the 2006 elections, negotiations entered a new phase, characterised by increasingly radical initiatives on the part of the new RS premier, Milorad Dodik, whose pronouncements on a possible secession referendum in the entity, the revocation of previous transfers of competency to the state and the unacceptability of any police restructuring plan doing away with the RS police marked a newly aggressive assertion of Bosnian Serb interests.

This deterioration of police negotiations in 2006-2007 coincided with Christian Schwarz-Schilling's mandate as High Representative. Incidentally, Schwarz-Schilling made local ownership one of his priorities. Writing in February 2007, the then HR declared:

Today, the time has come for a gradual transition to ownership. Even before taking up my current duties, I was convinced that the powers of my office should only be exercised with moderation and in extreme circumstances. My declared objective was to transfer responsibility to local politicians, whilst offering my good offices as a mediator and advisor. At the time of my appointment as High Representative, this approach also reflected the unanimous views of the international guarantors of the peace agreement. With the end of the Dayton mandate in sight, it was important for the international community to adopt a less interventionist policy.<sup>30</sup>

Later in the same article, however, Schwarz-Schilling concedes that in order 'to take forward the reform process in the country with the necessary determination' he would recommend 'to the Peace Implementation Council

... to postpone the abolition of the Office of the High Representative, including its special powers, by one year'.<sup>31</sup>

As protracted political discussions on police restructuring yielded no significant agreement, OHR did eventually step in with 'the necessary determination' to take the reform process forward. Schwarz-Schilling's successor, Miroslav Lajčak, took a more assertive approach that went beyond mere facilitation. Lajčak was actively involved in police restructuring, drafting Protocols, imposing deadlines, lobbying intensively, and negotiating directly with selected political leaders. As noted, the police reform laws, albeit with significant amendments, were eventually adopted in April 2008, paving the way for the signing of an SAA.

On the question of local ownership, then, the earlier optimism of those such as Ashdown has of late increasingly been replaced by more conservative assessments. In his speech to the UN Security Council in November 2007, for instance, Lajčak stated: 'Local ownership remains the goal, yet ... this country is not yet ready for self-government... This means that OHR still has a substantial role to play'.<sup>32</sup> In February 2008, the Steering Board of The Peace Implementation Council struck a similar note, stating that OHR's role in Bosnia would continue unchanged.<sup>33</sup>

Despite some attempts to promote local ownership, therefore, the international community still appears to have little confidence in the ability of local actors to carry out the process unsupervised. Given the current state of affairs, it seems the international community still prefers an externally managed but proficient SSR to a locally owned but uncertain process.

### **Local Perspectives on Ownership**

As the international community continues to drive the process of SSR in Bosnia, questions inevitably arise concerning the legitimacy and sustainability of measures so lacking in genuine local "ownership". There have been suggestions in the past that "ownership" is perhaps not a real issue in Bosnia as many Bosnians 'would sooner have a benevolent despot to push through change than have their own leaders in full control'.<sup>34</sup> There have been also those analysts who thought that maybe one could have security sector integration or democratisation in Bosnia, but not both.<sup>35</sup> Although not without merits, these views do not fully capture the complexity of local ownership in Bosnia.

There are indeed those in Bosnia who still believe that there is nothing wrong with externally imposed solutions. Lajčak recently stated that he gets

frequent requests from Bosnian citizens to use his Bonn powers to dismiss officials and impose solutions.<sup>36</sup> Support for this type of action is commonly expressed by local actors. For instance, representatives of three major local NGOs have recently stated their full support for the HR should he need to use his Bonn powers to impose police reforms.<sup>37</sup> Also recently, the Director of Transparency International in Bosnia welcomed the Peace Implementation Council's decision to extend the OHR mandate and declared that Bosnia is still 'an infantile state' and therefore incapable of self-government.<sup>38</sup>

However, a significant proportion of Bosnian citizens – especially Bosnian Serbs and their political leadership – has never been particularly happy with coercive and intrusive actions by the international community. From the beginning of the Dayton process, politicians in Republika Srpska (RS) have done everything in their power to curb the international community's reform efforts. In recent times, RS Prime Minister Milorad Dodik has missed no chance to challenge the international community, particularly on police reform; Kosovo's unilateral declaration of independence, accepted by most Western powers, has also not contributed to an atmosphere of cooperation between Bosnian Serbs and the wider international community. Not long ago Dodik warned that OHR imposed solutions would not be tolerated by the RS authorities, and emphasised that Bosnian Serbs would never back down from their stance.<sup>39</sup> Dodik may epitomise local opposition to reforms pushed by the international community, but he certainly is not the only local actor to adopt a more assertive approach. Nor is that an exclusive prerogative of Bosnian Serbs.

Among other ethnic communities in Bosnia, there are also politicians who feel that a coercive and intrusive international approach robs them of any agency in the reform process. Recently, for instance, the Croat member of the state Presidency Željko Komšić expressed his frustration with international actors because they often told him 'You just sign the Agreement and all of your other problems will probably be solved in time, in other words, you have to do what Europe tells you to do'.<sup>40</sup>

Sulejman Tihić, the president of the (Bosniak) Party of Democratic Action (SDA), similarly complained that OHR's reaction to his party's refusal to accept a recent police restructuring proposal was completely unacceptable: 'We were presented with an ultimatum', said Tihić, 'We were told – take it or leave it ... That's behaviour we cannot accept'.<sup>41</sup> The SDA did not vote for the proposal that was eventually adopted by parliament.

Susan Woodward once remarked that in post-Dayton Bosnia internal political dynamics are determined more by the confrontation between the

international community and local politicians than by the conflict between Bosnia's three ethnic groups.<sup>42</sup> It seems that this is still a prominent feature of political life in Bosnia. Combined with the absence of domestic consensus on almost any issue, frequent confrontational situations do not make it easier for the international community to address the issue of ownership. The increasingly assertive and antagonistic stance expressed by domestic actors towards externally driven reforms, however, adds urgency to the broader issue of local ownership.

One may argue that the simple fact that all key reforms have been entirely externally driven would inevitably generate local resistance. While a natural dislike of being told what to do may have played a part, the real reason for resistance lies deeper. SSR, as promoted by the international community, not only threatens the entrenched positions of political elites, but also challenges the constitutional architecture established by the Dayton Accords. This, indeed, goes to the heart of Bosnia's political conundrum and may explain why local politicians have been so reluctant to embrace SSR.

While nearly everyone in Bosnia agrees that constitutional change is necessary if Bosnia is to have functional, affordable and EU-compatible structures of governance, few agree on the nature and scope of reforms. Most Serbs want an explicitly federal state composed of two or three "national-majority" units, though any effort to define the prospective boundaries of such units undermines potential Serb-Croat concord on this point. Bosniaks, on the other hand, continue to favour an integral or "civil" state, the territorial sub-units of which would be merely administrative – and certainly not national or constituent. This is unacceptable to Serbs and Croats because they see it as guaranteeing majority (i.e. Bosniak) rule. These ethnic and political divisions over the basic shape of the post-Dayton Bosnian state now frustrate the normative as well as the practical objectives of SSR. So, as the international community presses on with an SSR agenda that promises to critically modify the constitutional order established by the DPA, local actors react uncompromisingly if and when the direction of the reforms is not in accordance with their political visions.

There is no doubt that the international community is advancing an integration and unification agenda in Bosnia. Accordingly, under the auspices of the international community, many competencies have been transferred from entity to state in recent years, including the Unified Armed Forces and State Intelligence Agency. Further reforms, aimed at building an efficient and effective state, are ongoing.

However, building state institutions and dismantling parallel, ethnically-based institutions require revisions to the original Dayton

compromise, something that some local actors still refuse to accept. It appears that the international community is attempting to accomplish now what should, in better circumstances, have been attempted at the outset, namely to equip the weak state inherited from Dayton with the attributes of a proper state. This belated effort to build a self-sustaining state in Bosnia is replete with paradox – in order to realise the promise of Dayton, the ceiling must be lifted on what is formally permissible under the Dayton constitution.<sup>43</sup>

Yet, through special, internationally-chaired commissions, OHR has managed to find the constitutional justifications necessary to redress the balance of power between the state and the entities in the spheres of defence, policing and intelligence. OHR seems to believe that this process of “functional integration” at state level, whereby cooperation on essential state-level matters delivers tangible benefits to Bosnian citizens, will eventually create domestic constituencies in favour of the further development of the state.

However, while this policy of inducing change from outside has been effective in generating new institutional arrangements, it has never been fully endorsed by local actors. Moreover, as the police reform process has demonstrated, this approach has reached its limits. Externally generated and imposed solutions are no longer seen as acceptable and justifiable by domestic actors, and are frequently opposed on the basis of being undemocratic. This is of critical importance to the sustainability of SSR. If not supported locally, imposed SSR decisions could hardly provide long-term solutions or help create a self-sustaining state. They in effect incapacitate local politicians and ultimately undermine efforts to help Bosnia move to local ownership. As SSR is an integral part of building democracy, continuing this practice is in danger of becoming counterproductive, as it undermines democracy and could therefore not lead to an enduring SSR.

## **Conclusions**

SSR in Bosnia confirms that the practice of assertive coercive power by international authority and the idea of sustainable local ownership are inherently difficult to reconcile. The reason why local ownership in Bosnia has been so difficult to achieve, however, lies not only in the continuing external interference in SSR but, above all, in the utter absence of domestic consensus on both the need for and the goals of SSR. This lack of domestic consensus, however, goes well beyond SSR and it is related to the

controversial and contested status of Bosnia's statehood.

The reform of security institutions has been entangled in a wider state-building process whereby the final architecture of the Bosnian state is still being defined. In this context, international actors should see their role as mediating a broad process of constitutional dialogue, with the aim of creating a lasting constitutional structure that ties together the Bosnian state. Effectiveness and sustainability of security sector reforms undertaken so far, as well as the assumption of full local ownership, will ultimately depend on the inclusiveness and success of this process.

At a time when politicians from all sides grapple with the contentious issues of constitutional reform, the international community should adopt a more balanced approach to SSR if it wants to promote self-sustaining solutions. The international community should be careful, firstly, not to antagonise local actors and perpetuate nationalist resistance by threatening those national rights guaranteed by Dayton. Further SSR needs to be motivated by technical criteria and by a desire to provide solutions to real problems, not by unrealistic conceptions of what Bosnia could and should be.

There are those in the international community and among Bosnian political actors who believe that Bosnia should become a unitary state. Whether Bosnia is more likely to prosper as a unitary or a federal state is a question that goes to the heart of the Bosnian constitutional dilemma, and constitutional reforms will undoubtedly address this issue. However, SSR should take into account that, according to its current constitution, Bosnia is a federation. This, it seems, is often overlooked in the integration and unification course of SSR.

Given the importance and political sensitivity of this question, the international community should invest far more effort than it has to date to convince sceptics of the intrinsic value of centralised security institutions in a federal state. Reliance on the Bonn powers and the stick and carrot policy could perhaps move the reform agenda forward, but without active local involvement and acceptance SSR will not be sustainable. Moreover, it would be, to paraphrase a former HR, a dangerous illusion to think that it is possible to build a functional state and foster reconciliation by imposition.<sup>44</sup>

Second, it is perhaps time for the international community to re-think its concept of "ownership as an end" of reforms, and start thinking more in terms of "ownership as a means" to achieve self-sustaining solutions. Surely, good solutions are those which emerge from a political process which mobilises the beneficiaries, identifies the resources and produces decisions acceptable to all stakeholders. In this respect, if the international community

is serious about promoting local ownership then it should stop focusing overly on political elites, and foster a more inclusive reform process. For instance, it is extraordinary, as the European Stability Initiative recently pointed out, that given the large number of commissions and meetings held in recent years a serious public debate on the merits of various police reform proposals has not yet taken place.<sup>45</sup> Enabling other voices, rather just those of political elites, to influence the reform process would surely be beneficial in the quest to achieve local ownership.

## Notes

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## **PART IV**

# **CONCLUSION**



## Chapter 14

# Operationalising Local Ownership in SSR

*Timothy Donais*

### **Introduction**

This overall goal of this volume has been to advance the debate on the meaning and significance of local ownership questions in SSR processes, and to explore the ways in which debates over local ownership play out in the real world of policy design and implementation. On a conceptual level, we have sought to contribute to the development of a richer understanding of what local ownership can, and should, mean in concrete reform situations, and to help ensure that the phrase doesn't become a diplomatic buzzword, devoid of meaning for both donor and recipient. Practically, through exploring various facets of the relationship between insiders and outsiders in specific contexts, the various chapters illustrate both the risks and the benefits of taking local ownership seriously, and offer food for thought to both practitioners and policymakers on the broader question of how SSR can effectively and sustainably reduce insecurity wherever it is undertaken. Taken together, the chapters demonstrate both the significance and the complexity of local ownership issues in SSR contexts; taking local ownership seriously means grappling not only with the difficult questions of which local owners and what kind of ownership, but also with the particular political and social realities of states emerging from conflict and/or authoritarianism and the politically charged legacy of donor-recipient relations in the broader field of development assistance. Discussions of local ownership, at the same time, open up a wider set of questions about public sector governance, and about what specific configurations of authority are most likely to produce sustainable and positive policy outcomes. Local ownership was a preoccupation in the field of international development well before it was taken up by SSR practitioners and policymakers; our goal has been to situate and make sense of the local ownership debate as it relates to questions of change and governance within the security sector.

As the security sector reform debate has evolved, local ownership principles have become increasingly accepted as a key element of what constitutes good practice in SSR. As noted throughout this volume, however, a gap has emerged between principle and practice on local ownership questions, and the search for ways to bridge this gap will continue to present a major challenge as SSR continues to develop as a field of practice. Drawing on the insights generated across the contributions to this volume, this chapter addresses various strategies for putting local ownership principles into practice in SSR programming. Before turning to the question of how local ownership principles can be more effectively operationalised, however, it is worth reflecting on the difficulties inherent in making the turn from rhetoric to reality on this issue. Two particular problems – relating to issues of definition and of political will – present key obstacles to further progress.

First, until a clear and widely accepted definition of local ownership exists, operationalising the concept will remain difficult. While the OECD DAC's Handbook on Security System Reform, which has quickly become a key reference point for the state of official thinking on SSR issues, is replete with references to ownership, it lacks a clear and precise definition for the term. Conversely, Laurie Nathan's definition of local ownership, widely cited by the contributors to this volume, is clear in its insistence that SSR must be designed, managed, and implemented by local actors, with internationals playing a supporting role; what is less clear, however, is the degree of acceptance this definition enjoys across the donor community. Ultimately, if understandings of local ownership remain contested, and if the term is taken to mean everything from Nathan's maximalist understanding to more minimalist conceptions emphasising consultation and "buy-in", the task of specifying what precisely is to be operationalised, and how, will remain maddeningly elusive.

There are two separate but related dimensions to the political will challenge. First, while it is relatively cost-free for donors to agree to local ownership as a principle of SSR programming, it is another matter entirely to adjust practices and procedures in order to prioritise local ownership at the level of implementation. Operationalising local ownership in its more substantive formulations almost by definition requires donors and their implementing agencies to cede at least some control and authority and to accept that, by privileging process over outcome, it will no longer be possible to know the answer in advance. None of this is easy in the current context of international assistance, where those holding aid providers accountable are not the recipients of that aid, but rather donor-country

oversight bodies acting in the name of donor taxpayers, who demand value for their money in the form of concrete, measurable results within relatively short timeframes. Questions of accountability and control become additionally sensitive in the SSR field, of course, since donors understandably fear their security sector support being used in the commission of human rights abuses. Beyond the success and failure of particular SSR initiatives, therefore, putting local ownership principles into practice raises a complex set of questions regarding decision-making and accountability, and donors have barely begun to think through these questions in terms of the standard operating procedures through which aid decisions get made and concrete assistance delivered. Generating the political will to move forward on this front will require both a deepening and a widening of the consensus that local ownership is indeed a fundamental precondition for successful SSR.

The second dimension of the political will challenge relates to the motivations of local actors themselves. Numerous contributors to this volume make the point that SSR is an inherently political process, involving a re-organisation of political power and authority within what is often already an unstable political environment. Local owners, therefore, often come to SSR processes with a range of different goals and objectives (for many, mere survival may be a higher priority than creating a professional, democratically accountable set of security structures), and at least some of these will clash with the human rights and good governance goals embedded within the broader SSR project. Thus, the lack of political will – real or perceived – on the part of local actors to implement SSR as it is understood and defined by outsiders contributes directly to the parallel absence of political will on the part of donors to move further down the policy-practice continuum on local ownership questions. It is one thing to cede authority and control to committed, democratically elected, Western-oriented reformers, and quite another to do the same *vis-à-vis* former warlords with dubious democratic legitimacy and troubling human rights records. Unsurprisingly, therefore, in those situations where donors calculate that there is likely to be an inverse relationship between local ownership and SSR (as in Afghanistan, where more local ownership has generally translated into less SSR), they have been less than eager to put their commitment to local ownership into practice. Most SSR contexts, of course, lie somewhere between these two extremes, but even in these cases donor reticence is fed by uncertainty and unease about where local ownership principles, taken to their logical conclusion in the field of SSR, will lead.

These framing conditions are unlikely to change any time soon. Understandings of local ownership will remain contested, the practices of both donors and recipients will continue to be impacted by wider political factors and calculations, and local ownership will remain one of a number of principles, not all of which are complementary, underpinning the broader SSR agenda.<sup>1</sup> Similarly, the context-specific nature of SSR largely precludes blanket prescriptions for operationalising local ownership: while substantive local ownership over SSR may be a given in strong, stable states, elsewhere the exercise of local ownership may risk undermining SSR rather than advancing it. Context matters, in other words, and putting local ownership into practice requires country-specific strategies informed by careful analysis of the domestic landscape. At the same time, however, ignoring the policy-practice gap because of the complexities involved in overcoming it is likely to deepen cynicism about donor motivations and undermine donor-recipient relations. More importantly, perhaps, both common sense and the broader empirical record support the general contention that local ownership is a crucial precondition for sustainability; since SSR seeks to permanently change the character of security provision within individual states, the ownership-sustainability link suggests that reforms which are not locally owned will ultimately fail.

While much of the focus of the local ownership debate concerns the role of local actors in a time-bound process of reforming security institutions and practices, local ownership is also a crucial factor in the more permanent realm of security sector governance. If SSR is understood as part of a wider project of democratisation, then the specific mechanisms of governance connecting security actors with society, the state, and indeed the international community matter a great deal to the character of the democracy that emerges. Thus, while there is a strong case to be made that local ownership of SSR is crucial to the longer-term sustainability of any reforms, there is an equally strong case to be made that local ownership is also the best way to address the root causes of dysfunctional governance. A locally owned security sector, where security actors are both responsive and accountable to their communities, is one which is much less susceptible to violent political instability. There are good reasons, therefore, to take seriously the challenge of operationalising local ownership in the SSR context.

### **Towards SSR as a Partnership of Equals**

Most profoundly, perhaps, implementing local ownership principles in a meaningful way requires a shift in donor thinking. As noted in the introduction, donor paternalism continues to characterise much current SSR programming. Nathan, for example, argues that the tendency of donors to try to impose their models and programmes reflects a mixture of arrogance and naiveté, and betrays a basic lack of respect for domestic actors. Muna, similarly, suggests that in the case of Indonesia, the re-emergence of old colonial habits – SSR seen as a modern-day *mission civilisatrice* – can undermine even well designed reform initiatives. Indeed, many of the chapters in this volume suggest that donors have good reason to approach recipient countries with a healthy measure of humility. The oft-cited point that SSR is a political process at least as much as a technical process suggests that at the level of domestic politics, at least, locals enjoy a clear advantage in terms of knowledge and understanding. Effective SSR processes, as Ismail's chapter underlines, should therefore be viewed as a two-way street, with hierarchical teacher-pupil or donor-recipient models giving way to an understanding that just as locals can learn from outsiders about SSR best practices (both technical and normative), outsiders have much to learn from locals about 'the contextual intricacies of introducing, promoting and supporting reforms in Third World countries'.<sup>2</sup>

What this points to is the imperative of grounding SSR processes in negotiated partnerships between donors and reforming societies, based on a clear and commonly agreed understanding of goals and strategies. This is perhaps the essence of the entire local ownership argument: SSR should ideally be done by local actors (although realities often dictate that it is done with them), rather than to them. Anything less would require embracing the untenable position that donors (notoriously mal-coordinated and suffering from acute short-termism) are on their own capable of transforming the most sensitive component of a state's political system. Adedeji Ebo's chapter on SSR outsourcing in Liberia, in fact, warns precisely about the dangers of believing that local actors need not play a central role in their own SSR processes.

None of this is meant to suggest that donors should swap a naive belief in the transformational potential of their own programming for an equally naive belief in the benevolence and good will of local elites. Indeed, in many SSR contexts, as noted above, there are good reasons to approach local partners with considerable caution. However, it is becoming increasingly clear that in many states emerging from war or authoritarianism,

political elites cannot be easily socialised – by either positive or negative inducements – into embracing a new normative framework concerning the use, management and control of armed force. It is equally clear that they cannot be easily bypassed or ignored. For while local elites may in many cases lack the positive capacity to design and implement SSR initiatives on their own, they almost always possess the negative capacity to block or subvert external initiatives which they oppose (Giustozzi's notion of "shadow ownership" is of particular relevance in this context). The idea of "negotiated partnerships" also suggests that rather than viewing reforming societies – and especially post-conflict ones – as blank slates upon which a new political order can be written, donors should make a much greater effort to identify and support existing elements within reforming societies that share the core value underpinning the whole SSR enterprise: enhancing the lived security of people and communities through improved governance of security institutions. The chapters by Scheye and by Martin and Wilson both cite examples where the marriage of donor support with existing local capacity has generated positive results, while Friedrich and Luethold conclude that in Palestine, such an approach may offer the only way forward in terms of sustainable SSR. Indeed, Ismail's notion of capacity "upscaling" (as opposed to "building" capacity from scratch) suggests a creative merging of new and old, outside and inside; SSR, in this sense, may be seen more as an arena of cultural exchange than a process of modernization in which the new/external progressively displaces the old/internal.<sup>3</sup> A willingness to engage in this search for common ground on which a mutually acceptable form of SSR can be constructed between insiders and outsiders represents, then, a fundamental starting point for operationalising local ownership.

### **Grappling With Normative Dilemmas**

The preceding discussion also points back to an unresolved (and perhaps unresolvable) dilemma at the heart of the local ownership debate, which hinges on whether SSR should be rooted in the promotion of a set of international norms concerning human rights and good governance, or whether – in the interests of substantive local ownership – domestic norms, traditions and values should take precedence. Indeed, it would be a mistake to assume that SSR unfolds on a level normative playing field, with all relevant actors working from the same set of assumptions about what constitutes a just and desirable end state. As Eric Scheye notes in his discussion of non-state actors, 'the values embedded in many JSSR

programmes do not coincide with the predominant cultural norms of many post-conflict and fragile states and, thus, those programmes cannot be locally owned'.<sup>4</sup>

There is no easy escape from this dilemma, and there is certainly no consensus within this volume on how to reconcile the principle of local ownership with the normative principles underpinning SSR when the two come into conflict. While Scheye is clear that local ownership must be rooted in local norms and values, in her chapter Annika Hansen is equally clear that in post-conflict contexts at least, normative transformation is part and parcel of the SSR agenda. Further complicating the matter is the reality that it is often difficult to determine whether specific social structures – patron-client networks, for example – are simply instrumental vehicles for the promotion of the narrow interests of political elites or whether they represent deeply rooted normative systems and thus valuable sources of social capital.

From the perspective of trying to operationalise local ownership principles in SSR, these normative debates are far from irrelevant, even if they are nearly intractable in practical terms, and SSR practitioners must grapple with them on an almost daily basis. In Palestine, for example, one dilemma revolves around whether external actors should engage current Palestinian power structures (including Hamas) in a dialogue on basic SSR questions, given the risks that any reforms flowing from such a dialogue are unlikely to be liberal-democratic in nature, or whether substantive SSR must await comprehensive regime change (even if this simultaneously means rejecting the will of those local owners who initially voted Hamas into power through democratic elections). Similarly, profound dilemmas continue to confront SSR in Afghanistan, and it remains unclear whether the current, externally owned SSR process can be made sustainable and locally owned over time. Given the current configuration of local actors in Afghanistan, it is also far from clear whether a locally owned SSR process is even possible at this juncture, and if so, whether it could produce better results in terms of long-term security than the current, outsider-led process.

Ultimately, it is impossible to disentangle normative questions from political ones, and in most cases, for better or worse, the Western donor community has made a conscious effort to set the normative agenda and define the terms under which SSR processes take place. Thus, while the DAC handbook argues that 'SSR assistance should be designed to support partner governments and stakeholders as they move down a path of reform, rather than determining that path and leading them down it', the broad parameters of the SSR path, and where it is supposed to lead, are in fact pre-

determined.<sup>5</sup> Despite this, two of the more successful SSR processes described in this volume – South Africa and Indonesia – have unfolded more or less independently of the donor community’s normative agenda. While the causal factors determining success and failure are complex, there is growing evidence that at least one factor contributing to the long-term success of SSR processes is the extent to which such processes are consistent with the underlying norms and values of the polities in question. In the interests of operationalising local ownership, then, instead of trying to impose a particular normative agenda, donors should be consciously attempting to reconcile the norms embedded in the OECD definition of SSR with those of the societies and communities they seek to assist. What this suggests, in practice, is the need to engage local elites in a broader discussion about whether and how international norms concerning good governance in the security sector can be reconciled both with local traditions, practices, and values and (where necessary) with the more parochial interests of elites themselves. Fortunately, many forms of democratic good governance exist, just as there is no single template for an effective security sector; the lesson here, then, is that respectful negotiation, creative problem-solving, patience and effective cross-cultural communication can be as useful as deep pockets or technical expertise in the promotion of sustainable SSR.

### **Rethinking Capacity-Building**

While capacity upscaling provides a useful amendment to more conventional notions of capacity-building, a somewhat deeper critique of capacity-building also emerges from the preceding pages. While capacity refers to both people and resources, the primary focus of capacity-building efforts in the SSR domain has been institutions. Thus, capacity-building has tended to focus on constructing functional institutions – such as armies, police forces, border services and parliamentary oversight committees – as well as providing training for the individuals expected to animate these institutions. There is, of course, nothing inherently wrong with this approach, since building effective and accountable institutions is key to enhancing the quality of security governance, whether it is at the sub-state, state or international levels. Typically, however, since institution-building initiatives often replicate the institutional models of donors, answers to the question of “capacity for what?” are embedded in the original institutional design, and the subsequent focus tends to be on the end product, such as a capable army

carrying out a pre-determined set of security roles.

If, however, one takes Nathan's maximalist definition of local ownership as aspirational, in the sense that the more substantive the ownership exercised by locals the better, then it makes sense to focus capacity-building efforts behind the broader goal of building the capacity of local actors to design, manage and implement reforms. In other words, from the perspective of enhancing ownership, building the capacity of locals to undertake SSR is even more important than building their capacity to deliver security. As Nathan notes, 'a process-oriented approach that respects and empowers local actors is more likely to yield good results in the long-term than a product-oriented approach that undermines local actors and is not sustainable'.<sup>6</sup> Consequently, Nathan's own laundry-list of capacity-building strategies – from supporting civil society to strengthening policy and planning units to developing research capacity – focuses not on security provision, but rather on enhancing the capacity of local actors to more effectively engage with and contribute to the broader process of SSR itself.

This notion of capacity-building also emerges clearly from Alex Martin and Peter Wilson's discussion of security sector evolution. For them, capacity-building should be focused squarely on providing security sector actors in reforming states with the resources, skills and knowledge to be able to make their own decisions on both the fundamentals and the specifics of how the security sector operates. The shift from the language of reform to that of evolution is also meant to suggest that capacity-building should be geared towards facilitating an ongoing discussion between the statutory providers of security and the general public, through which the security sector can slowly evolve as security providers learn to respond to the demands of security consumers. Here again, process is privileged over outcome, and this understanding of capacity-building forces outsiders to come to terms with the reality that while they can help foster an environment conducive to SSR, the ultimate outcomes remain firmly in the hands of local actors. It also, it must be noted, implies a much longer timeframe between the initiation of capacity-building efforts and the results of such efforts in terms of concrete changes to the security environment; quick-fix, outsider-led institution-building may be appealing on paper, but the longer, slower path to sustainable security institutions promises greater returns over the long run. In other words, a sound process is key to a sound outcome: a security sector which is well governed and responsive to the needs of the wider society that it serves.

The notion that capacity-building should be about building local capacity for SSR (and for security governance more generally) is also consistent with Muna's scepticism concerning the ability of outsiders to effectively navigate the shoals of the domestic political debate on SSR. From the perspective of Indonesia's SSR process, it is unthinkable that outsiders, with a limited understanding of the domestic political context, could play a definitive role in shaping the scope, direction and speed of security sector reform, given the extent to which this process is inextricably bound up in the delicate and intricate politics of Indonesia's ongoing post-authoritarian transition. In this context, it makes inherent sense that capacity-building efforts should be focused on providing Indonesians with the tools and knowledge to make more informed decisions on key SSR issues. While clearly the Indonesian context is very different from the Bosnian one, where the role of outsiders in day-to-day politics is much more intrusive, even here the broader point about the limits of externally-led social engineering in the security sector still holds.

### **Widening Constituencies**

As Wilson and Martin suggest, the concept of local ownership is inherently ambiguous on the question of "which locals?". Since the security sector has traditionally been viewed as the exclusive preserve of political elites – labelling an issue as a "national security concern" has long served as a convenient excuse for keeping it out of the public domain – it is unsurprising that political elites within reforming states have been viewed as primary when it comes to questions of ownership. In other words, local ownership of SSR has tended to be equated with government ownership. As various chapters in this volume make clear, however, while official state actors remain crucial, there are inherent problems with the view that SSR should be the exclusive domain of states, and the argument that effective SSR – and effective local ownership – requires the engagement of a much wider constituency is gaining strength.

Much of the focus of this debate has been on the role of civil society as a counterweight to the official organs of state in the development of security sector policies. Clearly, if SSR is both a democratic project and a democratising project, in addition to a vehicle for the enhancement of human, societal, and national security, civil society has a legitimate role to play, both in the process of reforming security structures and in the longer-term governance of them. However, not only is civil society typically weak

in societies emerging from either conflict or authoritarianism, but few civil society groups will have any experience or expertise in security sector issues, owing to the closed nature of the sector in the pre-reform period. Consequently, donors can (and, to be fair, often do) make a substantial contribution to widening the base of local ownership by providing the kind of capacity-building support (as described above) that enables civil society groups to be taken seriously in ongoing SSR debates. Indeed, given the enormous resource imbalances between donors and the civil society groups they support, if assistance to civil society groups is to foster rather than undermine local ownership, donors must be especially careful to avoid using local civil society as simply a conduit for the promotion of externally-generated agendas.

Beyond the general conclusion that local ownership in SSR can be operationalised by channelling more donor attention and resources to civil society groups in order to allow them to fully engage in SSR processes, several more specific points also emerge in this regard. First, and related to the challenge of avoiding the donor dependency trap, there is a need to revisit funding arrangements for civil society actors engaged in SSR. As Muna points out in his chapter, donor funding for civil society remains overly rigid and excessively project-oriented. Longer-term, more flexible funding commitments, and especially the provision of core funding where appropriate, could provide NGOs with the space to develop their own expertise and policy positions in response to changing conditions on the ground, and enable them to legitimately claim a role in security sector governance. Second, donor support for civil society engagement in the security sector should extend beyond the usual suspects: formal, national capital-based NGOs with Western-trained, English-speaking staff. As a number of contributors point out, it is equally important to reach out to marginalised groups, who are not only society's most insecure but also the most alienated from mainstream security debates and actors. The right to security of children, women and visible minorities are all too often ignored in the mainstream debates on SSR, yet as Nathan points out, something as simple as the provision of street lights around train stations can make a significant impact on reducing the insecurity of women and other commuters. As such issues are unlikely to emerge from top-down SSR processes, it is important to ensure that those traditionally without a voice in SSR have the chance to be heard; in most cases, as Sanam Anderlini points out, this includes women – fully half of any country's population. Third, given the traditionally closed nature of the security sector and of security politics, another means of advancing local ownership in SSR is by

supporting civil society's traditional role as a conduit between state and society. Targeted support to civil society, including the media, in support of public consultations, awareness campaigns, public opinion surveys, and related activities can not only help foster a sense of public inclusion and awareness, but can also contribute to the emergence of public consensus on the need for, and even the direction of, SSR. Generating grassroots awareness of and support for SSR can also serve as a counter to self-serving elites tempted to manipulate SSR processes for their own political ends, and erode the notion that security issues are the sole preserve of politicians, diplomats and soldiers.

The predominant emphasis on state actors and formal mechanisms of security provision has also meant that, somewhat paradoxically, contemporary SSR largely ignores perhaps the key set of local actors concerned with security provision. As Eric Scheye argues forcefully in these pages, non-state/local justice networks in fragile states 'are the predominant local owner in terms of concrete, practical service delivery on the ground', and in some cases deliver 80 per cent or more of justice and security provision.<sup>7</sup> Mainstream SSR practice has tended either to misunderstand the role that traditional, informal justice and security mechanisms play in developing states, or dismiss such mechanisms as part of the problem rather than part of the solution (because their practices may not be consistent with international norms around human rights, due process, equality, etc.). Either way, the assumption is that they will gradually fade away as formal, top-down mechanisms of justice and security take hold in reforming states. The problem with such a strategy, as Scheye notes, is not only that it is invariably long-term – measured in terms of decades or generations – but that it is blithely indifferent to the wishes of the beneficiaries of informal justice/security mechanisms, who often view such structures as more legitimate and more effective than those of the state.

If local ownership is to be taken seriously as an operational principle of SSR programming and if SSR is to be genuinely "people-centred", both theorists and practitioners will have to pay far more attention to the role of non-state actors in the delivery of security and justice. Indeed, such structures represent perhaps the greatest source of security/justice capacity in developing states; in most cases, strengthening them represents not only a concrete manifestation of local ownership in practice, but the surest and quickest route to enhanced security. As Scheye suggests, among the most effective SSR interventions are those which, by 'strengthening political, substantive, and managerial skills of those who provide justice and safety, as well as those who avail themselves of the non-state/local justice network

services, [enliven] the social efficacy and cohesion of all concerned'.<sup>8</sup> A key challenge for making local ownership of SSR a reality, therefore, lies in both balancing and integrating formal, top-down, institutionally-focused reform strategies with those which work from the bottom-up to strengthen existing, locally legitimate security and justice delivery mechanisms.

### **Conclusion**

It is something of a paradox that in those cases where the dilemmas of ownership are most acute, the power to operationalise the principles of local ownership in SSR lies primarily in the hands of external actors. That this is so says much about the nature of SSR as a donor-driven, donor-defined enterprise, and about the nature of the relationship between donor and recipient, and between developed and developing states, in the current international system. In important ways, the very structure of the local ownership debate privileges international actors, who are seen to possess all the agency in terms of how and when local ownership principles get put into practice. If ownership is seen as a reward for good behaviour, bestowed on locals by internationals once the former agree to play by the rules of the game as defined by the latter, it is easy enough to see how the discourse of ownership can be viewed as a disciplining mechanism as much as a tool of empowerment. This is also, perhaps, why the cases of South Africa and Indonesia are both anomalous and instructive, as neither fits the conventional donor-recipient context within which the broader debates on both SSR and local ownership are embedded.

Balancing these concerns, however, is the reality that just as donors have political agendas to pursue (with the Palestine case serving as perhaps the most extreme example of such agendas at work), there is undoubtedly much good will involved in the SSR enterprise; donors are driven, to varying degrees, by the goal of improving the lives of those affected by their programming. Furthermore, a substantial proportion of those on the receiving end of SSR programming want what donors are selling: the promise of better governance, improved security, and more control over the decisions, structures and processes affecting their quality of life. Indeed, as Sanam Anderlini points out in her chapter, women in general and women's groups in particular are important, if underused, allies of the international community on SSR, since 'both have an interest in promoting the value-based changes that help define successful SSR'.<sup>9</sup> Thus, while much of the heat in the local ownership debate emerges from those situations in which

the values, interests and norms of key local actors differ from those of international actors, this focus may obscure the extent to which a common commitment to reducing the human insecurity of individuals and communities can bridge the international-local divide.

While paradoxical then, in those cases where – because of a lack of domestic capacity or a lack of domestic political will – donors play a central role in the initiation and implementation of SSR, those same donors also bear much of the responsibility for enacting the principles of local ownership. Increasingly, too, as the “no sustainability without local ownership” argument takes hold, donors also have the incentive to take local ownership seriously. In addition to the implementation strategies discussed above – treating locals as equal partners possessing a particular set of SSR-relevant resources, reconciling international and local norms around the provision and management of security, focusing capacity-building on the capacity to engage in SSR, and widening the domestic constituency for SSR – Nathan has also laid out a coherent set of strategies for institutionalising local ownership within donor government practices. The key here is for donors to internalise local ownership considerations in their funding and evaluation criteria; the promotion of local ownership should be made an explicit goal of SSR programming, and those delivering SSR programming should be held to account both for what they promise and for what they deliver on this front. In this context, as Alan Bryden has argued, the OECD DAC Handbook may have been designed as a guide for donors, but it can equally be used by states undertaking SSR as a tool for holding donors accountable to their agreed commitments to local ownership principles.<sup>10</sup>

Ultimately, however, there can be no boiler-plate solutions for how local ownership principles move from policy to practice in specific contexts. In some cases, the reality of local ownership will be so obvious as to be a non-issue, while in others, the goals and objectives of local owners may be in direct conflict with the practical objectives of SSR. In the latter set of cases – of which Afghanistan and Bosnia represent the best examples in this volume – there may be no alternative to implementing local ownership gradually, as the capacity and willingness of local actors to embrace the goals of sustainable human security is slowly nurtured. In both cases, however, the jury remains out on whether SSR in the absence of local ownership is sustainable, and on whether local ownership can be generated from the outside in. Regardless of context, however, it is surely now beyond doubt that local ownership matters in SSR, even if the question of how to make local ownership a reality remains bedevilled with normative and practical complexity.

**Notes**

- <sup>1</sup> On the range of norms promoted by the wider international community in SSR, see Oksana Myshlovska, 'Overview and Typology of IGO Norms for Security Sector Reform and Governance', in *International Organisations and Security Sector Reform*, ed. David Law (Zurich: Lit Verlag, 2007), 25-41.
- <sup>2</sup> See Chapter 7 of this volume.
- <sup>3</sup> I have explored elsewhere this notion of 'cultural exchange' in the broader context of peacebuilding; see Timothy Donais, 'Empowerment or Imposition: Dilemmas of Local Ownership in Post-Conflict Peacebuilding,' in *Peace and Change* (forthcoming 2009).  
See Chapter 4 of this volume.
- <sup>4</sup> See Chapter 4 of this volume.
- <sup>5</sup> OECD DAC Handbook on Security System Reform (Paris: OECD, 2007), 28.
- <sup>6</sup> See Chapter 2 of this volume.
- <sup>7</sup> See Chapter 4 of this volume.
- <sup>8</sup> See Chapter 4 of this volume.
- <sup>9</sup> See Chapter 6 of this volume.
- <sup>10</sup> Alan Bryden, *From Policy to Practice: the OECD's Evolving Role in Security System Reform*, DCAF Policy Paper, No. 22 (Geneva: Centre for the Democratic Control of Armed Forces, 2007), 15.



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## About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector.

To this end, the Centre develops and promotes appropriate norms at the international and national levels, determines good practices and relevant policy recommendations for effective governance of the security sector, and provides in-country advisory support and practical assistance programmes to all interested actors.

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