

# **Security Sector Reform Provisions in Peace Agreements**

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## About this report

Peace agreements form a crucial entry point for security sector reform (SSR). However, there has been little consistency in the way that security sector reform provisions have been approached (or implemented) in peace agreements. This report is the result of a research project which examines peace agreements from eight countries in Africa (Mozambique, Zimbabwe, South Africa, Sudan, Burundi, DRC, Sierra Leone and Liberia), two from Central America (El Salvador and Guatemala) and one from Asia (East Timor). The report demonstrates that there is a potentially high price to be paid for failing to integrate issues of SSR into peace negotiations and agreements at the very outset, or for doing so in a selective and shallow manner. The risks are detailed and recommendations for future provisions in peace agreements are presented. ●

**Main Report**

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**Eboe Hutchful**

African Security Sector Network

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# Contents

<b>Nature and Objectives of the Research Project</b> .....	5
<b>Abbreviations</b> .....	6
<b>Introduction</b> .....	8
<b>1. Content and Scope of SSR Provisions in Peace Agreements</b> .....	10
1.1 Consequences of failing to incorporate SSRPs into peace agreements .....	10
Recommendation 1 .....	11
<b>2. Negotiating Security Provisions in Peace Agreements</b> .....	13
Recommendation 2 .....	14
<b>3. Appraising Frameworks for Negotiating Security Guarantees and SSRPs</b> .....	16
Recommendation 3 .....	16
<b>4. Negotiating and Designing Implementation Frameworks</b> .....	17
Recommendation 4 .....	18
<b>5. Dealing with Spoilers</b> .....	20
Recommendation 5 .....	20
<b>6. Engaging Non-State and Informal Organs of Security (and Insecurity)</b> .....	22
Recommendation 6 .....	22
<b>7. Peace Agreements and Transitional Political Environments</b> .....	24
Recommendation 7 .....	25
<b>8. Post-Conflict Contexts Constitute Distinctive Environments for SSR</b> .....	27
Recommendation 8 .....	28
<b>9. Enhancing the Role of the UN and the International Community</b> .....	29
Recommendation 9 .....	29
9.1 The role of the UN .....	30
Recommendation 9.1 .....	32

<b>10. Changing the Paradigm: Addressing Deficits in Current Approaches to SSR</b>	<b>34</b>
10.1 Dominance of short-term thinking in the international approach to SSR	34
Recommendation 10.1	34
10.2 The disconnection of DDR from SSR	34
Recommendation 10.2	35
10.3 Lack of a needs assessment and strategic framework	35
Recommendation 10.3	36
10.4 Weak justice reform provisions (and implementation)	36
Recommendation 10.4	38
10.5 Making SSR transitional-justice sensitive, and transitional justice SSR sensitive	38
Recommendation 10.5	39
10.6 Failure to respond to gender concerns/insecurity in SSR	39
Recommendation 10.6	40
10.7 Lack of attention to governance structures and issues in SSR	40
Recommendation 10.7	40
10.8 Prioritizing local ownership and capacity	41
Recommendation 10.8	41
<b>11. Providing the Necessary Resources and Financial Support</b>	<b>43</b>
Recommendation 11	43
<b>12. Assuring Long-Term Financial and Fiscal Sustainability</b>	<b>44</b>
Recommendation 12	44
<b>13. Instituting Monitoring and Evaluation</b>	<b>45</b>
Recommendation 13	45
<b>14. Linking Security and Development</b>	<b>46</b>
Recommendation 14	46
Recommendation 15	47
<b>15. Other Recommendations</b>	<b>47</b>
Recommendation 16	47
<b>Conclusion</b>	<b>48</b>
<b>Annex A: Checklist of Priority Actions in Post-Conflict SSR</b>	<b>49</b>
<b>Bibliography</b>	<b>54</b>
<b>Endnotes</b>	<b>57</b>

# Nature and Objectives of the Research Project

The following is a summary of the findings of research commissioned by the United Kingdom's (UK) Department for International Development (DFID) and conducted by the African Security Sector Network (ASSN).

The terms of reference required the project to:

- '(a) review and analyse the inclusion of SSR provisions in peace agreements and the monitoring of their implementation; and
- (b) outline lessons learned from previous agreements and provide recommendations on the inclusion of SSR in peace agreements and the monitoring of their implementation.'

The project focused on a number of peace agreements drawn from eight countries in Africa (Mozambique, Zimbabwe, South Africa, the Sudan, Burundi, the Democratic Republic of the Congo [DRC], Sierra Leone, and Liberia), two from Central America (El Salvador and Guatemala), and one from Asia (Timor-Leste), supplemented with evidence from farther afield as necessary. The approach combined comparative studies from past agreements, on the one hand, and contemporary instances of transition from conflict, on the other. This has the value of strengthening our understanding of the past (in terms of what has and has not worked) and the extent to which lessons learned (if any) from previous cases are being applied to contemporary experiences of transition, and allows informed discussion of how the SSR dimensions of peace building may be strengthened.

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# Abbreviations

<b>ANC</b>	African National Congress
<b>ASSN</b>	African Security Sector Network
<b>AU</b>	African Union
<b>BINUB</b>	United Nations Integrated Office in Burundi
<b>CAS</b>	Advisory Council on Security
<b>CSO</b>	civil society organization
<b>DAC</b>	Development Assistance Committee (OECD)
<b>DCAF</b>	Geneva Centre for the Democratic Control of Armed Forces
<b>DDR</b>	disarmament, demobilization, and reintegration
<b>DFID</b>	Department for International Development
<b>DPA</b>	Department of Political Affairs (UN)
<b>DPKO</b>	Department of Peacekeeping Operations (UN)
<b>DRC</b>	Democratic Republic of the Congo
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>FMLN</b>	Farabundo Marti National Liberation Front
<b>ICC</b>	International Criminal Court
<b>IAPADES</b>	Instituto de Enseñanza para el Desarrollo Sostenible
<b>MINUGUA</b>	United Nations Verification Mission in Guatemala
<b>MoD</b>	Ministry of Defence
<b>MONUC</b>	United Nations Mission in the Congo
<b>NGO</b>	non-governmental organization
<b>NPA</b>	national peace agreement
<b>NPC</b>	National Peace Committee
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs (UN)
<b>OECD</b>	Organization for Economic Co-operation and Development
<b>PMC</b>	private military company
<b>PRSP</b>	poverty reduction strategy paper
<b>SILSEP</b>	Sierra Leone Security Sector Reform Project
<b>SSR</b>	security sector reform
<b>SSRP</b>	security sector reform provision
<b>TEC</b>	Transitional Executive Council
<b>UK</b>	United Kingdom



<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>UNMIL</b>	United Nations Mission in Liberia
<b>UNTAET</b>	UN Transitional Authority in East Timor
<b>URNG</b>	National Guatemalan Revolutionary Unit
<b>US</b>	United States
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

# Introduction

*The experience of the United Nations in mediating peace agreements has demonstrated the importance of addressing security issues at the outset. Early arrangements, for example with regard to composition and roles of security forces, can have significant impact on peace implementation. Failure to address the requirements of effective and accountable security can sow the seeds for future conflict, as earlier peace processes in Sierra Leone demonstrated, or lead to large, economically unsustainable forces, as Uganda has addressed. Failure to take into account the security needs of marginalized and socially excluded groups, such as women and children, can create new security problems, as alarmingly high rates of sexual violence in the eastern part of the Democratic Republic of the Congo demonstrate.<sup>1</sup>*

Even though peace agreements have long been a major entry point for security sector reform (SSR), there is strikingly little knowledge about either the content of security sector reform provisions (SSRPs) in such agreements, or the decision-making processes that went into such provisions; or, for that matter, the politics of their implementation and the resulting outcomes. This is an important issue, given the wide variations in SSRPs in such agreements and the fact that, until recently, SSRPs in such peace agreements were far from comprehensive, often containing important silences and gaps that invite explanation and systematic analysis. A host of tantalizing questions arise:

- Which SSRPs make it into particular peace agreements, which ones do not, and why?
- What do we know about the politics of implementation, given that peace agreements are themselves contested (not least by ‘spoilers’), involve shifting balances of power, and are highly impacted by both the actions and inaction of the international community?
- Which SSR provisions have succeeded, in which contexts, and why?
- Who participates in setting and/or executing the security agenda in peace agreements, affecting the process at its various complex stages (negotiation and mediation, implementation, and—assuming these exist—monitoring and evaluation)?
- Does this make a difference, and if so, what and how much?
- What is the best timing for addressing SSR in the context of a peace process: at the very beginning of the peace negotiations, and incorporating it into the peace agreement that emerges; or is SSR best attempted outside the peace process (as in several of the case studies here)?

While the existing literature on the negotiation and implementation of peace agreements is voluminous, little of it specifically addresses these and other SSR issues.<sup>2</sup>

This speaks to several broader issues. While SSR conceptual frameworks have been elaborated with increasing scope and sophistication, complemented by recent efforts at an implementation framework, empirical research into real-world SSR, by contrast, lags far

behind.<sup>3</sup> One result of this ‘research gap’<sup>4</sup>—in part rooted in the origin of SSR as a policy discourse, driven by bureaucrats and often designed by consultants—is the generally striking contrast between the neat, and often normatively driven, formulations of SSR and the messy and contested realities on the ground.

At another level, the paucity of research speaks to the fact that, by and large, political analysis has not been a strong suit of the SSR practitioner literature, in spite of the by now ritualized affirmations of the ‘highly political’ and ‘contextual’ nature of SSR. Some might argue that the largely (even excessively) normative thrust of SSR thinking and the institutionalist focus of its programming have made the emerging ‘discipline’ ill-equipped to engage with issues of politics,<sup>5</sup> in particular the informal structures of power and cultural practices in which security institutions are embedded (and, indeed, there is striking absence of reference to the micro-politics of such institutions, to cite one instance). ‘Force-field analysis’<sup>6</sup> and sensitivity to the different ‘ecologies of transitional politics’<sup>7</sup> are necessary to determine entry points in SSR, anticipate possible points of political blockage and resistance, and evolve strategies to neutralize or accommodate ‘spoilers’.

We hope that this set of case studies will contribute to addressing this gap. This necessarily includes a study of the ‘pre-history’ of SSR, in other words of “‘SSR’ before SSR’, through an analysis of reform efforts—or lack thereof—in several earlier peace agreements, such as those in Zimbabwe and Mozambique. This serves several purposes. Firstly, it demonstrates that ‘SSR’ is not a new invention, but has many historical antecedents, in the form of particular actions and initiatives by both national governments and the United Nations (UN) (e.g. in the areas of military integration and police reform), but has evolved as an integrated concept and policy practice over the years as international awareness has grown, along with particular patterns of appropriation and ownership of the concept. Secondly, it points to the fact that the consequences of failure to reform security and justice institutions in the context of peace processes were already amply evident (for instance, in the case of Zimbabwe) well before official ‘SSR’ was discovered in the late 1990s. Vickers’ sobering depiction of the situation in Central America conveys the message all too well:

*The legacy of authoritarianism remains manifest in corrupt and inefficient judicial systems, abusive law enforcement institutions with little capacity to investigate and solve crimes, continued impunity for the powerful, and residue of authoritarian political culture that acts as a drag on efforts to consolidate democratic electoral transitions by making accountable the key institutions responsible for protecting and promoting democratic values and practices.<sup>8</sup>*

In this sense, the shortcomings of earlier ‘SSR-related initiatives’ powerfully reinforce the current argument for SSR, particularly (but not solely) in the context of post-conflict reconstruction. Thirdly, it shows that the UN—the lead actor in post-conflict SSR-related activities—the international community, and national governments can look to many accumulated lessons from these earlier exercises, assuming that the will exists to learn from them.

To conclude on a positive note: one of the paradoxes (and rewards) of post-conflict SSR is that, when properly implemented, it can result in countries emerging from conflict—their many constraints and disadvantages notwithstanding—leapfrogging other transitional political systems, as well as more stable countries, in security sector development and the overall quality of security governance. Hence, the countries with ‘best practice’ security legal frameworks are not the older democracies, but rather newer ones, such as South Africa, Bosnia-Herzegovina, and Poland, several recently transiting from conflict. ●

# 1

## Content and Scope of SSR Provisions in Peace Agreements

Peace agreements form a crucial entry point for SSR. SSR is more likely to be viewed as a priority in transitions governed by peace agreements than in other types of transitions: while SSR has been high on the agenda of post-conflict reconstruction, it has tended to enjoy relatively low priority in many so-called ‘democratic’ (post-authoritarian) transitions.<sup>9</sup>

Nevertheless, there has been little consistency in the way that SSRPs have been approached in peace agreements. To begin with, these agreements have demonstrated significant variation in terms of the nature, scope, and level of specificity of their provisions for security reforms, although, on the other hand, such provisions have rarely been comprehensive or holistic (indeed, until recently, few agreements made reference to ‘SSR’ in the sense that the concept is currently understood,<sup>10</sup> and since then ‘SSR’ has been used in a variety of—sometimes incompatible—senses). While implicitly SSR-related tasks such as disarmament, demobilization, and reintegration (DDR); the integration of armed forces; and police reform occur with regularity across peace agreements,<sup>11</sup> other ingredients such as governance, intelligence, and justice reforms are often omitted altogether. UN peace missions appear to echo this lack of consistency in their SSR-related mandates, and even in their definition of what constitutes ‘SSR’: while the mandates for the peace missions in Afghanistan, Côte d’Ivoire, the DRC, and Sierra Leone<sup>12</sup> contain only general references to SSR-related tasks, those relating to Burundi, Kosovo, Liberia, and the Sudan<sup>13</sup> are much more detailed and explicit.<sup>14</sup>

To add to the hubris, there often appears to be little meaningful relationship between the scope and depth of SSRPs in any peace agreement and actual implementation: on the one hand, ‘robust’ SSRPs have not necessarily translated into equally robust implementation (e.g. El Salvador, Guatemala, Bosnia, and Liberia); while on the other hand, significant SSR has been attempted in some contexts, even though no provision existed for it in the peace agreement itself (e.g. Timor-Leste). In yet other cases (such as Sierra Leone), relatively weak SSRPs in the peace agreement have been followed by relatively comprehensive and stringent reforms. In yet others, the priorities of implementers have subsequently diverged from those enshrined in the peace agreement itself. For instance, the Rome Agreement that ended the conflict in Mozambique does not even mention police reform, but subsequent SSR focused almost exclusively on the police; and while the military attracted the most attention within the peace agreement itself, subsequent focus on the military was minimal and interest receded once military integration was complete. The result has been reflected in a diversity of trajectories and outcomes in post-conflict SSR.

### 1.1 Consequences of failing to incorporate SSRPs into peace agreements

Does it matter, then, whether or not SSRPs are written explicitly into a peace agreement? Given the often-tenuous relationship between texts and outcomes of peace agreements, the answer might appear to be ‘no’. In reality, however, there is potentially a high price to be paid for failing to integrate issues of SSR into peace negotiations and agreements at

the very outset, or for doing so in a selective and shallow manner. The risks include, among others:

- a real possibility that subsequent reforms will lack buy-in and the necessary transparency, legitimacy, and coherence;
- a corresponding failure to anticipate and provide for the activities of spoilers;
- lack of clarity about the direction and magnitude of the reform effort and resources required; and
- piecemeal, and poorly conceived and coordinated reforms, accompanied by conflicts over turf and resources.

In extreme cases, failure to undertake SSR may lead to the unravelling of the entire peace process and reversion to war (as in Liberia under Taylor and Sierra Leone under the first Kabbah government).

The broader and longer-run danger is that shallow reforms will institutionalize:

- dysfunctional, ineffective, and abusive security and justice institutions;
- a sense of impunity, along with the militaristic psychology and practices inherited from the war; and
- a persisting or worsening environment of poverty, socioeconomic inequality, and crime.

While including SSRPs in the peace agreement does not necessarily avert these risks, it does tend to minimize such negative outcomes.

Cases where SSR is attempted *after* the peace agreement is already in place (even though little or no reference to SSR appears in the peace agreement itself) raise a different set of issues. Timor-Leste illustrates the risks involved in initiating SSR as an afterthought.<sup>15</sup> As noted in Saldanha's analysis, the 25 May agreement failed to address issues of security, for a variety of reasons. While this did not stop security sector reforms from going forward under the auspices of the UN Transitional Authority in East Timor<sup>16</sup> (UNTAET) (though limited largely to the police), the origins and conduct of the programme made it a key issue of contestation among the post-liberation leadership, contributing to further fragmentation, while the lack of local consultations undermined public confidence in and support for the reforms. The subsequent absence of a strategic approach to SSR fed directly into police–military rivalries and animosities: while police reform received a great deal of attention, no one seemed to know what to do with the military and former combatants. Weak supervision of the process also allowed politicization of the police to occur, along with the court system. Lack of attention to issues of representivity encouraged a situation where ethnic and regional cleavages further intensified these conflicts.

### *Recommendation 1*

By its very nature, the settlement of armed conflict places issues of security and the disposition and control of the instruments of violence explicitly on the agenda. Hence, SSR is increasingly accepted as being at the heart of both peacemaking and state rebuilding after armed conflict. In response, SSR-related provisions in peace agreements have become more comprehensive and more robust over time, with clear evidence of a learning curve on the part of both the international community and negotiators of peace agreements. However, the incorporation of such provisions in peace agreements remains patchy and inconsistent, and implementation even more so. It is essential, given their importance in placing SSR

on the agenda and current widespread recognition of its crucial role in peace building, that peace agreements take a more considered and consistent approach to SSR:

- a. The recognition in the UN secretary-general's report on SSR that 'a security sector reform framework is essential in the planning and implementation of post-conflict activities' and that 'ideally, security sector reform should begin at the outset of a peace process and should be incorporated into early recovery and development strategies'<sup>17</sup> should be made the basis for a common international approach.
- b. This necessitates that **SSRPs be included in a consistent way in every peace agreement**, and simultaneously made more robust, drawing on internationally agreed SSR principles and guidelines, such as those provided by the OECD/DAC<sup>18</sup> and now the UN. At the same time, there is a need to avoid a 'one-size-fits-all' approach, paying particular attention to the distinctive demands of the post-conflict context, as well as the differences among such contexts.
- c. **Comprehensive SSRPs need to be supported by meaningful implementation mechanisms and appropriate international support** (both issues are discussed further below). As suggested earlier, the piecemeal and flawed approaches of earlier 'SSR' approaches constitute a powerful support for more comprehensive approaches. However, there is no sense in evolving expansive notions of SSR if they are not going to be backed up by equally comprehensive implementation, together with the international support to make this possible.
- d. **It is necessary to anticipate the impact that new threats to public security following the cessation of armed conflict may have on SSR**, including the possibility of derailing the programme. Peace agreements and the formal cessation of armed conflict have been followed in almost all cases by a spike in criminal, gender, or gang violence and a corresponding rise in physical insecurity not anticipated in the original agreement. This may completely alter the security dynamic, resulting in a 'security vacuum' and posing a real threat to the peace process. In the case of Guatemala and El Salvador, the casualties of this new phase of violence reportedly exceeded the fatalities of the civil war. It is important for designers of SSR to anticipate this development, with the additional threat of ideological reversals that it poses in terms of the development of 'social authoritarianism' (popular demand and support for a hard line on crime) and the displacement of the progressive vision of 'comprehensive security' articulated in the peace agreement by older notions of 'hard security', with all their authoritarian implications.
- e. On the other hand, it is necessary to **avoid overselling SSR**, as this will lead to unrealistic expectations. In particular, overly ambitious targets (as advocated by the OECD/DAC) may prove counterproductive, given limits to capacity and resources. SSR is a protracted and demanding process, and it is essential to be realistic about what it can and cannot achieve. The message needs to be telegraphed to both donors and national governments that SSR is an essential component of peace building and democratic consolidation, but is not designed to address the entire range of issues posed by peace building, and is certainly not a substitute for attacking other root causes of conflict. ●

# Negotiating Security Provisions in Peace Agreements



The SSR content of peace agreements is important, but even more are so the processes that underlie such agreements: *how* peace agreements are negotiated and *who* participates matter for the final outcome in terms of what kind of security provisions appear (or not), as well as *whose security* is addressed by the peace agreement. Much of the hard pressure for including SSRPs in peace agreements has usually been exerted by rebel formations, civil society and women's organizations, and local groups most directly affected by violence. As Addo specifically argues in the case of West Africa, the inclusion of civil society organizations (CSOs) and women's groups in such negotiations has by and large been responsible for the growing quality and depth of SSRPs in recent peace agreements.

Even so, such negotiations, particularly over security, may still embed deep asymmetries, with the result that the security concerns of the various parties may be addressed unequally, both in the peace agreement and its subsequent implementation. Typically, rebels and non-state parties may find themselves ill-equipped to handle the technical issues involved, and may find themselves outclassed by state negotiators with their highly trained professional security advisors and other resources.

In the negotiations that led up to the Comprehensive Peace Agreement in the Sudan, the Sudanese People's Liberation Movement found itself signing on to security provisions that it understood only imperfectly, a scenario that was to be repeated later (and more blatantly) with the negotiations over Darfur in Abuja.<sup>19</sup> As De Leon-Escribano argues in the case of Guatemala, the lack of clarity of the National Guatemalan Revolutionary Unit (URNG) over defence and security matters led to loose and imprecise clauses in the peace agreement that were subsequently exploited by the government and the military. To a degree, this echoed the experiences of military integration in South Africa, where the former guerillas (Umkhonto weSizwe and other irregular forces) found themselves at a disadvantage relative to the South African Defence Force once the discussion turned to issues of defence transformation and technical treatises on doctrine, etc.<sup>20</sup>

The scale and quality of civil society involvement has also tended to vary very much by context. In the case of Guatemala, the role of the Civil Society Assembly—an association of civil society, academic, religious, business, trade union, and human rights groups—and Mayan women's organizations proved crucial in inserting provisions addressing SSR and the root causes of conflict, such as poverty, socioeconomic exclusion and inequality, etc., in the peace agreement. Another interesting innovation in the Guatemala peace accords was the creation of the civilian Advisory Council on Security, made up of representatives of economic, ethnic, and social interests and the business, academic, and professional sectors, to advise the president on the integration of the concept of 'comprehensive security' into the national policy framework, as well as on strategic responses to current and emerging security threats. Similarly, in El Salvador, the Permanent Committee of the National Debate for Peace played a prominent role (along with the Farabundo Marti National Liberation Front—FMLN) in inserting provisions relating to military reform into the agenda of the

negotiations, and ultimately into the peace agreement itself.<sup>21</sup> As Addo strongly demonstrates from experiences in West Africa, making peace negotiations more inclusive proved to be one of the critical catalysts in the transformation of the security provisions of peace agreements in the region—transiting from the focus on ‘warlord security’ in the earlier agreements to one that emphasized ‘public security’ and rights-based concepts of security and broader SSRPs in the later agreements.

Nevertheless, it is the South Africa transition, much more than any of the others cited above, that remains the model in terms of incorporating and institutionalizing civil society and community participation in the process, even while the main political parties controlled the formal negotiation agenda; as Lala demonstrates, both the degree and sophistication of civil society participation in the SSRs in particular (and in the democratic transition more broadly) are simply without precedent. Community participation was responsible for broadening the SSR agenda to include land and environmental issues, for instance. In the case of the DRC, CSO participation in the Inter-Congolese Dialogue was also critical in placing SSR on the agenda, but unlike Guatemala and South Africa, the independence of DRC CSOs in the negotiations was undermined by entanglements with various armed groups.<sup>22</sup> By contrast, civil society failed to materialize as an independent or prominent player in both the Lancaster House negotiations and Rome Agreement in Zimbabwe and Mozambique, respectively, although the implications here were very different in the two cases.

### *Recommendation 2*

The international community and the UN have a great opportunity to shape both the process and the content of peace agreements in general, and their security provisions in particular:

- a. **They should encourage participation by a broad range of stakeholders in the peace negotiations.** The broader the ownership of the peace agreement, the greater the chances that issues of SSR and public security, and with them the root causes of conflict, will be placed on the agenda. To ensure that this is the case, there is a need to move from power-based, top-down mediation, where both the pace of negotiation and the outcomes tend to be largely shaped by international or regional pressure, to more bottom-up forms of negotiation involving the largest possible range of stakeholders. While this may make negotiations more cumbersome, it is much more likely to produce peace agreements with much greater local ownership and legitimacy. In their different ways, the peace negotiations in South Africa and Guatemala serve as models in this respect, and, not, surprisingly both produced innovative approaches to SSR.
- b. **The inclusion of women is critical**, because of the peculiar nature of their security concerns, including their susceptibility—along with children—to violence and rape on the battlefield, as well as to domestic violence and workplace abuse. Women have been excluded from significant roles in peace negotiations, and specifically from negotiations dealing with security, on the grounds that they lack the necessary ‘qualifications’ to participate in discussions of SSR<sup>23</sup>—thus verifying traditionally gendered notions of ‘security’. Even more to the point, ‘peace’ processes, and SSR specifically, have often failed to produce conditions of security for women and vulnerable groups (on the contrary, the end of the war may coincide with, if not directly stimulate, an increase in gender and sexual violence).
- c. **The inclusion of youth is equally critical.** Youth have been important drivers—as well as victims—of conflict, and it is critical that they be given a tangible investment



in post-accord peace building,<sup>24</sup> beginning with a voice in the negotiations. Male youth, e.g. child soldiers, may also be disproportionately impacted by DDR- and SSR-related activities. Post-conflict reconstruction needs from the very beginning to address the structural marginalization of youth, consciously expanding the political participation, social networking, and employment opportunities available to them, including, in the short term, the use of public works projects. As a review of SSR in Liberia once remarked (undoubtedly with youth in mind): 'Job creation is the best form of SSR.'<sup>25</sup>

- d. The nature of the concept of 'security' that drives the negotiations is key. **Inclusive negotiations can only be underpinned by an inclusive (comprehensive) concept of security, and vice versa.** In the case of Central America, such a concept was supplied by the Framework Treaty for Democratic Security in Central America, which sought to transform the security paradigm in the region.
- e. **A more level playing field in negotiating security provisions should be created** by building the capacity of non-state armed groups, as well as civil society and women's groups, to understand security issues and articulate their security concerns. While the idea of training rebels in such an area may seem unorthodox, it is eventually in everyone's interest (and that of the peace process as a whole) that non-state actors are able to put forward their security concerns effectively and fully understand the nature of the commitments they are making. ●

# 3

## Appraising Frameworks for Negotiating Security Guarantees and SSRPs

Having said this, what is the best approach (and timing) for addressing SSRPs in peace agreements? At least three different models suggest themselves, distinguished by both a process and a textual approach:

- firstly, Bosnia and the Dayton Peace Agreement, embodying the extensive codification of security reforms, negotiated in a context of extreme distrust and under great pressure (and short deadlines), and driven by powerful external actors;
- secondly, Guatemala, with its multi-stage, multi-year, multi-site negotiations among governments, rebels, and CSOs, orchestrated by both regional and international actors, resulting in what was in fact a series of separate peace agreements incorporating extensive recommendations on SSR, as well as—uniquely—socioeconomic reforms; and
- thirdly, South Africa, where protracted, locally driven peace negotiations initially focused on confidence building, with the national peace agreement (NPA) eschewing the elaborate provisions characteristic of most peace agreements in favour of broad principles of transformation, and with the development of more specific SSRPs being consigned to later and more detailed negotiation by specialized, and widely representative, commissions.

### *Recommendation 3*

- a. The key lesson that emerges from these contrasting experiences is the need to **design negotiations in such a way as to foster, as a first step, trust, mutual confidence, and commitment to a common vision of the future.** This is not easy in a post-conflict context (as the experience of Mozambique well attests), but where such trust can be generated, even relatively limited SSRPs may trigger meaningful reform. Where it does not exist (as in Bosnia), even robust SSRPs will not be implemented, or will be implemented only grudgingly and under pressure. Hence, the objective in negotiating security guarantees in peace agreements should not be to nail down every imaginable provision, which may or may not be implemented,<sup>26</sup> but rather to put in place a framework for mutual confidence building and long-term engagement during which consensus can be fostered over knotty issues.

Once it is accepted that the peace negotiations themselves merely open the door to further conversations (and are thus not an end in themselves, let alone a once-and-for-all event), it becomes possible to confine the peace agreement itself to elaborating core principles and norms, and to setting forward a vision and a process to govern the expanded dialogue about the nature and direction of SSR and post-conflict transformation. Sensitive mediation is essential to realize this. (While encouragement and facilitation by the international community may be required, this is not the case in all contexts, as the South Africans have shown.) The processes in both Mozambique and South Africa bear striking testimony to the degree to which supposedly ‘implacable’ enemies can establish trust and accommodation. ●

# Negotiating and Designing Implementation Frameworks



Even the best agreement still needs to be implemented, and there are many examples of ‘good’ agreements (El Salvador and Guatemala) that failed to make it into full implementation, or ran into all manner of political and other blockages (Bosnia, Southern Sudan), or failed to generate the necessary international support.

Implementation and monitoring regimes have differed widely in peace agreements, but those in the case studies can be broken down into four main types, namely those agreements that provide for:

- separate international and national implementation, monitoring, and (where necessary) verification mechanisms (the majority of case studies);
- integrated mechanisms bringing national and international actors together in a single body (Mozambique);
- national mechanisms only (South Africa); and
- international (i.e. UN) mechanisms only, with limited participation by locals (Timor-Leste).

Experiences regarding such diverse mechanisms and in such diverse contexts have, of course, been extremely varied, and are hence difficult to generalize about or summarize (see the case studies for detailed analysis). However, as the cases of both Guatemala and El Salvador suggest, even the most intensely negotiated and scrupulously detailed peace agreement is subject to the vagaries of implementation, and in many cases implementation has fallen well short of what might have been anticipated from the text of the peace agreement. The reasons for such ‘implementation failures’ are both complicated and contextual (detailed analysis is presented in the case studies). The most common factors cited in the general literature include the activities of ‘spoilers’, lack of political will to fully implement the accord and/or its SSRPs, lack of institutional capacity, and inadequate resources and international support for SSR.<sup>27</sup> Others are failure of the peace agreement to fully address the root causes of conflict or to anticipate new sources of public insecurity (such as criminal and gender violence), excessive donor influence and lack of national ownership, and the fundamentally flawed UN approach to SSR (discussed below). While one or more of these variables may indeed be relevant, depending on the context, one consistent factor across the case studies is that implementation generates its own set of dynamics and power relations.

In most cases, implementation has been primarily the responsibility of government, sometimes in situations where government itself had been but one of the parties in the conflict and the negotiations, even (as in the cases of Guatemala and El Salvador) representing interests that had tried to block the forces of change.<sup>28</sup> The implementation stage may thus redefine the relations of power (or, at least, influence), providing the government and its allies the opportunity to blunt or reverse (‘mug’, to use Call’s colourful phraseology) provisions in the agreement that they had earlier conceded under pressure.<sup>29</sup>

In other cases, the problem has been more that of conflicting (or divergent) priorities, between the (local) parties that negotiated the agreement, and those (external) actors funding the reforms. As in the cases of police reform in Mozambique and justice reform in Burundi, the reality is that different priorities may drive the armed parties, on the one hand, and the international community, on the other, the result being either deliberate non-implementation (in the case of Burundi) or a shift in priorities once implementation gets under way (in the Mozambican case cited above, from military to police reform).

Nevertheless, experience suggests that, beyond political will, rigorous and successful implementation requires activist stakeholders determined to enforce compliance with the terms of the peace agreement and to hold government and other implementers to account, and thus to ensure the legitimacy of the process. This is evident from the contrasting experiences of South Africa and Guatemala, both of which had elaborate and (in theory) well-designed implementation structures, though diverging in important respects.<sup>30</sup> As indicated earlier, South Africa was unique in having national implementation and verification structures for the NPA, with only a minor role for international and regional observers, while in the case of Guatemala, the peace accords provided for a structure incorporating both international (i.e. UN) and national mechanisms, with the UN Verification Mission in Guatemala (MINUGUA) at the apex, responsible for verifying some of the most important institutional reforms of the peace agreements.<sup>31</sup>

However, the two agreements ended up with substantially different records of implementation. In Guatemala, implementation languished,<sup>32</sup> in the face of foot dragging by the government and legislature, resistance by the business lobby to the social and economic measures proposed in the peace agreement, and the diminished capacity of civil society to move the process forward once implementation began. By contrast, in South Africa, the peculiar design of the NPA allowed the institutionalization of unusually high levels of popular participation in and national ownership of both the negotiation and implementation processes, while the use of specialized commissions—also highly representative in character—facilitated the mobilization of available national expertise, encouraging high standards of technical design in the context of a deliberative approach that fostered debate and careful consideration of the available options. The character of the NPA also allowed for both parallel reforms and some overlapping of negotiation and implementation stages with implementation taking place in some areas while negotiations were still ongoing in others, making for a complex, if occasionally unwieldy, process.

#### *Recommendation 4*

- a. **Implementation mechanisms should be as representative, participatory, and transparent as possible under the circumstances, and subject to monitoring, evaluation, and oversight by a neutral agency** (preferably the UN), where necessary. In the absence of this, gains by popular groups at the negotiating table may be diluted or lost at the implementation stage. By its very nature, SSR is open to manipulation and non-performance by powerful political and institutional interests at the implementation stage. Preventing such outcomes requires not only continued vigilance (as suggested below), but also international support for engagement and capacity building by non-state stakeholders in the implementation and monitoring stages. (In this respect also, the extraordinary influence exercised by non-governmental organizations [NGOs], CSOs, and the national Parliament in the South African security sector transformation clearly establishes the international benchmark for such a participatory approach.)

In addition to the factors discussed earlier, successful implementation also requires:

- b. **national ownership**, always taking into account how contested this concept may be in practice, as well as the possibility that ‘national ownership’ may actually work to block, rather than facilitate, comprehensive and integrated reform, as in Burundi and the DRC;
- c. **dedicated and meaningful resources**. South Africa was one of the few instances of nationally funded SSR, the object lesson here being that national resources are ultimately essential for national ownership;
- d. **the technical capacity to design and implement a complex SSR process**. Again, South Africa has been one of the few instances of a post-conflict country with the indigenous capacity to drive most—though not all—SSR processes;
- e. **the will to address the root causes of conflict** (such as embedded socioeconomic inequalities and issue like access to land) alongside SSR. This was the most spectacular failing of the otherwise ‘model’ South African peace process. In Guatemala, where a similar failing was avoided by inserting extensive social and economic provisions into the peace agreement, lack of implementation meant that few reforms were actually carried out;
- f. **early gains in SSR**, particularly in addressing new sources of public insecurity, and violent crime in particular; and
- g. **a new approach to SSR by the UN** as the implementing agency (see the extended discussion in sections 9 and 9.1, below). ●

# 5

## Dealing with Spoilers

'Spoilers' constitute a major challenge to peace processes in general and SSR in particular. Spoilers come in various shapes and sizes (official as well as unofficial, armed and unarmed, civilian and military), naturally vary in their power and influence, and may be located at any of a number of points in the peace process. Admittedly, the definition of 'spoiler' will always be subjective to some degree, given that one person's 'spoiler' may be another's hero. And precisely who a 'spoiler' is may well depend on the context and the issue area; in addition, there are situations where larger geopolitical interests (such as Iraq and the 'war on terror') mean that yesterday's 'spoiler' may be today's 'freedom fighter', and vice versa.

The key problem is that peace agreements may—and often do—end up entrenching, inadvertently or otherwise, the power and influence of spoilers<sup>33</sup> (e.g. through power sharing, veto powers, poorly timed elections, etc.), all in the interest of fostering agreement or facilitating an end to hostilities in the short term.

### *Recommendation 5*

- a. Several **strategies for containing spoilers** may be considered, distinguished in terms of process, inducements, sanctions, and various combinations thereof:
  - *Process strategies* include patient, open-ended negotiations designed to draw in 'doubters' and disarm them by responding to legitimate fears and aspirations (Mozambique) and/or generating sufficient momentum to make spoilers believe that the process is unstoppable, and that they risk being isolated or left out of it—the so-called 'train leaving the station' analogy (South Africa is a good example of this).
  - *Inducements* classically include power-sharing arrangements; integration of rival forces into military or police forces; and, in the case of Bosnia, the prospect of EU<sup>34</sup> and NATO<sup>35</sup> membership. Power sharing must be combined along the way with exposing potential spoilers to the acid test of elections (although ill-timed elections may well produce the wrong outcomes, as we witnessed in Bosnia), and, as far as necessary, should be seen as a transitional device rather than being allowed to extend indefinitely.
  - *Sanctions* include suppressive military action; the destruction or neutralization of the economic base of spoilers (usually located in a range of illicit activities, such as the smuggling of diamonds and precious minerals, drug trafficking, and human smuggling) through economic and institutional reforms; targeted international trade, financial, and travel sanctions; and, as a last resort, the International Criminal Court.

Such strategies are themselves contextual and depend on the situation and type of spoiler. The best approach is a flexible one using a mix of inducements (accommodation) and sanctions, applied by external and regional actors. However, as the case of

the Balkans has demonstrated, even a combination of these strategies does not necessarily guarantee compliance, regardless of how stringently they are applied. Sometimes there is just no option to waiting out the spoilers, while progressively undermining their power base over time.

Note, however, that in a number of contexts it has not been possible to develop a consistent and credible strategy towards potential spoilers, because of deals with warlords directed at realizing a particular geopolitical agenda, such as prosecuting the 'war against terror'. In both Afghanistan and Iraq, this has had ominous and far-reaching implications for SSR and the development of accountable security sectors. ●

# 6

## Engaging Non-State and Informal Organs of Security (and Insecurity)

Closely associated with the problem of spoilers is the question of how to deal with the diverse range of non-state armed groups and informal security organs that emerge on the margins of the civil war, but do not necessarily have the status or legitimacy to participate formally in the peace negotiations. These include paramilitaries; militias; traditional and community vigilante and anti-crime groups; and, at the 'legitimate' end of the spectrum, a variety of private corporate providers of security goods and services.<sup>36</sup> Globally, private military and security companies have become increasingly indispensable to the conduct of humanitarian missions, 'stability operations', post-conflict reconstruction projects, and counter-terrorism, as well as in filling the 'security vacuum' that emerges following the cessation of conflict. Private military companies (PMCs) have begun to percolate into the area of SSR, taking over a range of functions that used to be considered 'sovereign' territory.

While paramilitaries may be covered by the peace agreement, and commercial providers of security regulated, however thinly, by national legislation, many traditional and informal security organs (such as neighbourhood watch, community anti-crime, and vigilante groups, etc.) are not covered by either, but may yet emerge as actors of some significance in the peace process, particularly in response to the inability of the state to grapple with the deteriorating public security situation. They may even be adopted by political elites as a second-best option of responding to the challenge of law enforcement (such as when the president of Liberia, Johnson-Sirleaf, legitimized the activities of vigilante groups as a means of crime control in Monrovia and outlying districts; and state governments in Nigeria 'adopted' various local militias, such as the so-called Oduduwa People's Congress and the 'Bakassi Boys', to enforce order on the streets and in marketplaces). While they may afford some measure of local or community protection, these organizations do not come without their own problematics. In the first place, they are largely self-appointed; are rarely under the control of, or accountable to, any group or authority; and may easily mutate into criminal networks. Their extra-judicial methods for providing 'popular' or 'instant' justice erode principles of due process and undermine already fragile formal justice systems. The fact that such informal security organs are often rooted in ethnic, racial, religious, or regional identities also makes it inevitable that, along with security for some, they may also generate insecurity for others.

### *Recommendation 6*

- a. **Legitimate non-state justice and security organs should be integrated into peace agreements and into the design of DDR and SSR exercises.** This becomes all the more necessary, given that in the circumstances of many post-conflict and transitional states, the notion of a Weberian 'rational-legal' state, enjoying a legitimate monopoly of violence, is far from being realized, and that many, if not most, citizens will continue for the foreseeable future to look to alternatives to the state for security and justice. Legitimizing such organs requires bringing them under proper regulation and oversight.



- b. The question as to whether core SSR functions should be outsourced to PMCs remains a controversial one, on which national policies vary. Evidence relating to the performance of these companies in the context of SSR remains mixed (PMCs are themselves only part of a range of private service providers in the SSR field, which also includes a variety of international consulting and project management companies). No specific recommendations are being advanced here, other than a call to recognize the potential risks of assigning what many consider to be 'sovereign' functions to private commercial entities with limited (if any) requirement for political accountability,<sup>37</sup> and the sensitivity of this matter for client governments.
- c. **At quite another level, demobilizing armed opposition movements and converting them into legitimate political parties are not only essential for channelling violence into peaceful political competition, but also for nurturing a credible democratic opposition.** However, armed movements do not lend themselves equally easily to such a transition, with much depending on the nature of the movement in question. While revolutionary parties like the URNG and FMLN made relatively easy and successful transitions to party politics, due in part to war-time popular support for the insurgencies and previous political work among the population, rebel groups like the *contras* in Nicaragua, RENAMO<sup>38</sup> in Mozambique, the Khmer Rouge in Cambodia, the Revolutionary United Front in Sierra Leone, and UNITA<sup>39</sup> in Angola, which relied primarily on foreign support and on terrorizing the population, have required a great deal of assistance to transform themselves into electoral parties—and even after this, may still atrophy rapidly after demobilization, creating a de facto one-party state virtually by default.<sup>40</sup> ●

# 7

## Peace Agreements and Transitional Political Environments

The question of ‘spoilers’ apart, the very form of transitional political authority that emerges in the aftermath of a peace agreement may decisively shape the implementation and ultimate success (or lack thereof) of SSR. The political sensitivity and long-term nature of security sector and justice reforms require, ideally, a legitimate government that enjoys wide support and is able to harness consensus around reforms, as well as withstand the potential fallout from such reforms. Add to this stable patterns of political succession that would ensure that the reforms are not disrupted, or captured by sectarian interests (as in Iraq, for instance). This, all in all, is a rather tall order. It is therefore not surprising that such conditions are not always realized in practice, particularly since peace agreements tend by their very nature to throw up complicated transitional political arrangements.

In principle, power sharing (to cite one such arrangement) gives each party a stake in the process and at least some assurance that its interests and concerns will be responded to. On the other hand, implementation of SSR may be complicated by the fragmented or contested political authority emanating from such arrangements, particularly where this involves conflicting powers or unclear location of authority over the security sector. The most notorious example of this is the Dayton Peace Agreement, which facilitated the emergence of a highly fragmented and decentralized power structure that made implementation of SSR in general, and police and judicial reform in particular, extremely problematic.<sup>41</sup> As Denis Hadzovic observes: ‘The fragmentation of the existing security sector in BiH [Bosnia and Herzegovina], which was imposed by the Dayton Peace Agreement, presented a huge barrier to the establishment of a democratic and accountable security system.’<sup>42</sup> Short-term compromises designed to bring an end to fighting ended up having serious long-term implications for SSR.

No less complex, though (or potentially more vexatious), is the political environment associated with the 2004 Comprehensive Peace Agreement (CPA) in the Sudan, which predicated eventual national unity on a referendum to be held in 2011, based on complex political compromises that entail considerable optimism about the future intentions of bitter, long-term political rivals. The CPA provides in the meantime for two governments, two separate military forces, two separate DDR processes, and partial military integration in the form of Joint Integrated Units, with the assumption that reform will proceed in the security institutions of both the North and the South. However, failure to implement crucial aspects of the agreement (especially those relating to the equitable sharing of oil revenue) has undermined the CPA, creating the distinct possibility of return to war. These uncertainties are aggravated by disagreements within the Government of Southern Sudan itself between ‘independence’ and ‘unity’ options; this is further reflected in the challenges facing the government and the Sudan People’s Liberation Army/Movement in deciding what planning assumptions should underlie DDR and the ongoing defence transformation process.

The political aftermath of peace agreements does not have to be quite so daunting in order to decisively undermine SSR. In Burundi, political divisions and competition among

key ministries in the context of the power-sharing mandated under the Arusha Agreement has made it difficult to initiate a national dialogue and evolve a global approach to SSR.<sup>43</sup> In Timor-Leste, by contrast, it was rather the cleavages within the former liberation movement and the new government that produced a highly unstable and politicized environment for SSR, eventually generating the mutinous conditions of May 2006.

In contrast to the above, the scenario represented by the African National Congress (ANC) in South Africa appears relatively congenial (at least with the advantage of hindsight): a well-organized and genuinely popular liberation movement able to consolidate and legitimize its power through decisive victory at the polls; a leadership committed to inclusive democracy and national reconciliation, to demilitarizing the state and politics, and to creating an accountable and well-governed security sector; and where, crucially, the issue of hierarchy within the political and military leaderships of the main guerilla movement has been well sorted out, thus creating a solid foundation for civilian (if not necessarily democratic) control and political stability. Transforming the security sector was not only an issue of principle, but also a matter of vital political self-interest for the ANC, given the large and powerful establishment inherited from apartheid. As crucial, the power of the ANC was both complemented and counterbalanced by a strong and activist civil society and opposition parties, both black and white. Contrast this picture to our earlier analysis of Zimbabwe, and one gets a sense of how, with their political and psychological legacies, aftermaths of liberation wars can form particularly ambiguous political environments for SSR.

### *Recommendation 7*

- a. **There is a need to understand the ‘contextual politics’ of SSR, and to pay attention at the outset to the impact that the political arrangements installed under a peace agreement may have on the implementation of SSR.** ‘Political realism’ needs to cut both ways: not only in the sense of being aware of what is politically feasible in a given context, but also avoiding (to the extent possible) creating political traps for SSR programmes down the line.
- b. The above underscores our earlier point about **the need to encourage mutual trust, consensus building, and national reconciliation through the peace negotiations** as a fundamental prop of a post-conflict security strategy. A wider message that emerges from the analysis is that without fundamental agreement on the nature of the state, constitution, and citizenship, SSR will not be feasible. (On the other hand, where such a consensus exists, SSR is better facilitated.) There has to be some confidence that the state actually has the capacity and the will to protect—and to protect fairly—reinforced by essential confidence-building measures: power sharing, military and police integration, representivity of security services, disbanding of illicit armed groups and their withdrawal from the streets, and so on. The persistence of ethnic, racial, and identity politics means that the population has preferred to seek protection under the umbrella of warlords and militias rather than public security institutions; or, in the case of Bosnia, sought to replicate micro-level police and paramilitary institutions under sectarian control.<sup>44</sup> The international community and the UN have attempted in several instances to compensate for the absence of such a consensus in the context of the implementation of peace agreements by assuming authoritarian powers (most spectacularly, the so-called ‘Bonn powers’ in relation to the Dayton Peace Agreement) designed to enforce compliance and suppress the activities of ‘spoilers’, but in reality ending up overriding local ownership. There are many examples of the limits of this approach (Cambodia,

Bosnia, Afghanistan, Iraq, etc.). SSR is intricately interwoven with the broader issue of state building and legitimacy, and hence cannot be imposed from abroad, any more than 'democracy' can be imported.

- c. **Again, it is essential as part of this strategy to support and empower NGOs, civil society and community organizations, and women's groups that are committed to peace and dialogue to fully participate in the SSR process. ●**

# Post-Conflict Contexts Constitute Distinctive Environments for SSR



Regardless of context and the type of SSRPs in their respective peace agreements, post-conflict situations by their very nature offer both opportunities and constraints with regard to SSR. Principal among these is the opportunity to adopt new ways of thinking about security—and rare indeed is the society that has undergone a brutal conflict that does not at least re-examine its assumptions about security (what it is, who should benefit from it, what it takes to deliver it effectively, and so on), even though it remains an open question as to how far the lessons will be taken on board.

On the other hand, even as they open up opportunities for SSR, post-conflict situations present many important and distinctive challenges of a political, institutional, and social character, stemming from the proliferation of armed bodies and insurgent formations (so-called ‘oligopolies of violence’); the widespread influence of potential ‘spoilers’; the residues of war economies (with strong possibilities of transforming into criminal networks); the presence of ethnic, religious, or political polarization; and the lack of functioning security institutions and the most basic civil institutions capable of undertaking the complex tasks of designing and implementing SSR. All these conspire to make SSR a huge challenge, to say the least. But perhaps as problematic are the psychological and political legacies of the liberation war: the persistence of nationalist authoritarianism and militaristic behaviour, a sense of political entitlement among the former liberation cadres and intolerance for opposition and political competition, and an incestuous inherited relationship between political and security leaderships. These can be deeply inimical to the development of an accountable security sector. Hence, as Ndlovu-Gatsheni argues in relation to Zimbabwe:

*The post-colonial Zimbabwean state under ZANU-PF<sup>45</sup> failed dismally to make a break with the tradition of nationalist authoritarianism and guerilla violence as well as colonial settler repression. The ruling party itself, having been a militarized liberation movement, failed to demilitarize itself, not only in practice, but also in the attitude and style of management of civil institutions and the state at large.<sup>46</sup>*

A more contemporary echo of this is the discussion of authoritarian practices in the liberation movement FRETILIN<sup>47</sup> in Timor-Leste,<sup>48</sup> pointing to the need to demilitarize the state and politics in the aftermath of conflict if the peace process is to be consolidated and the cycle of violence broken. SSR can play a crucial role in making this possible, but not without challenge. The presence of hegemonistic attitudes within nationalist formations can make a central objective of SSR in peace building—the conversion from guerrilla formations to conventional and truly national armies under democratic control—particularly problematic. The experience of post-liberation and post-conflict military reform has thus proved complex and contested (as in the two cases cited above), with divergent trajectories that reflect the respective political contexts. In the case of Zimbabwe, the outcome of ‘defence reform’ (under British Military Advisory and Training Team auspices) was a complex amalgam of *professionalization* and *politicization* of the security services of the new state,

with consequences that still echo today. In Timor-Leste, by contrast, the security forces simply disintegrated under the force of partisan contention. Yet, such outcomes are not inevitable, as the much more positive examples of post-liberation military reform elsewhere in Southern Africa would suggest.

### *Recommendation 8*

- a. This emphasizes once again the virtue of **understanding political context in SSR exercises**, particularly in terms of grasping both the distinctiveness of the post-conflict political context and the different ‘ecologies of transitional politics’<sup>49</sup> that characterize such contexts—and how this feeds into their different approaches to and experiences with SSR. Such political analysis needs to be built into the very design of SSR.
- b. It underscores even more **the need, in the aftermath of armed conflict, to go beyond physical disarmament to demilitarizing the national political culture and the minds of those involved in acts of violence**. Peace education, instruction in methods of non-violent conflict resolution, and training in principles of pluralistic politics need to be placed explicitly on the peace-building agenda, along with national reconciliation, trauma healing, and creating space for livelihood strategies that do not depend on violence or extortion. Countries coming out of conflict have been launched into elections and hasty democratization experiments with little or no awareness of the need to address these psychological, cultural, and normative issues.<sup>50</sup> ●

# Enhancing the Role of the UN and the International Community



The scope and complexity of contemporary SSR places particular responsibility (and burdens) on the international community. The actions of this community have shaped—in many cases, critically—the course and outcomes, positive and negative, of peace agreements, from negotiation,<sup>51</sup> through implementation, to post-war reconstruction and peace building in general, and SSR in particular. Without external pressure and the security guarantees offered by the international community, many of these agreements would not have been possible in the first place, and critical SSR provisions may never have been implemented. External mediation has sometimes been necessary to free up knotty issues and keep reforms on track.

In particular, regional organizations have played important roles in steering negotiations and peace processes, reflecting their expanding role in filling the space vacated by the UN in the management of international crises.<sup>52</sup> At the same time, regional states are also assuming increasingly important roles as bilateral partners in SSR, complementing the traditional role of donor governments (examples are South Africa and Angola in the DRC, South Africa and Egypt in Burundi, and South Africa in Southern Sudan). However, with the exception of the EU, none of the regional organizations is presently significantly involved in SSR. It also appears that (African) national actors are largely following their own script (certainly in the DRC and Burundi), with little reference to ‘best practice’ or coordination with other actors.<sup>53</sup>

## *Recommendation 9*

- a. There is a need to **equip the international community, the UN, and regional organizations to support SSR**. While the UN and regional organizations are increasingly cognizant of and involved in post-conflict SSR, they still lack the requisite capacity to be fully effective. The necessary capabilities are being developed, although in an uneven manner, reflecting the nature of the regional context, differences in the levels of resources available to individual regional organizations, and the way specific regional organizations view their roles in conflict resolution and peace building. Regarding resources, the EU is relatively well situated in this respect, while the African Union (AU) is the most challenged.
- b. **Regional organizations**, in particular the AU and regional economic communities, **need to move rapidly to develop regional SSR strategies more attuned to the requirements and interests of their members**.
- c. **Regional organizations should sign on to a common normative framework**. Regional patrons of the peace process and ‘champions’ of democracy are often governments that themselves owe no accountability to their own people, and in practice (as opposed to rhetoric) accountability may not be a major concern of regional organizations either.<sup>54</sup> The involvement of regional organizations is thus not necessarily evidence of local

ownership or accountability to local needs. Such organizations also diverge in their perceptions of their role in security, particularly where this is seen to intrude on the 'sovereignty' of member states. To prevent such anomalies, as well as to create a coherent and consistent basis for partnership with the UN, there may be a need for regional organizations to sign on to certain common standards.

- d. While the rising profile of SSR on the international agenda is a positive sign, **complex motivations are sometimes involved**. Viewing SSR in transitional or post-conflict countries as necessary to protect European security,<sup>55</sup> or as an avenue to 'deradicalisation',<sup>56</sup> or as a tool to fight the 'war on terror' risks distorting SSR and undermining the integrity of the concept—or, worse, subordinating SSR to an external geopolitical agenda. An example of the latter appears in the case studies of Guatemala and El Salvador, where the current security concerns of the United States in the region have contributed to blunting (if not unravelling) some of the security reforms initiated earlier in the context of the peace agreements.

## 9.1 The role of the UN

Nevertheless, the key international actor in SSR, particularly within the context of peace agreements, is the UN. The UN's role in SSR has been shaped by the particular context (the terms of the peace agreement in question or the nature of the Security Council mandate); hence, its experiences are spread over a great diversity of contexts and terrains, almost all uniformly daunting (a fact that should be kept in mind when the role of the UN is evaluated). In most instances, the UN has been a key element of the monitoring and verification mechanisms set in place by peace agreements. In addition, the organization has had various degrees of responsibility for managing and/or orchestrating DDR and police reform, the latter within the wider context of rule of law operations.

Yet, this breadth of experience does not seem to be reflected in the depth of expertise or coherence in the UN approach. The UN has so far lacked a coherent concept of and consistent terminology (and definition) for 'SSR', with usage of the concept varying from department to department within the UN, accompanied by divergent notions of what constitutes 'SSR'. The meaning and scope of the concept has also varied significantly in various Security Council resolutions.<sup>57</sup> The result is that 'SSR' has been approached as particular bits of reform (DDR, military integration, police reform, etc.) with few connecting threads, and in turn this has meant that these activities have lacked proper sequencing and linkages.

The picture that emerges of the UN in these exercises is a curiously conflicted (and almost schizophrenic) one. Gonzalez and De Leon-Escribano offer a positive picture of the performance of ONUSAL<sup>58</sup> and MINUGUA in verifying and implementing the peace accords in El Salvador and Guatemala (an analysis echoed to a lesser degree by Lala in her discussion of ONUMOZ<sup>59</sup>). They also refer to the progressive role of UNDP in working with poor farmers and developing reintegration plans in FMLN-controlled areas, and even more to its 'catalytic role' in promoting a series of dialogues (the so-called 'Mesas Intersectoriales de Dialogo') that 'brought together civil society actors with the military and government in a discussion of policies [to] complement the peace process'. These dialogues encompassed in all 'some 300 organizations and some 800 persons . . . [representing] the state, private sector, trade unions, cooperatives, peasants, political parties, universities, think tanks, human rights organizations and the international community' to discuss issues



of national reconciliation, reconstruction, and peace building, spanning defence policy, justice and security, economic and rural development, human rights, and the rights of indigenous peoples.

By contrast, in the context of Timor-Leste, the lead UN agency, UNTAET, came across as imperial, reluctant to consult with locals, and lacking in sensitivity to the need for local ownership. Findlay, at several points in his discussion of the peace mission in Cambodia, also criticizes the ‘authoritarianism’ of UNTAC.<sup>60</sup> Even the special representatives of the UN secretary-general come across as a contrast in personality styles, ranging from pro-consular to accommodating almost to the point of being perceived as weak and ineffectual. Over and above these particular contexts is the picture that emerges of the UN being under the fiat of its most powerful members, especially those on the Security Council, and being marginalized where vital strategic interests of such members are involved (the Balkans, Afghanistan, Iraq, etc.), or forced to take decisions (such as precipitate withdrawal from Rwanda) that manifestly contravene the solemn responsibility to protect, or that are contrary to the better judgement of UN staff (e.g. the premature termination of the mission in Timor-Leste when a funding cut-off was threatened).

The problems of the UN in such contexts have derived as much from the nature of Security Council mandates as from the way in which the UN itself organizes its peace missions. The organization has often been saddled with ambitious mandates not backed by adequate resources, and further undermined by unrealistic timetables and implementation schedules. The short-term mandate of the typical UN mission precludes engagement with longer-term institutional reforms and ensures that UN engagement with SSR will be superficial at best. This is aggravated by poor advance planning and coordination of missions, stemming from lack of organizational capacity at UN headquarters, rivalries over turf among key UN departments in New York (the Department of Peacekeeping Operations—DPKO—and the Department of Political Affairs in particular), lack of contact and synergy between headquarters management and field managers, and the absence of strategic coordination in the field among various departments and managers. Protracted delays in the deployment of peacekeepers, lack of proper equipment, and lack of robustness in dealing with spoilers once on the ground have often encouraged a ‘security vacuum’ and done much to erode confidence in UN peace missions, creating a problematic climate for any subsequent UN role in SSR initiatives. Situations where peacekeepers are kidnapped and disarmed, murdered, or otherwise humiliated with impunity (and the list of such incidents is embarrassingly long) are not calculated to instill confidence in the ability of the UN to protect itself, still less others, or to build institutions capable of doing so.<sup>61</sup>

Finally, the legal immunity and perceived lack of local accountability (and even impunity) enjoyed by UN forces while on the ground have appeared at odds with the norms of good governance and accountability that the UN is supposed to be promoting, particularly in light of the series of scandals that the UN has only recently begun to address. Similarly, UN officers in the field (the special representatives of the secretary-general in particular) have often wielded wide powers, not always with the required accountability and consultation with local parties.

The UN secretary-general’s report on SSR<sup>62</sup> shows a good grasp of many (if not all) of the core issues, and proposes credible strategies to address these gaps, in the process positioning the UN where it is perceived to best add value to post-conflict SSR initiatives. The UN’s proposed role is not to lead off on SSR programmes, but rather to ‘facilitate the provision of assistance to national authorities and their international partners engaged in

security sector reform, while recognizing that member states would provide the bulk of assistance in this area'. Nevertheless, when required or mandated, the UN could also play a number of possible operational roles, including: (a) establishing an enabling environment for SSR; (b) conducting needs assessment and strategic planning; (c) facilitating national dialogue; (d) providing technical advice and support; (e) coordination and resource mobilization; (f) capacity building for oversight institutions; and (g) monitoring, evaluation, and review.

### *Recommendation 9.1*

Building on the ongoing work within the UN, one may nevertheless wish to underscore the need to:

- a. **write SSR provisions more comprehensively and coherently into UN mandates** (especially as they relate to oversight, civilian management of security, and justice reform). The UN approach continues to atomize SSR-related activities; e.g. justice and correctional services reform and DDR are still seen as organically separate activities from SSR;
- b. **better balance mandates and resources within UN missions;**
- c. **address the tension between the long-term needs of institutional reform and the short-term perspectives of peacekeeping** (see below);
- d. **clarify the division of labour and modes of coordination among the large number of UN departments and divisions** working in the field of post-conflict reconstruction and SSR-related activities,<sup>63</sup> with their many overlapping responsibilities. There is a need to more closely specify the terms of reference of each UN actor and the thematic areas where it is required to take the lead. The ongoing reorganization of DPKO, which is designed to bring all SSR-related functions (justice, police, prisons, SSR, DDR, and demining activities) under one roof, i.e. the new Office of the Assistant Secretary-General for the Rule of Law and Security Institutions, may help to create greater coherence and place all UN organizations on the same page in relation to SSR, both at headquarters and in the field.<sup>64</sup> The effectiveness of this new arrangement will have to be tested on the ground, of course, as will the capacity of the UN to play its self-assigned roles and, as importantly, persuade key partners (donors, national governments, and NGOs) to accept its lead;<sup>65</sup>
- e. **develop the necessary technical capacity and resources** required for the role that the UN is contemplating for itself. While some care has gone into calibrating this role, the impression cannot be avoided that, given both past performance and existing capacity, it will take some effort to move the UN from where it is at present to where it wants to position itself in the near future. Kofi Annan's warning that the UN was 'overstretched' in conflict areas and 'should resist taking on new responsibilities as long as major powers proved unwilling to supply needed support' is thus relevant;<sup>66</sup>
- f. **encourage a bilateral lead and overall international coherence in the field.** The task of the UN is made easier, and the likelihood of success of SSR programming enhanced, where there is a dominant bilateral actor, within a context of international donor coherence and coordination. The UK's long-term commitment to and intensive engagement with Sierra Leone present a model of such bilateral lead and partnership, although the whole mission may be compromised if relations between nationals and the lead bilateral partner sour (as with Australia in Timor-Leste, or—under different circumstances—

the United States in Iraq and Afghanistan). The danger should be avoided, on the other hand, of 'stovepiping', where bilaterals assume responsibility for particular sectors, but without the required coordination. The efforts of the UN itself to act as the focus of coordination has met with mixed results; and

- g. **enhance accountability by the UN in relation to its national clients and by UN staff while on mission**, if the UN is to be a credible voice for accountability. ●

# 10

## Changing the Paradigm: Addressing Deficits in Current Approaches to SSR

Similarly, there is the admission in the secretary-general's report—echoing the emerging international consensus and evidence from these case studies—that contemporary approaches to post-conflict SSR are flawed. The following are some of the key lessons that need to be addressed.

### 10.1 Dominance of short-term thinking in the international approach to SSR

- a. SSR has typically been viewed as an 'exit strategy' by the UN, to be executed as quickly—and preferably as inexpensively—as possible.<sup>67</sup>
- b. Thus, like the UN peace mission, SSR has been viewed within very short time frames (usually two to three years from the beginning of the mission to its conclusion), rather than as a long-term commitment.
- c. Implementation schedules have generally been unrealistic, in part reflecting the short timetables and attention span of the international community. (South Africa, with its own nationally managed programme, and Sierra Leone, where bilateral partner the UK had expressed its long-term commitment, were among the few exceptions to this general trend.) Thus, in some cases (such as Guatemala), international involvement begins to scale down just as the more complex phases of institutional reform are being initiated.

#### *Recommendation 10.1*

- a. **SSR needs to be seen as a long-term commitment**, which is necessary if institutional reforms are to be properly implemented.
- b. Consistent with this, **donors need to commit their support for at least ten years**.
- c. **International engagement and assistance needs to continue well beyond the formal conclusion of the peacekeeping mission.**

### 10.2 The disconnection of DDR from SSR

DDR and SSR have been conceived as separate rather than overlapping exercises, in part due to inherent tension between the short-term focus of DDR and long-term requirements of SSR (international agencies with an interest in DDR, such as the World Bank, have not necessarily shared an interest in SSR). While the UN and the international community now have considerable experience with DDR, many DDR programmes still have at best a mixed record in terms of disarmament (including de-mining), dismantling the command and control of armed groups, or providing sustainable livelihoods and successful reintegration for ex-combatants. Failed, incompetently executed, or inadequately supported DDR can have deleterious consequences for political stability and public security down the road.<sup>68</sup>

### *Recommendation 10.2*

- a. Ideally, there should be a 'supply' and 'demand' relationship between DDR and SSR. On the one hand, it can be expected that personnel for new public and private security organs would be drawn preponderantly from existing armed groups (after appropriate vetting and training). On the other hand, defence and security personnel planning and training needs would largely set the tone for DDR programming, in the sense of what categories of personnel, and how many, are retained or let go, and over what period of time. In other words, without clarity about force architecture, it is impossible to properly plan and initiate DDR, beyond the most preliminary forms of demobilization. Planning for SSR should thus *precede*, and shape, DDR (rather than the other way round), although it should also be acknowledged that the required level of planning would be challenging in the immediate circumstances of post-war situations.<sup>69</sup> This symbiotic (and phased) relationship informed the South African process, where the bulk of DDR was held off (the initial stage of demobilization emphasized voluntary departures and release of aged and infirm fighters) until military integration was virtually complete<sup>70</sup> and the basic direction of defence reform clarified via a defence review, and even then 'DDR' was seen as a gradual and iterative process rather than a one-time event. In this particular case, military integration and planning for defence transformation took the lead, with DDR occurring later or in tandem, rather than the other way round, as is usually the case.
- b. DDR should be conducted wherever possible on a regional rather than local or national basis, to avoid combatants and soldiers demobilized from one theatre of conflict reappearing as hired guns in other conflicts.
- c. 'Reintegration' of former fighters has arguably attracted the least commitment from the international community, presumably because of the cost and complexity involved. This is shortsighted, and should be remedied, since this has potentially huge implications for public security, as well as for the success of SSR.

### **10.3 Lack of a needs assessment and strategic framework**

Approaches to SSR under UN or international auspices have rarely entailed proper needs assessment or a strategic framework. Decisions on the security architecture and reform agenda have often been taken or heavily influenced by external actors, with little local consultation or careful prior assessment, and have reflected fiscal and other considerations not necessarily related to the real security needs of the country.<sup>71</sup> Similarly, the absence of a strategic plan means that the approach to SSR has been fragmented and piecemeal, with little coordination or sequencing, and with conflicting priorities among donors and between them and national authorities. Linkages between security and justice reform have been particularly tenuous or non-existent, even when the same government or agency is funding the reforms.<sup>72</sup>

Moreover, an integrated approach has been lacking even within the core security sector. This is particularly apparent in the tendency to delink police and military reforms or police and justice reform—areas where logical links and synergies exist because of the nature of the functions involved. Except for the rare case, the development of intelligence capabilities has been neglected,<sup>73</sup> and with it the need to subject existing intelligence agencies to appropriate civil oversight.

Separating police from the military, and internal security from external defence may be ‘good’ liberal, democratic practice,<sup>74</sup> but does not fully contend with realities on the ground. In most transitional (and virtually all post-conflict) countries, the military collaborate to various degrees with the police in domestic crime control and overall internal security, in response to rising levels of crime and chronically low police capacity. Hence, in both El Salvador and Guatemala, much of the painstaking effort to distance the military from internal security was undone through the back door with the establishment of ‘combined task forces’ of police and military designed to respond to an explosion in criminal activity and gang violence. This was accompanied by a tendency to militarize the new civil police, as well as a return to some of the unsavoury policing practices of the past. A similar debate took place in South Africa over the use of the military to control rising criminal and political violence, reflecting the tension between perceived democratic principles, on the one hand, and, on the other, the pragmatic responses required to address the ‘security vacuum’ arising in the aftermath of conflict.<sup>75</sup>

### *Recommendation 10.3*

- a. **It is important to begin with an initial security needs assessment**, however tentative, **followed as soon as possible by the development of a strategic framework** to ensure local ownership, and coherence and coordination. Conducting a needs assessment is a challenging task under post-conflict conditions, but is still possible with external assistance and facilitation.<sup>76</sup>
- b. **Broad consultation is essential in carrying out the needs assessment and designing the strategic framework.** Proceeding in this manner will help to translate the current rhetoric about ‘participation’ and ‘national ownership’ into reality and underscore two further points about designing SSR frameworks: that *process* is as important as outcomes; and that *understanding the local political and cultural context* (via public consultations as well as analysis and research) is of paramount importance.
- c. **There should be clarity (and agreement) about which organization(s) will lead on this effort**, on both the national and donor side (the initial competition between the EU and UN in the DRC shows that this can undermine much-needed work).
- d. Experience suggests that it is also **necessary to promote coherence and coordination across national governmental departments involved in SSR and related work**, in particular departments with responsibility for the security, diplomatic, and development portfolios, and for governance and justice. Even in the UK, where such coordination has been official policy (through the Global Conflict Prevention Pool) for some years and is considered to be most advanced, it is reported that ‘[i]nter-departmental coordination on SSR remains a challenge. The three departments [DFID, MoD,<sup>77</sup> and FCO<sup>78</sup>] do not share the same SSR objectives, priorities and perspectives’.<sup>79</sup> Coordination also needs to be strengthened between headquarters and field offices: it is all too apparent that the principles advocated in the OECD/DAC manual, for instance, seem largely alien to many European field officers, including those in DFID, otherwise the clear leader in this area.<sup>80</sup>

## **10.4 Weak justice reform provisions (and implementation)**

A consistent feature of peace agreements is the low priority and lack of detailed attention often given to justice reform. A survey of the peace agreements analysed here as part of

the case studies (ranging from the Lancaster House Agreement of 1980 in Zimbabwe and the General Peace Agreement of 1992 in Mozambique to the more recent Comprehensive Peace Agreement of 2003 in Liberia<sup>81</sup>) verifies a pattern of weak judicial and legal reform provisions. Even where relatively clear provisions have existed (as in the case of Guatemala), they have lacked committed implementation. Hence, a set of post-conflict SSR case studies concludes that:

*judicial reforms have generally been less accomplished than security reforms. They have tended to be less ambitious, less strategically planned, less coordinated, less swift, and less publicly understood and supported by security reforms. Despite claims to the contrary, they are usually poorly linked to police reforms, continuing the disaggregation of the 'triad' of police, judicial and prison reforms. They have focused on isolated elements of judicial performance rather than taking an integrated approach to multiple problems of the administration of justice . . . In no case has judicial reform been deemed an unqualified success . . .*<sup>82</sup>

Thus, in a number of instances, such as Cambodia and Liberia, a 'grotesque' and 'deeply distorted' justice system has persisted after the war (in the case of Cambodia, well after the war) with little impetus to address its clear shortcomings.

This situation reflects in part the low priority given to justice issues by the warring parties involved in the peace negotiations, a weak rule of law tradition in many transitional societies, and the difficulty and complexity of transforming particularly dysfunctional justice mechanisms. On the other hand, it can also be attributed to the fact that donors (who sometimes seem to attach a greater priority to justice reform than local authorities, as in the case of Burundi) appear happy to support particular facets of judicial reform, but are less prepared to take on holistic or integrated reform of the sector. Rare is the donor who is prepared to fund prisons, for instance.

At the same time, the absence of provisions for justice reform in peace agreements may speak more broadly to the different ways of relating security sector and justice reforms. For instance, we may distinguish the UN approach, which separates SSR and justice reforms, with the latter falling rather under the separate category of 'rule of law', from the more recent OECD/DAC and DFID approach, which subsumes 'justice' under SSR, or integrates the two (as in 'justice and security sector reforms'). Notably, however, this tendency to integrate or couple the two sectors is contested by those who fear the potential for the 'securitization' of justice. It is true that the underlying cultural differences (even tensions) and divergent institutional needs and demands of the two sectors cannot be ignored, however intimate the functional relationships between them. To further complicate matters, even within aid organizations (such as DFID) where this twinning of security and justice is taken as official policy, there is nevertheless a tendency to treat the two as separate sectors in actual programming.<sup>83</sup> It is possible that the UN model may have influenced the approach adopted in certain peace agreements, leading to a tendency to address justice reforms *outside* the context of the agreement itself.

Justice reform *is* admittedly complex, protracted, skills intensive, and costly. Legal frameworks have to be revamped or created, courts and other legal and administrative infrastructures have to be reconstructed or modernized, the salaries and service conditions of legal workers have to be improved (these are quite abysmal in many countries), and new lawyers and magistrates have to be trained, etc. Even if the funds are available, this may take several years to become a reality. These are important deterrents, but are clearly not the only (or main) ones. There is a real need to come to grips with why justice sector reform has enjoyed such a low priority in the first place (and not just in post-conflict con-

texts), as well as the underlying obstacles to implementing reform. One reason may be a popular culture of deep scepticism toward post-colonial judicial institutions and perhaps even toward ‘Western’ notions of justice, and in the ability—or willingness—of post-authoritarian regimes to deliver efficient and effective justice systems. Concern with crime also fuels support for tough policing and diminishes concern for police accountability.<sup>84</sup> Another outcome is the rise of ‘social authoritarianism, as well as ‘instant justice’ (particularly among the poor, who tend to suffer disproportionately from this violence), with its contempt for due process and the rights of the accused, as a form of popular ‘self-help’.

At the other end of the scale, the resistance to justice reform may well be political: unlike SSR, the justice sector is designed to restrain, rather than strengthen, executive power and enhance accountability. It is simply not realistic to expect that political systems and leaders still in the process of emerging from a tradition of authoritarianism will demonstrate the necessary enthusiasm for, or comprehension of, strong justice sectors over and above other pressing needs. On the other hand, the notion that ‘traditional’ or indigenous justice and security systems are ‘antiquated’ and in the process of being superseded by ‘modern’ (i.e. Western) judicial systems is clearly wishful thinking, given not only the demonstrated resilience of such institutions, but their resurgence and proliferation in many contexts, not all of them ‘post-conflict’. At worst, legal dualism, like cultural hybridity, must be accepted as a fact of life in such societies.

#### *Recommendation 10.4*

- a. **There is a particular need to strengthen justice and rule of law provisions in peace agreements, and—crucially—their implementation**, taking full advantage of traditional and non-formal justice and policing institutions (as in Sierra Leone, Timor-Leste, Kosovo, and Liberia). While such institutions often fall short of accepted international legal and human rights standards, they nevertheless remain important tools of arbitration and conflict resolution, enjoying a legitimacy rarely extended to the formal justice sector, which is often seen as alien, inaccessible, and corrupt.
- b. At the same time, **traditional and non-formal justice institutions must be regarded as having their own integrity** and cultural resonance, and must be assisted to develop in accordance with their own norms, not as appendages of imported legal systems.
- c. There is now such an overwhelming consensus that SSR is neither fully meaningful nor sustainable without effective and functioning justice systems that one is tempted to recommend that corresponding justice reform be made a ‘conditionality’ for external support for SSR. Against this consensus, however, must be set the reality that justice reform has lacked urgency and commitment among both post-conflict and transitional governments. **There is simply no alternative to systematic efforts to understand the constraints and sources of resistance to justice reform if we are to respond effectively to them. We recommend commissioning appropriate research** into this and related issues, together with their policy implications for current and future donor approaches to justice reform.

### **10.5 Making SSR transitional-justice sensitive, and transitional justice SSR sensitive**

Societies emerging from conflict or authoritarian rule face significant and interlocking imperatives of SSR and transitional justice. Many activities that occur under the rubric of



‘transitional justice’ have profound direct or indirect impacts on SSR. This includes the role of truth and reconciliation commissions in exposing abusive security institutions or personnel, curbing impunity, and building consensus for the reform/transformation of such institutions; and underscores the need for a culture of transparency, scrutiny, and oversight. At the same time, SSR serves the purposes of transitional justice by minimizing the possibility that human rights abuses by security institutions will occur in future. On the other hand, there are potential areas of friction between transitional justice and SSR that need to be explored, visible for instance in the ways in which insistence on retribution for human rights abuses can potentially complicate the political environment for SSR. This adds to the tension noted earlier between the ‘justice’ and ‘security’ domains. Whatever the case, transitional justice and SSR have tended to operate, often concurrently, as separate streams of activity largely isolated from each other, with the exception of limited activities such as the vetting of security forces by such organizations as the International Centre for Transitional Justice.

### *Recommendation 10.5*

- a. There is a need for greater dialogue between transitional justice and SSR practitioners, and for exploration of the tensions, as well as the affinities and synergies, between SSR and transitional justice.<sup>85</sup> Approaches to peace building that aspire to enshrine the principles of rule of law and security (i.e. rule-based security) need to integrate the two spheres of activity, rendering SSR transitional-justice sensitive and transitional justice SSR sensitive.
- b. There are many ways of approaching the issue of transitional justice, each with its own potential repercussions for SSR. **The fundamental debate revolves around whether forgiveness and reconciliation, or prosecution and retribution, or some combination of both, better serve the long-term interests of peace and security;** or whether ‘justice’ as the international community understands it—as represented by the International Criminal Court (ICC)—is to be preferred to local understandings of the concept, which may say, more or less, ‘let’s forget the past and move on’ (i.e. community reconciliation rather than retribution). These issues—revived by the sometimes controversial timing of ICC indictments—are context specific, and certainly not ones that we intend to engage here, except to suggest that, in principle, the essential choices should be made by local stakeholders, and that international conceptions should not be allowed to override local notions of justice and reconciliation, except in the case of the most egregious crimes. Certainly, talk of retribution is unlikely to facilitate peace negotiations and quick agreement, which may well be the reason for the declining profile of retributive provisions in peace agreements.<sup>86</sup>

## **10.6 Failure to respond to gender concerns/insecurity in SSR**

Like peacekeeping, SSR has not on the whole responded well to gender concerns about security.<sup>87</sup> For instance, in the aftermath of the celebrated transition in South Africa, and well after security sector reforms that are widely regarded as a model of ‘best practice’, rape and other forms of gender violence have continued to rank among the highest rates in the world. Both Burundi and Sierra Leone (another ‘model’ of SSR) are also undergoing a sharp spike in gender violence,<sup>88</sup> reportedly exceeding anything recorded during the war. This violence stems in part from a continuation of the militaristic psychology of the

war years; in part from conditions of unemployment and marginalization that are leading men to take out their frustrations on women; and in part from the use of violence as a deliberate tool to reverse the advances made by women during the war years.

Many (if not most) women may not have the trust and confidence to go to the police or the courts after an incident of rape or domestic violence (once again demonstrating the importance of justice reform for the vulnerable), so the true scale of the problem may not be apparent. Even women who took up arms alongside their male compatriots may not be exempt from discrimination and abuse, on or off the battlefield. DDR exercises have paid little attention to the needs of female ex-combatants, assuming that they will want to return to 'home and hearth' as soon as possible, and that, unlike male ex-combatants, they have no ambitions beyond rapid reinsertion into domesticity.<sup>89</sup> True, the peace agreement and 'gender-conscious reform' may produce particular dividends for women, including greater representation in security institutions, but without denting the system of gender subordination as a whole.<sup>90</sup>

### *Recommendation 10.6*

- a. **Strengthen gender provisions in the peace agreement itself and subsequent SSR programming** (consistent with Security Council Resolution 1325), **as well as the role and participation of women and vulnerable groups.** There are several 'toolkits' available (the latest being the *Gender and Security Sector Reform Toolkit* designed by DCAF,<sup>91</sup> UN-INSTRAW,<sup>92</sup> and OSCE/ODIHR<sup>93</sup>), but these have to be tested for cultural relevance. In the end, though, it should be understood that the issue is not that of making SSR 'gender-sensitive throughout its planning, design implementation, monitoring and evaluation phases', but rather, as Fitzsimmons<sup>94</sup> argues, the gendering of the entire social, political, and economic structure.
- b. **Ethnic/racial/gender 'representivity' needs to be taken on board more broadly in SSR,** and is essential to regaining public trust in security institutions. However, broadening social and ethnic representation within the security services may require decisions that may appear to sacrifice or conflict with professionalism and operational efficiency (at least in the short term), and thus needs to be properly managed.

## **10.7 Lack of attention to governance structures and issues in SSR**

Rhetoric apart, little attention and few resources have been invested in developing structures of accountability and oversight of security institutions or the civilian capacity required to make such institutions a reality. This is a crucial deficit of SSR, and means that security institutions are not brought into the mainstream of governance reform (Sierra Leone is a telling example of this failure, in part because the SSR there has been so sweeping and, in terms of certain institutional reforms, successful). The 'omission' is not surprising, given the scarcity of references in mission mandates to the civil oversight and good governance dimensions of SSR, and lack of funding for the necessary capacity building.<sup>95</sup> In addition, there has been little provision for local or external oversight of reconstruction and SSR programmes conducted by the UN and external actors.<sup>96</sup>

### *Recommendation 10.7*

- a. **There should be significant and deliberate focus on building the oversight capacity of legislatures and civil society actors, along with strengthening civilian capacity**

**for security management** (the two should be seen as going together: strengthened civilian management capacity is a prerequisite for enhanced parliamentary oversight). While donors cannot avoid engaging national governments in the course of SSR, they feel little imperative to engage legislatures and broader non-state stakeholders (sometimes out of deference to the wishes of the executive), and UN field officers all too often have scant appreciation of the principles of the democratic governance of security.<sup>97</sup>

- b. Security sector governance has remained largely resistant to the march of democratization. This should be reversed in the interest of democratic consolidation, not to mention the sustainability of SSR.

## 10.8 Prioritizing local ownership and capacity

SSR programmes have tended to be donor driven, statist, and top-down, with limited local consultation and direction. Given the current dominant role of the UN and the international community, a number of steps need to be taken to ensure that local ownership is not undermined. However, we need to begin by addressing three common misperceptions:

- **High levels of international support and interest are not necessarily inconsistent with local ownership** of the process (as demonstrated by the South African experience<sup>98</sup>). On the other hand, while there is much rhetorical emphasis on ‘local ownership’ and consultative and participatory approaches to SSR, precious little of this is actually evident on the ground.<sup>99</sup> To be sure, there is a fundamental tension between ‘local ownership’ and dependence on external sources to drive SSR (in terms of funding, concept development, programme design, etc.); between local ownership and the highly prescriptive approach to SSR taken by Western donors (OECD/DAC as an example); and between the extremely short-term perspective of UN mandates and the much longer time frame required to realize local ownership and sustainability.
- As the case of Sierra Leone suggests, **‘external dependence’ and ‘local ownership’ should not be seen as necessarily zero-sum**, but, given a context of genuine partnership, may actually represent necessary steps toward enhanced national ownership.<sup>100</sup>
- **‘Local ownership’ should not be confused with ‘government ownership’** (as noted above), although, on the other hand, little will happen without high-level political buy-in.

### *Recommendation 10.8*

- a. **Local ownership should be placed front and centre**, both in negotiating the peace agreement and in designing and implementing SSR. Without ownership, there is no commitment, and without commitment, there is no sustainability.<sup>101</sup> At the same time, we should not underestimate the conceptual, political, and other challenges associated with ‘local ownership’, particularly in the context of most post-conflict situations.
- b. We should **ensure that international pressure (and the desire for ‘quick wins’) supports, rather than pre-empts, local ownership of the peace negotiations and the resulting agreement**, and that it is employed judiciously not only to accelerate or ‘incentivize’ a ceasefire and begin a negotiation process, but also to make the process more inclusive and broad based, incorporating in particular new population strata generated by war. That said, we should not gloss over the dilemmas of ‘local ownership’ in the context of peace agreements, given that sometimes international or regional pressure is the only thing that stands between whether a peace agreement materializes

or not (on the other hand, external actors may often be acting from domestic political imperatives rather than any real interest in a just and durable peace).

- c. There is a need to **ensure that SSR expresses local rather than donor priorities**—in terms of what donors decide to fund or not fund. (Unfortunately, this is not always easy, and an example of this tension appears in the analysis of justice reform. Donor priorities are often embedded in broader national policy and programmatic choices and frameworks that are not always sensitive to the nuances of particular contexts and may not change significantly in the short to medium term.)
- d. **Build the capacity for local ownership.** The ability to exercise local ownership cannot be assumed to exist, but usually needs to be developed over a period of time, with the assistance of external actors. This is slow work, and external actors may be tempted to take short cuts by importing the necessary skills in the hope of realizing quick wins (and thus early exit).<sup>102</sup>
- e. **Promote capacity across the board rather than selectively,** taking into account the diversity of institutional needs, particularly in the areas of civil oversight and security management and planning. Even when successful, a selective approach to capacity building can generate institutional imbalances, competition over turf and access to donor funding, and new problems of governance (the otherwise highly successful Office of National Security in Sierra Leone is a cautionary tale in this regard).<sup>103</sup>
- f. **A human resources strategy is essential.** Because of their multifaceted and inter-sectoral character, SSR programmes can be expected to be extremely demanding in terms of human resources in order to conduct training, analysis and research, planning and design, institutional reviews, financial analysis and programming, programme management and coordination, and monitoring and evaluation. This is true not only for reforming countries, but also for countries administering donor programmes. These human resource needs should be fully anticipated and incorporated into the design and management of SSR programmes,<sup>104</sup> but it is clear that, at least in the beginning, such multidisciplinary skills are unlikely to be available locally (at least in terms of quality and experience), and have been difficult to mobilize rapidly from external sources. This has been recognized by both the UN and donors, and responses are being fashioned (although these initiatives are meant largely to service donors rather than recipient countries).<sup>105</sup>
- g. As part of the process of building local ownership in the broadest sense, there is a need to **develop and empower national and regional SSR networks:** on the one hand, of ‘epistemic communities’ schooled in democratic security (political parties, CSOs/NGOs, academics, legislators, practitioners, think tanks, etc.); and on the other hand, of popular sectors that act to protect the interests and rights of the poor and promote poverty alleviation.
- h. **Involve NGOs and civilian think tanks:** these are useful sources of expertise, advocacy, and legitimacy.
- i. **Security institutions must be viewed as primary stakeholders in SSR,** and their institutional needs, human rights, and right to sustainable livelihoods and decent work environments must be respected, alongside those of civilians and criminals. Abused and neglected police and military become, in turn, abusive. ●

# Providing the Necessary Resources and Financial Support



Incentives and resources are always a key challenge: reform is expensive, and has become more so as SSR has grown in scope and complexity, and with the recent explosion in demand, particularly as a number of countries have climbed out of conflict. If resources fail significantly to keep pace, the very concept may be discredited. There is little reason to expect regimes to undertake politically risky SSR if the corresponding resources are not forthcoming. Because of the geopolitical preferences underlying support for SSR, Africa has tended on the whole to be underserved.

## *Recommendation 11*

- a. **Be more even handed with support for peace building and SSR.** The international community has been selective in its engagement with or support for specific peace agreements, largely reflecting geopolitical considerations, regional location, and bilateral (historical) relationships. The result is significant differences in incentive structures between and even within regions (e.g. the Balkans; Central America to a lesser degree), in individual cases (e.g. South Africa; even Sierra Leone), and between cases that are coalition driven, on the one hand, and UN driven, on the other. While it is inevitable that decisions about funding and support for SSR will reflect the national interests of donors, too many poor (and strategically marginal) countries emerging from conflict are in danger of falling between the cracks. ●

# 12

## Assuring Long-Term Financial and Fiscal Sustainability

### *Recommendation 12*

- a. **Careful thought needs to be given at the outset to longer-term issues of the financial and fiscal sustainability of the reforms,**<sup>106</sup> particularly following the departure of the UN mission, *without* falling into the trap, on the other hand, of allowing fiscal considerations to literally dictate important security decisions, as has so often been the case in the past. This may be best done through a financial feasibility study that brings together strategic and security sector reviews, on the one hand, and comprehensive analysis of revenue and expenditure projections, on the other, to determine the likely medium- and long-term resource envelope for the reforms. SSR-related aid programmes also tend to generate considerable off-budget expenditures that cannot be sustained once the programmes come to an end, and these need to be factored into the analysis.<sup>107</sup> The analysis should also take on board internal revenues generated through services delivered by security institutions (which rarely show up in the budget), and should provide an opportunity for extending good public expenditure management practices to the security sector.<sup>108</sup> Relevant funding provisions need to be addressed within the context of the peace negotiations, alongside the mobilization of financial commitments for other programmes such as DDR, development spending, and broader institutional reforms.
- b. **Multilateral funding mechanisms (like the Multi-Donor Trust Fund) are recommended** to enhance the sustainability of the funding regime, greater equity in the distribution of support, local ownership, and overall coherence in programming. ●

# Instituting Monitoring and Evaluation



There has been a lack of monitoring and evaluation in SSR programmes supported by the UN and the international community.<sup>109</sup> In the absence of such evaluation, it becomes difficult to say what constitutes ‘success’ or ‘failure’ in post-conflict SSR (an issue that has been raised in the Guatemala and El Salvador case studies, where positive donor evaluations of the reforms have been met with scepticism by the local population).

## *Recommendation 13*

- a. Along with oversight, and integral to it, **external evaluation of SSR programming, particularly those conducted under international auspices, should be institutionalized as a matter of good practice.** This calls for relevant evaluation frameworks and measurement standards applicable to SSR, with the process preferably being conducted by mixed panels of local citizens and external consultants. Current efforts to develop a monitoring and evaluation regime (for instance, by Saferworld) merit support.<sup>110</sup> ●

While it is now considered virtually axiomatic that ‘security’ and ‘development’ go together, and that both may be facilitated by SSR, the case studies suggest a somewhat different reality: that the achievement of minimum conditions of security following the cessation of armed conflict has *not* necessarily improved livelihood prospects or alleviated poverty in any meaningful way. On the contrary, the war’s ending has often been characterized by massive unemployment (among youth and ex-fighters in particular) and deepening economic distress. This is not the result simply of the dislocations introduced by war—although, of course, this has much to do with it—but also of ongoing economic ‘reforms’ actually entrenching socioeconomic inequality and marginalization, and further eroding already fragile conditions of security. This calls into question the central assumption of ‘liberal peace’ (the driving core of post-conflict reconstruction over the last three decades), to the effect that economic liberalization and political stability go hand in hand, as well as existing paradigms linking ‘security’ and ‘development’, by stressing fiscal stabilization, liberalization, and downsizing (and it was not so long ago that ‘SSR’ used to be seen almost entirely in terms of downsizing). ‘Poverty alleviation’ is, in reality, a secondary priority within this policy framework, and is thus far from guaranteed.

### *Recommendation 14*

- a. There is a need to **ensure that the fiscal, macroeconomic, and development framework supports SSR** rather than undermines it.<sup>111</sup> This can be done through job creation—if necessary, via public reconstruction works—and growth-oriented and fair income-distribution policies.
- b. **SSR and security should comprise a central pillar of poverty reduction strategy papers (PRSPs)** and should be seen as an essential investment in the rule of law, conflict prevention, democracy, and development. (Sierra Leone was a pioneer in Africa in integrating SSR into its PRSP, although subsequent impacts, or the lack thereof, may suggest that this alone may not be enough to generate the desired dynamism for social and economic transformation.)
- c. **Reform of natural resource regimes and governance has high pay-off for SSR**, as well as broader peace building. Struggles over natural resources have played a disproportionate role in precipitating and sustaining armed conflict. Ending conflict entails transparent and sound management and fair distribution of the nation’s resources (the Sudanese peace agreement is probably the first in explicitly addressing this as a core issue), and specifically ensuring that the security sector is insulated from ‘resource politics’ and other sources of predatory extraction. ●



## *Recommendation 15*

- a. **Fund SSR-related research.** A conscious effort needs to be made to overcome the ‘research gap’ and to better understand the dynamics of real-world SSR. In addition, good empirical research and analysis contributes to good policy, as well as constituting an essential basis for monitoring and evaluation.

## *Recommendation 16*

- a. **Extend the scope of SSR.** While the focus has been on post-conflict contexts, there is a need to communicate the message that **‘SSR’ is not for post-conflict contexts only**, or, for that matter, a medicine that the ‘North’ prescribes for the ‘South’ (rather like structural adjustment), but has applicability for other transition countries and even for the most advanced democracies, where significant deficits in security governance continue to exist or have emerged in recent years. ●

# Conclusion

There is now widespread recognition that SSR is an important component in the toolkit of post-conflict reconstruction, and, indeed, there has been a surge in demand for SSR as many conflicts have wound down, particularly in Africa. In response, the UN, regional organizations, bilateral actors, and even non-state actors have sought to improve their capacity to deliver SSR, enhancing the need for coherence and coordination across the many current and emerging actors.<sup>112</sup> Peace agreements have been an important entry point and overall vehicle for SSR—and such agreements, too, have become increasingly sophisticated and comprehensive in their SSR provisions over time—but problems of both approach and execution seem to have blunted their impact. The growing, if still modest, evidence-based research allows for a review of the role of SSR in peace agreements and peace consolidation, and for areas of weakness to be illuminated. The UN secretary-general’s report on SSR is an important contribution to this process, not least in raising specifically the issue of the relationship between peace agreements and SSR, and identifying the need to strengthen current approaches (the UN’s in particular) to the design and implementation of SSR in post-conflict contexts. We hope that this report, and the case studies that it is built on, will facilitate this rethinking. ●

# Annex A: Checklist of Priority Actions in Post-Conflict SSR<sup>113</sup>

1. **Create a conducive political environment for SSR** through inclusive national debate and a public information strategy designed to secure informed political commitment and buy-in. This needs to go hand-in-hand with policies aimed at achieving national reconciliation, inclusive citizenship, ethnic and gender representation in the security institutions, and so on.

International partners can help foster such a political environment by signaling funding support for comprehensive SSR, while also recognizing that such a comprehensive strategy is not always feasible in the short- or medium-term (for political and other reasons). In such cases, donors can further help to prepare the political terrain through discreet dialogue with national authorities to enhance the confidence of government, ascertain national priorities and explore likely funding requirements.

Early in the process, donors may also wish to

- initiate a similar dialogue with each other to develop a common donor agenda and reconcile potential conflicts between their individual national priorities and approaches. This donor agenda should preferably take the form of (a) an overall country reconstruction strategy, with (b) an SSR component;
- improve their understanding of the national security sector (based on their own situational assessment), the range and scale of SSR actions required, and their own possible contribution to the reform process (in the context of an understanding of the holistic nature of SSR).

Clear direction and leadership from political authorities (to articulate national priorities) is imperative from the start to avoid compromising control of the process. There should also be recognition that international partners may be well-meaning but not necessarily disinterested; and that the issue of national ownership is linked to the bargaining power (and political coherence) of the national leadership. State weakness and disorganization is an invitation to external co-optation of SSR decision-making. Being on top of the issues (and acquiring the ability to manage competing donor agendas) is a huge challenge for many countries emerging from conflict, and calls for early commitment to purposeful development of the necessary capacity for national (as opposed to merely *government*) ownership of SSR, and for developing and incorporating local perspectives on SSR.

2. Alongside this, **conduct an initial needs-assessment at the earliest opportunity**, based on extensive consultation, to understand the nature of the public's priorities and critical concerns about security and justice. Such national consultation

- provides the basis for initial security planning and design, and is the first step to developing a nationally owned SSR strategy;
- reassures the public that it will be involved in shaping security policy; and

- functions, if conducted properly, as the equivalent of a political audit, yielding the intelligence necessary to identify and head off potential sources of political resistance ('spoilers'), etc.

Conducting a needs assessment is a challenging task under post-conflict conditions, but is possible with external assistance (particularly in the area of local capacity-building) and facilitation.

3. In the dynamic and fluid security environment likely to arise in the aftermath of conflict, it is essential to **anticipate and make provisions to contain short-term threats** (a spike in violent crime, drug trafficking, sexual and domestic violence, ethnic conflict, etc.) **and a resulting 'security vacuum' that can derail reform.** A particular danger is that criminal currents may penetrate and corrupt the security agencies themselves. This requires interim security arrangements drawing on all available and legitimate security providers: international peacekeepers, public and private commercial security providers, and informal and community security organs. At the same time, it is important to ensure that pressing operational imperatives do not hijack or distort SSR. Concurrent attempts should be made to strengthen justice mechanisms, including greater official recognition of the role of traditional and community justice systems operating at the local level.

4. Once broad agreement on the need for and scope of SSR is reached, governments should **establish (or encourage the establishment of) structures to manage and coordinate SSR planning and implementation**, to ensure coherence between (a) the relevant levels of the national and governmental structure, (b) national authorities and international partners, and (c) various donors involved in the SSR effort. This includes creating a core specialist team with relevant skill-sets—organizational, project management, and analytical skills, financial and budgetary planning capabilities, etc.—to design and orchestrate the SSR process. If necessary, this national team can be supplemented with outside technical assistance. The specialist (technocratic) team may be housed in a central Secretariat, reporting to higher policy and oversight committee(s) (such as a Ministerial Oversight Committee) terminating at the level of the Presidency.

A national human resources (HR) audit, and provisions for building the necessary capacity across the board, should be part of this process from the beginning.

#### 5. Conduct a strategic analysis, involving two stages:

- Analysis of the strategic environment: This stage attempts to define the nation's vision for the future, responding to the question, 'Where do we want to be, or what do we aspire to achieve, in the next 10, 15, or 20 years, and how do we do it or get there?' It also aims to understand the current and future context (domestic, regional and international) within which core national interests will be pursued.
- National threat assessment: This seeks to identify the full spectrum of threats, (internal and external, military and non-military) to the national vision and future security of the nation. These threats should be assessed (in terms of both probability and magnitude) and consensus built around how to address them. This process can inform the type, shape and size of the institutions required to deliver the national vision and counter perceived threats.

By its very nature, the strategic environmental analysis should be a broadly consultative and participatory process (wherever conditions permit), involving the full range of government agencies as well as non-state actors.

**6. Develop a National Security Policy (NSP) Framework** (or equivalent<sup>14</sup>): The National Security Policy framework captures the emergent consensus on the nature of national threats and weighs these in terms of priority. It identifies the institutions or agencies responsible for countering these threats, as well as the mechanisms for coordinating the work and operations of the relevant institutions or agencies. Alongside this, it is essential to develop a related Justice Policy, without which the security policy will lack a rule of law component. While there may be some debate around whether we can speak of an integrated ‘justice and security sector reform’ (JSSR), there is consensus that in a democracy, ‘security’ must be delivered in the context of rule of law.

If, and where, conditions permit, the NSP should be developed early in the reform process, and should form the basis for the broader SSR Strategy Framework (discussed below). The NSP is essential for

- evolving a comprehensive, coherent and well-coordinated approach to reform;
- developing and projecting a clear sense of priorities and guidelines;
- laying the basis for the various sector reviews (such as a Defence Review); and
- effective costing of the reforms.

Depending on the context, drafting of the National Security Policy is best entrusted to a non-partisan and representative National Commission with a full mandate (such as the Governance Commission in Liberia), with the detailed sector work conducted by specialized (and representative) committees or working groups based at (or orchestrated by) the technical Secretariat, and working under this Commission. By contrast, justice reform (a more specialized and technically demanding exercise) in many countries can build on the work of law reform commissions that have existed in some form in the past.

**7. Develop Individual Institutions/Agencies Policy Framework:** The adoption of an overarching Security Policy Framework allows each of the relevant security agencies, under the direction of the Cabinet and with the endorsement of the Parliament, to develop their own policy framework (such as a Defence Policy) and/or operational plan. These can specify the expected roles and missions of the agency, the capabilities and resources required to deliver on its assigned mission(s), and the organisational and management format to be adopted.

This process should be supported or facilitated by a strategy to strengthen the technical capacities of management organizations (sector ministries), supervisory and oversight structures (including the Parliament and justice sector) and monitoring organizations (civil society) in the security sector. As indicated earlier, this element should be written into any strategy plan, and will require committed support by multilateral and bilateral partners.

**8. Conduct a Gap Analysis:** An Institutional Current Capability Assessment (or ‘Gap Analysis’) aims to form a valid assessment of the current role and capability of the relevant institutions. It compares these with the requirements to deliver on future commitments identified in the security (or justice) policy framework document, and thus determines

the nature and level of transformation required. In other words, it poses the question: ‘What are the gaps between existing and future capabilities, where are they located, and how should these gaps be addressed?’ This requires a comprehensive review of the security and justice sectors. In many cases, such reviews can be carried out by professionals in the various services, agencies, and departments, and supported by local and external consultants as necessary. Institutional or sector reviews are also useful for exploring alternative scenarios and options for delivering a desired product.

**9. Develop a Transformation Strategy for Implementation:** Such a strategy seeks to establish how to bridge the capabilities gap identified in preceding reviews. The implementation strategy can take the form of a holistic programme with specific sector and institutional components (i.e. reform plans and series of benchmarks requiring individual institutions or agencies to deliver desired capabilities over a given time-span). Both the broad and sector strategies (for instance, rightsizing the army and/or the police, or overhauling sector ministries) require critical decisions and clear directives, issued from the highest political levels.

The objective of the transformation (or reform) strategy should be defined as maximizing the delivery of human security, and attaining ‘effective and accountable security institutions on the basis of non-discrimination, full respect for human rights and the rule of law’.

The transformation strategy should be closely aligned with other change elements and parameters: DDR; national reconciliation and transitional justice measures; broader political, constitutional and justice reforms (see below); fiscal, macro-economic and development strategies (via Poverty Reduction Strategy Papers/PRSPs); improvements in financial management and oversight; reform of natural resource regimes and governance, and so on.

**10. Support the Transformation Strategy with a Financial Feasibility Plan** to determine the resources available for funding the reforms, and negotiate external (bilateral and multi-lateral) funding support. Reform is expensive, and cannot be sustained without access to the necessary funding. Thus, the cost implications of every aspect of the reforms should be considered and decided at the highest level.

In other words, given the reality of resource constraints, a National Security Policy (and its Justice counterpart) will invariably involve important decisions about resource allocation and competing needs. For this reason, once a final version of the NSP and the transformation plan has been adopted by government, parliamentary approval should also be sought.

**11. Mainstream security governance and oversight institutions from the very beginning** (rather than at a later date) as a core ingredient of the reform plan, along with a strategy (and necessary funding) for building the capacity of such institutions. There is often a corresponding need to strengthen the legal framework of the security sector to create an enabling environment for oversight.

This suggests, more broadly, the need for SSR to be in sync with political reform and overall evolution of the political structure (for example, understanding the implications of the current decentralization exercise in the DRC for the SSR programme). Particular attention needs to be paid to the role of the constitution and legal framework in conferring necessary legitimacy and accountability. In general, SSR is best conducted in countries simultaneously undergoing deep political reform.

12. Risk Management: **More than anything else, post-conflict SSR is about anticipating and managing risk.** Unsurprisingly, SSR exercises in such contexts are filled with moral and other hazards, including:

- continuing low-intensity conflict and even relapse into war (as in the DRC);
- debilitating state and institutional weakness, meaning that more technically demanding dimensions of SSR (such as design of a NSP and institutional reviews) may be delayed, protracted, or neglected (though this may be as much for political as for technical reasons). A weak fiscal base may also mean that security personnel are underpaid (or not at all) and continue to resort to extortion, etc. As we have seen with the DRC, the extent to which one can even speak of a ‘security sector’ is questionable in some post-conflict contexts. All this underscores the central paradox of SSR: that the most pressing need for SSR occurs precisely among those states with the weakest institutional capacity and resources needed to lead and execute reform;
- lack of the necessary political commitment to transformation, or of supportive conditions for national dialogue and reconciliation;
- the possibility that pressing short and medium term exigencies and imperatives will increasingly subvert the longer-term vision of SSR;
- divergent understandings of ‘SSR’ (which, in its current form, remains a largely Anglo-phone and primarily European discourse);
- the possibility that required levels of international and donor support will not materialize, or (more likely) will do so in a manner that renders coherent and holistic planning impossible; and
- the likelihood that SSR will be a top-down, donor-driven process characterized by one or more of the following: an excessively prescriptive approach lacking awareness of local context; a normative agenda largely devoid of operational considerations; ‘stove-piping’ rather than holistic reform; or the mortgaging of SSR to the imperatives of the war on terror (WOT), counter-insurgency, or other geopolitical agenda.

How such risks may be addressed is beyond the scope of this report. It is, however, an essential reminder that, by its very nature, a ‘checklist’ of this sort (as required by the TOR for this project) is similarly fraught with risk, entails many caveats, and should be used with caution. ●

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# Endnotes

- 1 UN (United Nations), *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, report of the secretary-general, A/62/659-S/2008/39.
- 2 Notable exceptions include the recent survey by Charles T. Call (ed.), *Constructing Justice and Security after War*, Washington, DC: United States Institute of Peace, 2007; Charles T. Call and William Stanley, 'Civilian security', in Stephen J. Stedman, Donald Rothchild, and Elizabeth Coussens (eds), *Ending Civil Wars: The Implementation of Peace Agreements*, Boulder: Lynne Rienner, 2002; and George R. Vickers, 'Renegotiating internal security: The lessons of Central America', in Cynthia J. Arnson (ed.), *Comparative Peace Processes in Latin America*, Stanford: Stanford University Press, 1999.
- 3 Dylan Henderickson and Nicole Ball, 'Past, current and future trends in SSR', paper presented at IDRC Workshop on SSR, Ottawa, November 2005.
- 4 Ann Fitz-Gerald and Sylvie Jackson similarly refer to a 'significant research gap exploring the management challenges of SSR interventions' ('Developing a measurement system for security sector interventions', *Journal of Security Sector Management*, Vol. 6, No. 1, March 2008, p. 1).
- 5 It is inevitable that trying to grasp security bureaucracies in terms of 'service delivery' (whatever the merits of the approach) will sacrifice something in terms of understanding their essentially political functions.
- 6 To borrow the phraseology of the late Rocky Williams.
- 7 Michael Doyle, 'Strategy and transitional authority', in Stedman et al. (eds), *Ending Civil Wars*.
- 8 Vickers, 'Renegotiating internal security', p. 394. And this even after some countries in the region have putatively undergone 'SSR'!
- 9 Call and Stanley ('Civilian security', p. 304) confirm this observation in their analysis of police reform in Latin America: '... of twenty-three transitions toward democracy in Latin America, only ten experienced major police reforms. Of these ten democratic transitions, eight coincided with the ending of civil war or major international interventions. Of the thirteen cases of democratization without major reform, only one was a "war transition"'. To them, this suggested that 'civil wars and foreign interventions disrupted state institutions and ideas and facilitated the implementation of new security models and doctrines'. However, they also admit that even in those agreements that specified police reforms, 'few specifics were stipulated beyond the inclusion of former enemies into police forces and their brief commitments to human rights standards and professionalization'.
- 10 Hence, it is more appropriate to refer to 'SSR-related activities' or 'SSR-related provisions' than to 'SSR' per se, even though for reasons of convenience we will often use the term 'SSR'.
- 11 A tracking study of 77 verified peace processes from around the world between 1980 and 2006 identified combatant reintegration/DDR, police reform, and military reform, in that order, as the SSR-related provisions occurring with frequency in such agreements (15 per cent, 13 per cent, and 9 per cent, respectively). Twenty-seven of these peace agreements were concluded between sovereign states, whereas the remaining 50 were concluded between a state and one or more non-state actors (Leslie Vinjamurit and Aaron P. Besenecker, *Accountability and Peace Agreements: Mapping Trends from 1980 to 2006*, Geneva: Centre for Humanitarian Dialogue, September 2007, p. 14).
- 12 References are respectively to the 2001 Bonn Agreement (Afghanistan), the 2003 Linas-Marcoussi Agreement (Côte d'Ivoire), the 1999 Lusaka Ceasefire Agreement and the 2002 Pretoria Agreement (the DRC), and the 1999 Lomé Peace Agreement (Sierra Leone).
- 13 References are to the 2000 Arusha Agreement, the 2003 Pretoria Protocol, and the 2006 Comprehensive Ceasefire Agreement (Burundi); the 1999 Interim Agreement (Kosovo); the 2003 Accra Comprehensive Peace Agreement (Liberia); and the 2004 Comprehensive Peace Agreement (the Sudan).

- 14 This discussion is based on Heiner Hanggi and Vincenza Scherrer (eds), *Towards a Common Approach to Security Sector Reform: Lessons Learned from Integrated Missions*, DCAF Policy Paper No. 25, Geneva: DCAF, 2007, p. 9.
- 15 These risks are also underscored in the case studies by Anicia Lala of Zimbabwe and Mozambique: in the first case in the failure of the Lancaster House Agreement to take issues of SSR on board, and in the second in the selective manner in which the Rome Agreement addressed SSR issues.
- 16 East Timor is referred to as Timor-Leste throughout this report.
- 17 UN, *Securing Peace and Development*, p. 10.
- 18 Organization for Economic Co-operation and Development/Development Assistance Committee.
- 19 It is reliably reported that the one-page document that Mina Minawi took into the negotiations on security at Abuja had been penned moments before by an American advisor. A recommendation that the negotiations be delayed by six months to give the rebels and their advisors an opportunity to build their capacity was rejected on grounds of deadlines (interview with Alex de Waal, Juba, September 2007).
- 20 A point made by the late Rocky Williams and confirmed in the South African case study by Lala.
- 21 On the other hand, the experience of El Salvador also demonstrates that not all sections of 'civil society' play a progressive role in security matters. According to Gonzalez, 'civil society' organs sponsored by the private business sector allied with the government, the military, and the media to try to sabotage the process of democratization.
- 22 Emeric Rogier, 'The Inter-Congolese Dialogue: A critical overview', in Mark Malan and Joao Gomes Porto (eds), *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of the Congo*, Pretoria: Institute for Security Studies, 2004.
- 23 In both Liberia and Sierra Leone, women's groups brought formidable pressure on the warring parties to come to the negotiation table. However, they were themselves excluded from the actual negotiations. There was a dramatic moment in the Liberian peace negotiations in Accra in 2003 when a group of women peace activists invaded the conference hall, refusing to release the negotiators or to allow in any food or water until agreement had been reached. This had the effect of galvanizing the negotiations. However, when the issue turned to the discussion of the security provisions of the agreement, the women were ejected from the conference hall.
- 24 See the thoughtful analysis and recommendations in Siobhan McEvoy-Levy (ed.), *Troublemakers or Peacemakers?: Youth and Post-accord Peace Building*, Notre Dame: University of Notre Dame Press, 2006; and the synthesis volume: Tristan Anne Borer, John Darby, and Siobhan McEvoy-Levy (eds), *Peacebuilding after Peace Accords: The Challenges of Violence, Truth and Youth*, Notre Dame: University of Notre Dame Press, 2006. Both volumes are the product of the Research Initiative on the Resolution of Ethnic Conflict at the Joan. B. Kroc Institute for International Studies at the University of Notre Dame.
- 25 Dorina Bekoe and Christina Parajon, *Security Sector Reform in Liberia: Domestic Considerations and the Way Forward*, USIPeace Briefing, April 2007, <[http://www.usip.org/pubs/usipeace\\_briefin/index.html](http://www.usip.org/pubs/usipeace_briefin/index.html)>.
- 26 In any case, as the Dayton Peace Agreement shows, overly rigid and inflexible provisions negotiated in a context of distrust and international pressure may become a trap of their own later.
- 27 Downs and Stedman classify environments for peace implementation in terms of their 'difficulty score', on the one hand (using such variables as the presence of local spoilers, a collapsed state, disposable natural resources, and the presence of hostile neighbouring states or networks), and a 'willingness score', on the other (degree of interest of major international or regional powers, their readiness to commit resources, and their willingness to accept the risk of casualties to their soldiers). This is a useful framework, although it requires further tweaking if it is to be utilized for looking specifically at implementation of SSR provisions (George Downs and Stephen J. Stedman, 'Evaluation issues in peace implementation', in Stedman et al. [eds], *Ending Civil Wars*, p. 55).
- 28 Power-sharing in government (as in South Africa) may avert this syndrome and help to protect the interests of all parties.
- 29 In both of the cases cited above, it was the armed rebels and CSOs that advocated radical justice and security sector reforms at the negotiating table, and government and its allies that opposed them. A power-sharing arrangement may help to minimize the occurrence of such 'implementation bias'.

30 The structures provided for by the NPA included (1) the National Peace Committee (NPC) as the apex political body representing the various signatories to the peace agreement, with the task of monitoring implementation of the agreement; (2) the National Peace Secretariat, with members nominated by the NPC; (3) Regional and Local Dispute Resolution Committees, with representatives of political organizations, the church, trade unions, commerce and industry groups, local and tribal authorities, and police and the defence forces. Nevertheless, arguably the core actor was the Transitional Executive Council (TEC), which was entrusted with the operationalization of the agreements reached. The TEC was in turn organized into seven multi-party subcouncils with particular mandates, including one on defence, responsible for planning the process of defence integration.

In Guatemala, in addition to (1) the UN Verification Mission in Guatemala (MINUGUA), there was (2) the Follow-up Commission (later replaced by the Peace Accords National Commission), which acted as a national monitoring, coordinating, and oversight mechanism and included representatives of the various parties and MINUGUA; (3) the Peace Secretariat with the status of a government ministry, charged with fulfilling the peace agenda and the commitments arising from the peace agreements; and (4) the Advisory Council on Security (CAS), with the responsibility of advising the Presidency on strategic issues relating to the peace accords. (The CAS was intended at the same time to institutionalize civil society influence in the peace process by carrying forward the earlier work of the Civil Society Assembly in the negotiations, but its influence does not appear to have been high.)

31 Even when growing violence threatened a breakdown of the transition, the solution proposed was the formation of a national peacekeeping force rather than turning to the UN and the international community.

32 This appears to have been the case until the crisis of February 2007, precipitated by the murder of three Salvadoran members of the Central American Parliament and their driver, exposed the continuing weakness and corruption of the Guatemalan security and justice institutions and the growing influence of drug-trafficking networks. At least one positive result of this incident has been renewed dedication to implementing the accords, and in particular its SSR provisions. See the case study by De Leon-Escribano and Gonzalez.

33 A case in point is the number of former warlords who were elected to the new parliaments in Liberia and the DRC.

34 European Union.

35 North Atlantic Treaty Organization.

36 The aftermath of conflict has tended to be accompanied by explosive growth in the numbers of private security companies in particular. This occurred in all the case study countries, where the sector has since become a major (indeed, in some cases, dominant) player in the security industry. In the context of South Africa, for example, the private security sector has already far outstripped the state security sector and has generated billions of dollars annually in revenue (Sabelo Gumedze, *The Private Security Sector in Africa: The 21<sup>st</sup> Century's Major Concern?*, ISS Paper No. 133, Pretoria: Institute for Security Studies, February 2007).

37 Dyncorp's operations in Liberia exemplify the significant issues of accountability that can arise with the use of PMCs in post-conflict contexts, with the legislature and even the Ministry of Defence being unable to obtain relevant information from the company as to how the training of the Armed Forces of Liberia and the funding assigned to it were being managed. Dyncorp insisted that its contract (and thus its line of accountability) was with the US State Department, not the Government of Liberia. However, as the misadventures of Blackwater in Iraq remind us, such concerns pale in comparison with those that can arise from the deployment of PMCs under conditions of actual combat.

38 Resistência Nacional Moçambicana.

39 União Nacional para a Independência Total de Angola.

40 Another danger, illustrated by the contras, is the possibility of transformation into criminal gangs following the failure to convert successfully into a political force capable of contesting elections or otherwise reintegrating into society (in this case, after promises by President Chamorro of land, credit, and participation in local security forces failed to materialize). The Kosovo Liberation Army also illustrates the need for a strategy to avoid turning a (self-ascribed) liberation movement into a 'spoiler' once the fighting is over.

- 41 See the penetrating analysis of Bosnia's implementation framework by Elizabeth Coussens, 'From missed opportunities to overcompensation: Implementing the Dayton Agreement on Bosnia', in Stedman et al. (eds), *Ending Civil Wars*.
- 42 Denis Hadzovic, 'Defence reform in Bosnia and Herzegovina', in Philipp Fluri and George Katsirdakis (eds), *Security Sector Reform in the New Partnership for Peace Members: Bosnia-Herzegovina, Montenegro, and Serbia*, DCAF and NATO, 2007, p. 58, <[http://www.dcaf.ch/\\_docs/dcaf\\_annual\\_report\\_05.pdf](http://www.dcaf.ch/_docs/dcaf_annual_report_05.pdf)>. This entire volume bears forceful testimony to the extent to which political dispensations have influenced and shaped SSR in the Balkan countries.
- 43 Kristiana Powell, *Security Sector Reform and Protection of Civilians in Burundi: Accomplishments, Dilemmas and Ideas for International Engagement*, CENAP/NSI Paper, Ottawa and Bujumbura: CENAP/NSI, July 2007, p. 39. See also the companion paper by Willy Nindorera, *Security Sector Reform in Burundi: Issues and Challenges for Improving Civilian Protection*, CENAP/NSI Paper, Ottawa and Bujumbura: CENAP/NSI, July 2007.
- 44 ICG (International Conflict Group), *Bosnia's Stalled Police Reforms: No Progress, No EU*, Europe Report No. 164, Sarajevo/Brussels: ICG, 6 September 2005. Reforms have been easier at the level of defence structures than among the police and paramilitaries that were involved in ethnic cleansing and other human rights abuses and continue to act as agencies of sectarian division.
- 45 Zimbabwe African National Union-Popular Front.
- 46 Quoted in Sabelo Ndlovu-Gatsheni, *The Nativist Revolution and Development Conundrums in Zimbabwe*, Accord Occasional Paper Series, Vol. 1, No. 4, Durban: Accord, 2006, p. 21.
- 47 Frente Revolucionária de Timor-Leste Independente.
- 48 ICG (International Crisis Group), *Resolving Timor-Leste's Crisis*, Asia Report No. 120, Jakarta/Brussels: ICG, 10 October 2006, p. 20.
- 49 Michael Doyle, 'Strategy and transitional authority', in Stedman et al. (eds), *Ending Civil Wars*.
- 50 Reg Austin, 'Enter democracy—or merely exit the international community? About benefits and hazards of early elections', in *Violent Conflict and Democracy: Risks and Opportunities*, proceedings of a conference and workshop, Uppsala, 7–8 April 2005.
- 51 However, the case studies also underscore the great variety of formats assumed by external intervention in both the negotiation and implementation of peace agreements, ranging from formal mediation by the UN or regional entities such as the Contadora Group, the African Union (AU), ECOWAS or the Inter-Governmental Authority on Development; to a quasi-official 'club' such as the Commonwealth in the case of Zimbabwe; informal 'Group of Friends' arrangements (such as in the case of Cambodia and Guatemala); mediation by individual governments (as in the case of the UK at Lancaster House); 'Track II' mediation by non-state organizations (such as the role of the Catholic Church in the General Peace Agreement in Mozambique); as well as various combinations of the above. As Lala demonstrates in her studies of three Southern African neighbours, the forms of mediation can contribute to significant differences in the nature of SSR provisions that emerge in the individual peace agreements. A future challenge may be how to ensure that this seemingly endless variety (and mix) of mediating arrangements is not inconsistent with subscribing to common SSR principles.
- 52 There are significant differences among regional organizations in terms of their conceptions of their roles in regional security, as well as of the roles that they are prepared to assign to the UN and the international community. Some (such as the EU, AU and African regional economic communities) see a large, even dominant, role for the regional organization in security, while others (e.g. the Association of South-East Asian Nations) work firmly within the assumption that security is a matter of national sovereignty; yet others (e.g. in Latin America) have an ongoing debate as to which of several of the existing regional organizations should carry this burden of regional or hemispheric security. Needless to say, differences in capacity are also significant (International Peace Academy and Center on International Cooperation, *Refashioning the Dialogue: Regional Perspectives on the Brahimi Report on UN Peace Operations*, New York: International Peace Academy and Center on International Cooperation, 2001, <[http://www.cic.nyu.edu/archive/pdf/BRAHIMI\\_REPORT.pdf](http://www.cic.nyu.edu/archive/pdf/BRAHIMI_REPORT.pdf)>).
- 53 Powell, *Security Sector Reform and Protection of Civilians in Burundi*; Heiner Hanggi and Vincenza Scherrer (eds), *Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti and Kosovo*, Geneva: DCAF, 2008.

54 An observation based on experiences with SSR in Burundi; the specific regional organization referred to is the East African Community (Powell, *Security Sector Reform and Protection of Civilians in Burundi*).

55 Heiner Hanggi and Fred Tanner, *Promoting Security Governance in the EU's Neighbourhood*, Chaillot Paper No. 80, Paris: European Union and Institute for Security Studies, July 2005.

56 Michael von Tangen Page and Olivia Hamill, *Security Sector Reform and Its Role in Challenging Radicalism*, DIIS Working Paper No. 2006/10, Copenhagen: Danish Institute of International Studies, 2006.

57 Hanggi and Scherrer (eds), *Towards a Common Approach to Security Sector Reform*, pp. 6–8. The concept of 'security sector reform' itself did not actually appear in Security Council resolutions until 2002 with the UN Mission in Sierra Leone (i.e. Security Council Resolution 1436), followed by the UN Mission in the Congo (MONUC), and since then there has been more or less explicit deployment of SSR terminology in most mission mandates.

58 Observer Mission of the UN in El Salvador.

59 UN Operation in Mozambique.

60 UN Transitional Authority in Cambodia. Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC*, SIPRI Research Report No. 9, Oxford and New York: Oxford University Press, 1995, p. 110. Hanggi and Scherrer also criticize the 'organisational culture' in the UN Stabilization Mission in Haiti and the UN Mission in Kosovo, which 'seemed ... to have been one on imposition rather than consultation' (Hanggi and Scherrer [eds], *Security Sector Reform and UN Integrated Missions*, p. 233). In Liberia, the issue is rather that UN Mission in Liberia (UNMIL) is not always perceived to be delivering relevant service: the description often applied to UNMIL staff, as they cruise the streets of Monrovia in their large, air-conditioned four-wheel drive vehicles, is: 'They're on vacation.'

61 And, indeed, earlier regional consultations revealed considerable scepticism regarding the capacity (and even willingness) of the UN to deliver protection, nowhere more so than in Africa, most recently in the eastern DRC (International Peace Academy and Center on International Cooperation, *Refashioning the Dialogue*).

62 UN, *Securing Peace and Development*, p. 10.

63 These include DPKO, DPA, UNDP, OCHA, UNHCR, UNICEF, UNIFEM, UNFPA, WFP, WHO, etc. (for these abbreviations in full, see the list of abbreviations at the beginning of this report). The critical actors on SSR in the field are DPKO and UNDP (which, through its Bureau for Crisis Prevention and Recovery, has fashioned its own departmental approach to SSR through its Justice and Security Sector Reform and Security and Transitional Justice programmes).

64 Although developing the secretary-general's report on SSR has once again underscored the rivalries between UNDP (with its longer-term developmental approach) and DPKO (with its shorter-term perspective associated with its peacekeeping lead), as well as an apparent interest among certain national representatives in the UN to circumscribe UNDP's role in SSR.

65 And the experiences of both UN Integrated Office in Burundi (BINUB) in that country and MONUC in the DRC suggests this may not necessarily be easy.

66 *New York Times*, 21 March 2008.

67 As Rees puts it, 'SSR is all too often viewed as part of a peace operations' exit strategy rather than an entrance strategy' (Edward Rees, *Security Sector Reform (SSR) and Peace Operations: 'Improvisation and Confusion' from the Field*, external study, New York: UN DPKO, March 2006, p. 10).

68 The literature on DDR (or demobilization, disarmament, rehabilitation, and reintegration—'DDRR'; or demobilization, disarmament, repatriation, rehabilitation, and reintegration—'DDRRR'—in the case of the DRC) is vast, as are the lessons noted (although apparently not always learned). It is not the aim of this report to examine the many issues arising, other than in terms of immediate issues of concern for SSR. Shortly after this study was launched, another was commissioned by DFID to examine in detail the relationship between DDR and SSR.

69 Michael Brzoska, 'Embedding DDR programmes in security sector reconstruction', in Alan Bryden and Heiner Hanggi (eds), *Security Sector Governance in Post-Conflict Peacebuilding*, Munster: LIT Verlag, 2005, p. 967; Alan Bryden, 'Understanding the DDR–SSR nexus: Building sustainable peace in Africa', paper presented to the Second International Conference on DDR and Stability in Africa, Kinshasa, DRC, 12–14 June 2007.

- 70 The cost of this in the short term was a substantial increase in the number of men and women officially under arms in South Africa, where military integration involved incorporating some 11 official, guerrilla, and homeland armies.
- 71 A good example is Liberia, where the US government fixed the force level of the new Armed Forces of Liberia at 2,000 under the military assistance programme, based on the former's view of what Liberia could 'afford', rather than any analysis of the country's security needs. Similarly, UNMIL fixed the level of the police force at 3,500. A subsequent review of Liberia's security architecture argued that these figures did not relate in any meaningful way to the country's real security needs (David Gompert, Olga Oliker, Brooke Stearns, Keith Crane, and K. Jack Riley, *Making Liberia Safe: Transformation of the National Security Sector*, Santa Monica: Rand Corporation, April 2006, <[http://www.rand.org/pubs/monographs/2007/RAND\\_MG529.pdf](http://www.rand.org/pubs/monographs/2007/RAND_MG529.pdf)>). Similarly, in Timor-Leste, the force level of 3,000 for the PNTL (the national police) was seemingly plucked out of the air by UNTAET with no prior assessment or review (Nicola Dahrendorf et al., *A Review of Peace Operations: A Case for Change*, London: King's College London, 2002).
- 72 Nicole Ball, Piet Biesheuvel, Tom Hamilton-Baillie, and Funmi Olonisakin, *Security and Justice Sector Reform Programming in Africa*, Evaluation Working Paper No. 23, London and Glasgow: DFID, 2007.
- 73 Only the peace agreement in Guatemala addresses this element (there were even more extensive intelligence reforms in South Africa, although this is not a prominent element in the NPA, for reasons that Lala discusses in her case study). Although often given a wide berth because of its political sensitivity, intelligence is an indispensable national asset, a vital source of support not only to traditional security functions like national defence, policing, and anti-drug operations, but also to a wide range of civilian policy, analysis, and planning tasks.
- 74 As the case study of Burundi shows, this may also have some ironic results, in that once the military withdraws from open involvement in public security (as well as the temptation to undertake coups), its national reputation quickly improves, while thrusting the police into the public limelight also attracts greater public scrutiny (Nindorera, *Security Sector Reform in Burundi*).
- 75 Sierra Leone has taken a different tack by carefully prescribing the normative and operational framework in which military involvement in internal security tasks (so-called 'Aid to Civil Power') may occur.
- 76 Useful guidelines already exist in OECD/DAC, *Handbook on Security System Reform: Supporting Security and Justice*, Paris: OECD/DAC, 2007.
- 77 Ministry of Defence.
- 78 Foreign and Commonwealth Office.
- 79 Andy McLean and Laurie Nathan, *Review of SSR Needs and the Concept of GFN*, report commissioned by the SSR Management Group of the Global Conflict Prevention Pool, London, 5 May 2008, p. 20.
- 80 As the example of Liberia shows, even today international staff on the ground, under pressure to move the process in accordance with time lines established by their respective headquarters (rather than by realities on the ground), are impatient or dismissive of broad-based consultations, or are simply happy enough to reduce local ownership to 'government ownership'.
- 81 Priscilla Hayner, *Negotiating Peace in Liberia: Preserving the Possibility for Justice*, report, Geneva: Centre for Humanitarian Dialogue, November 2007, p. 23.
- 82 Charles T. Call, 'Conclusion', in Call (ed.), *Constructing Justice and Security after War*, p. 395.
- 83 Ball et al., *Security and Justice Sector Reform Programming in Africa*.
- 84 Elna van der Spuy, 'The changing fortunes of police accountability: Observations from South Africa', in E. Hutchful and A. Lala (eds), *Governing Security Establishments in Africa*, Birmingham: Global Facilitation Network for Security Sector Reform, University of Birmingham, forthcoming, 2008.
- 85 A beginning was made in this direction with a conference involving the International Centre for Transitional Justice, the ASSN, and a number of other African organizations in Monrovia, Liberia in March 2008 to explore common ground between the disciplines of transitional justice and SSR and to establish an 'affinity group' to promote dialogue, strategic awareness, and partnerships among practitioners of the two disciplines.
- 86 Leslie Vinjamurit and Aaron P. Besenecker, *Accountability and Peace Agreements: Mapping Trends from 1980 to 2006*, Geneva: Centre for Humanitarian Dialogue, September 2007.



- 87 See the trenchant critique of the ‘masculinized’ nature of both armed conflict and UN peacekeeping in Sandra Whitworth, *Men, Militarism and UN Peacekeeping: A Gendered Analysis*, Boulder: Lynne Rienner, 2004, and the broader (but no less critical) analysis in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (eds), *Gender, Conflict, and Peacekeeping*, Lanham: Rowman and Littlefield, 2005.
- 88 Powell, *Security Sector Reform and Protection of Civilians in Burundi*, p. 19.
- 89 ISIS-WICCE (Women’s International Cross-Cultural Exchange), *Nurturers of Peace, Sustainers of Africa: African Women’s Unique Peace Initiatives*, Kampala: ISIS-WICCE, 2005, p. 42.
- 90 Tracy Fitzsimmons, ‘Engendering justice and security after war’, in Call (ed.), *Constructing Justice and Security after War*, p. 362.
- 91 Geneva Centre for the Democratic Control of Armed Forces.
- 92 UN International Research and Training Institute for the Advancement of Women.
- 93 Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights.
- 94 Fitzsimmons, ‘Engendering justice and security after war’, p. 362.
- 95 Hanggi and Scherrer (eds), *Towards a Common Approach to Security Sector Reform*; Rees, *Security Sector Reform (SSR) and Peace Operations*.
- 96 Events in Iraq and elsewhere have also exposed a critical need for oversight (especially parliamentary oversight) of peace missions, reconstruction projects, and SSR-related activities at both ends of the spectrum (providers as well as recipients). See the detailed (and damning) unpublished report compiled by the Office of the Special Inspector General for Iraq Reconstruction, *Hard Lessons: The Iraq Reconstruction Experience*, <[http://graphics8.nytimes.com/packages/images/world/20081213\\_RECONSTRUCTION\\_DOC/original.pdf](http://graphics8.nytimes.com/packages/images/world/20081213_RECONSTRUCTION_DOC/original.pdf)> (discussed in the *New York Times*, 14 December 2008), as well as earlier reports, for example, of the US Army panel investigation into defence contracting in Iraq, Afghanistan, and Kuwait (Eric Schmitt, ‘Panel faults Army’s wartime contracting’, *New York Times*, 1 November 2007). At the same time, the growing scale of external deployment has eroded legislative oversight, including, in some cases, budgetary oversight (Hans Born and Heiner Hanggi, *The Use of Force under International Auspices: Strengthening Parliamentary Accountability*, DCAF Policy Paper No. 7, Geneva: DCAF, August 2005, p. 1; Herbert Wulf, *Internationalizing and Privatizing War and Peace*, New York and Basingstoke: Palgrave Macmillan, 2005, p. 197).
- 97 Nicola Dahrendorf, referring to DDR/SSR officers in MONUC, in her ‘MONUC and the relevance of coherent mandates: The case of the DRC’, in Hanggi and Scherrer (eds), *Security Sector Reform and UN Integrated Missions*.
- 98 As Reg Austin (‘Enter democracy’, p. 27) observes, while ‘[t]here was long, intense and varied involvement by the international community in the transition’, the South African actors ‘retained primary control of the process’.
- 99 Powell (*Security Sector Reform and Protection of Civilians in Burundi*, pp. 20–23) provides a good example of this in her discussion of the role of BINUB and donors in Burundi; she observes: ‘The DAC SSR guidelines underscore the centrality of dialogue and people-centred reform. Yet we are not seeing this in practice in Burundi . . . despite the rhetoric on “national ownership” circulating throughout Bujumbura, donors are still seen as pushing their own agenda at government-sponsored consultations.’ This report is consistent with our own (ASSN) experience in Liberia.
- 100 In the Sierra Leone case, the earlier stages of SSR occurred in a context that initially implied a high degree of external dependency, due in part to a belief on the part of the indigenous population as it emerged from the war that only ‘foreigners’ in general (and the UK in particular) could ‘save’ the country, and their corresponding willingness to surrender a large degree of influence to externals. The other part of the story, however, was an approach by the UK that entailed the exercise of executive powers by International Military Assistance and Training Team officials in the Republic of Sierra Leone Armed Forces and ‘advisory’ functions by Sierra Leone Security Sector Reform Project (SILSEP) officials in the MoD and leadership of the Sierra Leone Police by a British inspector-general, along with the dissemination of British-inspired organizational models. By the conclusion of SILSEP III, however, this picture was changing substantially (even though overall capacity building remained selective and confined to a limited number of institutions), with Sierra Leonean officials increasingly ‘owning’ the conceptualization, design, and operationalization of SSR, reversing earlier ‘imported’

- models that had proved inappropriate to local conditions, and becoming more independent (and even critical) of UK advice and practices (Piet Biesheuvel, Tom Hamilton-Baillie, and Peter Wilson, *Sierra Leone Security Sector Reform Programme: Output to Purpose Review*, London: SSDAT, April 2007, p. 12).
- 101 Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform*, Birmingham: Global Facilitation Network for Security Sector Reform, University of Birmingham, 2007.
- 102 In this respect, UN personnel policies in the field and its dependence on imported personnel have done much to marginalize local talent and compromise local capacity building and sustainability. The organization's own view of local capacity is often at variance with that of the local population itself (e.g. in Timor-Leste) and tends to be much less sanguine. At the same time, the technical quality of the international staff recruited by the UN (from UN civilian police to aid and technical personnel) has often been questionable. The management of mission personnel (with short-term contracts and rapid turnover) disrupts continuity and the acquisition of local knowledge. On the other hand, when the UN has recruited locally, its much higher salaries have tended to 'suck in' local talent, effectively outbidding local employers and starving local institutions and agencies of available capacity (one example is what happened to the justice sector in Liberia).
- 103 *Sierra Leone Security Sector Reform Programme III (SILSEP III): Output to Purpose Review*, September 2005, <<http://www.africansecuritynetwork.org/archives/archives.htm>>, pp. 6–7.
- 104 A national human resources (HR) audit is a good place to begin. It is often surprising how little national governments themselves seem to be aware of existing capacity, in the form of nationals with the professional qualifications and/or experience to undertake given tasks. Governments have sometimes launched appeals for external technical assistance or consultants without first determining whether such national capacity in fact exists, or perhaps out of the perception that external consultants may be less controversial, or are more easily controlled, than external consultants.
- 105 This includes the proposals for a 'standing police capacity' within DPKO, and the formation of the Security Sector Development Advisory Team (UK); the International Security Sector Advisory Team (based at DCAF); and the Association for SSR Training and Education, launched at a meeting in Sando, Sweden, in March 2008.
- 106 Peter Middlebrook and Gordon Peake, *Right-Financing Security Sector Reform*, New York: Center on International Cooperation, City University of New York, January 2008.
- 107 For example, see Biesheuvel et al., *Sierra Leone Security Sector Reform Programme*, pp. 20–21.
- 108 Nicole Ball and Len LeRoux, 'A model of good practice in budgeting for the security sector', in Wuyi Omitoogun and Eboe Hutchful (eds), *Budgeting for the Military Sector in Africa: The Processes and Mechanisms of Control*, Oxford: Oxford University Press, 2006.
- 109 A notable exception is those situations where DFID's Output to Purpose Reviews have included evaluations of SSR, such as in Sierra Leone.
- 110 For a beginning in this area, see Fitz-Gerald and Jackson, 'Developing a measurement system'.
- 111 Susan Woodward, 'Economic priorities for successful peace implementation', in Stedman et al. (eds), *Ending Civil Wars*.
- 112 OECD/DAC, *Security System Governance and Reform*, Paris: OECD/DAC, 2005; OECD/DAC, *Handbook on Security System Reform*.
- 113 Synthesis of main lessons from this project and contributions by Brigadier-General Kellie Conteh, National Security Coordinator, Sierra Leone; Renner Onana, former MONUC SSR Officer, and Brigadier-General Madjior Solness Dingamadji, former World Bank DDR Officer in Burundi, and other colleagues in the SSR field (Nicole Ball and Dylan Henderickson). These recommendations are aimed at states emerging from conflict, but also target international (multilateral and bilateral) partners genuinely committed to SSR and national ownership of the process. Some of the steps outlined below (such as 5–7) are generic in nature, while others may need to be adjusted to context. None should be seen as linear or sequential, nor should the word 'checklist' be understood to connote boxes that SSR implementers can proceed to tick without further ado.
- 114 The notion of a 'national security framework' is not one which carries over very well to systems outside the Anglo-Saxon experience (for instance, in the Francophone context where a national security strategy by definition is not a public policy, but one developed and controlled by the Presidency). A different set of processes may thus need to be captured here.