

Part III

Building Local Ownership in Public Security Management

Chapter 8

Unknotting Local Ownership

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Introduction

When two sentences are equally true and contradictory, it raises vexing conceptual questions and for development practitioners and policy advocates almost insurmountable practical difficulties. Such a paradox looms large in security sector reform (SSR) with respect to the concept of “local ownership” given that the following two assertions possess comparable veracity: (1) SSR initiatives need to be “locally-owned” if reform is to succeed and (2) the previous actions of “local owners” are among the reasons why a need for SSR exists in the first place.² The validity of the first claim is unquestionable as reform efforts must be those that “local owners” not just passively accept, but actively support and endorse. At the same time, reform is required because conflict has broken out and/or crime and violence has reached unacceptable levels due to the failure of “local owners” to ensure a safe and secure environment in which the rights of the citizenry are respected. Given this Gordian knot, it appears prudent to begin to revise and rethink the SSR notion of “local ownership” in order to untangle paradox so that the concept may serve a useful function in policy formulation and pragmatic field programming.³ More time and care may need to be devoted to

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² For statements on the centrality of “local ownership” for successful SSR programming, see OECD/DAC, *Security System Reform and Governance: Policy and Good Practice*, Paris, 2004, pp. 5, 12.

³ It should be noted upfront that the attempt to resuscitate the idea of “local ownership” may prove to be highly problematic as the very concept of “local ownership” has come under attack as intellectually incoherent, see James Boughton and Alex Mourmouras, *Is Policy*

comprehending what kind of “ownership” is being advocated, who do those alleged “owners” represent, and to whom and how are they to be held accountable.

To unravel SSR’s contradictory understandings of “local ownership,” this paper argues that the first step is to identify who is SSR’s customer. An SSR program may have many potential “customers,” but it is imperative to come to an agreement as to who the ultimate customer may be. Without knowing with precision “for whom” a SSR program or project is to be designed and implemented, the enterprise may be little more than an expensive game of “blind man’s bluff” and the question of “local ownership” rendered largely irrelevant.⁴ Once the question “SSR for whom?” is, at a minimum, addressed, it may be possible to determine who the appropriate “local owner(s)” may be, at what phase of an SSR program those “owners” may come to the fore, and to whom they are accountable.

Second, SSR policy may need to recognize, rather than ignore, the fact that “local owners” of security institutions are, in the main, skeptical and resistant to reform. In fact, it may often be the case that the “local owners” are not only resistant to reform, but also inherently anti-democratic in ideology and practice. The current policy and practice of wishing away these realities is untenable. It may be appropriate, therefore, for SSR policy to acknowledge that “local owners” may not be beneficent stakeholders, but rather ought to be conceived to be a collection of actors, many of who regard reform as a direct challenge to their power, livelihoods, and practices. Additionally, it may behoove

Ownership an Operational Concept? IMF Working Papers, WP/02/72 (2002). The paper claims that the concept is ambiguous and vague for a number of reasons, among which are (1) it cannot be observed; (2) evidence for its existence is indirect and incomplete at best; (3) the concept is dynamic and hence a continuously changing target; (4) for any one policy there are dozens of disparate potential owners, not all of whom can or will agree to any single outcome; and (5) governments are rife with heterogeneity even given the assumption that there is only a single level of government that is relevant. Each of these conclusions taken separately suggest that the ability to pin down “local ownership” is problematic at best. When taken together, it would seem that the idea of “local ownership” cannot be conceptually resurrected.

⁴ There is a direct relationship between knowing who the customer of an SSR program is and the ability of devising an adequate method of measuring a program’s success.

SSR policy analysts to acknowledge that resistance to reform may also be institutional, deriving from the organizational cultures, structures, and the daily routines embodied in institutions. Moreover, it appears necessary to concede that the “official” institutions undergoing reform often co-exist in an environment with competing “informal security sectors/institutions” that enjoy greater popular fealty and “ownership.” Having arisen because of a perceived failure or partiality on the part of the formal security sector, these informal actors may resist attempts at reform.

The third section of the paper suggests that it may be necessary for field practitioners to gain a better appreciation of “local owners” needs, recognizing that their required pace of reform may not coincide with what international organizations are actually prepared to support. Although it may be expedient to ignore these “local owners” and subsequently impose reform, the shallow and unsustainable yields of much internationally led SSR programs may be partially attributable to this divergence of need and expectations.

The fourth part of the paper delves into the thorny question of what to do when the wishes and desires of “local owners” does not correspond to what the international community can or should accept. There are instances when the requests of “local owners” may be unreasonable and the international community should not accede to them or when “local owners” possess the capacities to pursue a SSR program for which they have asked. Circumstances may also arise when “local owners” actively impede a reform tensions because it threatens their own interests, making it an open question as to what the international community can and should do.

The fifth and final section presents a number of intermediate SSR projects to illustrate methods by which “local ownership” has been and can be operationalized. Through patient and detailed analysis of organizational culture and the cadences of the environment and combined with an understanding that accepting “local ownership” may mean deviating from prior planning, these examples suggest show that SSR projects that accord with reality can produce positive results. The

cases described look at starkly different types of reform processes, although all have one common element: they are significantly more modest, slower paced, and markedly less ambitious than originally conceived. In one case, the project was even rejected because of its prudent moderation!

Customers and Owners: SSR for Whom?

There are many different possible customers for SSR - the various security agencies individually or taken together, executive branch ministries, regional organizations, international donors, civil society writ large, the personnel employed in the security sector, vulnerable demographic minorities, refugees and internally displaced persons, individual citizens, etc. What SSR is fundamentally depends upon who its primary customer(s) is. Each SSR customer will have different needs and interests and, therefore, will call forth a different SSR program. For each there will be different political considerations, different strategies and approaches. Although each may be a legitimate customer, the interests of the international donor primarily concerned with terrorism or drug trafficking, for example, may not coincide with those of a democratically elected government of a developing country, nor with those of the associated multi-national regional grouping. None may correspond to the wishes of a parent living in a violent and crime-torn neighborhood who seeks safety and security of her and her children. The perceived reform needs of the leadership of an entrenched security agency seeking to maintain or reassert control after reluctantly acquiescing to a peace agreement with its political rivals, for instance, may not match those of the former demographically based liberation movement that had sought territorial autonomy nor that of the ruling party.

Who the customer(s) are, in turn, determines the “local owner(s),” given that only the primary beneficiary(or beneficiaries), first, can identify and know what his/her needs and interests are and, second, can decide whether the reform has been successful or not dependent upon whether those needs and interests were reasonably satisfied. This is not to

presume a one-to-one relationship between customer and owner, although such a relationship may exist quite frequently. The correspondence between customer and owner is significantly complicated when secondary and intermediate SSR clients are included into the equation, as is inevitable. It becomes even further obscured when the institutions (and their organizational dynamics), which are mediums through which the beneficiary's needs and interests are to be satisfied, are taken into account.

The difficulty and complexity of working out who the ultimate customer of an SSR program may be does not belie the need to identify that customer. Regrettably, most SSR discussions remain silent on the question "for whom" SSR programs are being designed.⁵ In fact, it is difficult to find in the literature a cogent analysis of "for whom" SSR is intended to be and, thus, an intellectually sound method for identifying "local owners" is similarly absent.

Even more problematically, there appears to be a significant *de facto* divergence between the international purveyors of SSR and its recipients on the question of who SSR's customer may be. The OECD/DAC recently completed a review of non-OECD countries' perceptions of SSR and its findings are highly instructive.⁶ The survey concludes that in most recipient countries SSR is perceived to be "a foreign-driven, often political process."⁷ In many of these cases, reform appears to be more concerned with "spreading Western norms and practices of how security institutions should be governed"⁸ contrary to the priorities of the "local populations" who desire concrete improvements of security in the

⁵ A welcome change is the recent DFID publication, *Fighting Poverty to Build a Safer World: A Strategy for Security and Development* (March 2005), in which it is stated that "well-run security and justice sectors are essential 'services' that responsible states should provide to their citizens" (p. 11). Despite this claim, DFID alternates between identifying SSR as a governance program and one intended to improve the physical well-being of the citizenry. When a list of SSR objectives is offered, for instance, "security as a basic entitlement of the poor" is only the third of eight objectives.

⁶ OECD/DAC, *A Survey of Security System Reform and Donor Policy: Views from Non-OECD Countries*, Paris, 2004.

⁷ *Ibid.*, p. 3.

⁸ *Ibid.*, p. 11.

“physical sense.”⁹ This finding not only questions the international community’s adherence to the concept of “local ownership,” an observance apparently more honored in the breach than in practice, but also suggests that, from the perspective of the recipient nation, the ultimate customer for SSR are those citizens living and working in neighborhoods and communities desirous of concrete, tangible improvement in their physical safety. If the residents of neighborhoods are to be the customers of SSR, they also need to be recognized, at the very least, as one of the principal “local owners” of an SSR reform process.

Local Ownership: Policy Rhetoric Absent Substance

Despite difficulties arising from resolving the question of “for whom” SSR are being designed and implemented, the veracity of the statement - SSR initiatives need to be “locally-owned” if reform is to succeed - holds and the central importance of “local ownership” to the SSR agenda is beyond dispute. What remains open to debate, however, is how reform programs can operationalize the concept in meaningful and productive ways. Unfortunately, “local ownership” as currently conceptualized is much more a rhetorical device than an actual guide for implementers.¹⁰ Critics also claim that “ownership is frequently asserted in both political and economic processes of transition, though its meaning is often unclear” and may have more psychological effect than political.¹¹

There are at least six conceptual and practical reasons why “local ownership” as currently explicated in SSR policy documents,

⁹ *Ibid*, p. 12. The survey also concludes that the current SSR agenda and the programs it generates, despite theoretical assertions to the contrary, do not “reflect local needs, priorities, and circumstances”, p. 4.

¹⁰ See Wilfried Schärff, *African Security via Police, Justice, and Intelligence Reform*, In *Providing Security for People: Enhancing Security through Police, Justice, and Intelligence Reform in Africa*, in Chris Ferguson and Jeffrey Isima (eds.), Global Facilitation Network for Security Sector Reform, 2004.

¹¹ Simon Chesterman, *You, The People: The United Nations, Transitional Authority and State-Building*, Oxford University Press, Oxford, 2004.

frameworks, and guidelines does not tally with reality. First, clarifying their use of the phrase, “local ownership,” by calling for a “participatory process” in which “all stakeholder” needs are “addressed,” SSR policy advocates assume that “local owners” will implicitly welcome a SSR process.¹² Under many circumstances, however, “local owners” are more likely to be resistant to reform than to welcome it, as “local owners” control the institutions that are being subjected to change.¹³ Although the benefits of change may appear indisputable to outsiders, those controlling or within the sector’s institution may not perceive it as such. Local owners’ within military, police and other institutions may and often do regard change as a direct challenge to their power, livelihoods, and practices.¹⁴

Second, the SSR agenda assumes unanimity of intent, beneficence and selflessness on the part of “local owners” in the belief that a consensus of political opinion regarding the future of the security sector can be attained in post-conflict, conflict-afflicted, and/or crime and violence plagued countries.¹⁵ That such a consensus has never been reached in any Western or democratic country does not dampen the optimism with which policy advocates promulgate their utopian vision. Similarly, it may be idealistic and impractical to address the needs of “all stakeholders,” let alone believe that they can come to an “agreement” as to what SSR means or will be, particularly as a number of those stakeholders may hold decidedly anti-democratic beliefs.¹⁶

¹² See OECD/DAC, *Security System Reform* (p. 13), “a participatory framework through which the needs and views of all stakeholders can be articulated and addressed.”

¹³ Thomas Carothers, *Promoting Rule of Law Abroad: The Problem of Knowledge*, Democracy and Rule of Law Project, No. 34, 2003, p. 9. For concrete examples of resistance to change by the “local owners,” see International Crisis Group, *Central Asia: The Politics of Police Reform*, December 2002.

¹⁴ The leaderships of the Federal Police in Argentina or the various military state police in Brazil have consistently and continue to oppose police reform.

¹⁵ OECD/DAC, *Security System Reform*, (p. 12): “Principles behind SSR programmes should be transparent and agreed with all stakeholders.”

¹⁶ This idealistic strain in the SSR agenda may be due to its understanding of SSR as primarily a set of policy recommendations rather than as a political enterprise, addressing basic questions of who holds power and how is it wielded, see Otwin Marenin, *Restoring Policing Systems in Conflict Torn Nations: Process, Problems, Prospects*, DCAF Occasional Paper 2005, p. 14.

The deeply political nature of SSR, its role in changing and redistributing the dynamic balance of power that exists, creating winners and losers, is also conveniently overlooked in policy documents. Reform “will always be assessed, by internal actors (civic groups, political leaders, managers [of the sector’s institutions], domestic and international reformers) by how much reforms will redistribute control and power as well as by criteria of justice and effectiveness.”¹⁷ This may be especially true when “control” of the institutions of the sector is perceived to be a zero-sum game between and among competing interests and/or a question of personalized politics. A perceived gain for one group, party, or individual would inevitably be considered a loss for any other.¹⁸ In such cases, the ability to engineer a “consensus” is more than illusory.

Third, SSR policy assumes that the official “local owners” operate as masters of the security environment. Convincing the citizenry of the sincerity, longevity, and probable effectiveness of a SSR process is a major undertaking. It is even more difficult when the security sector has long been associated with occupation and repression and non-institutional and non-formal security mechanisms have sunk strong and effective roots, often to mitigate against the invasiveness of the formal security sector. Informal security systems are especially robust in instances where the official sector’s infrastructure is non-existent, extremely weak and fragilely institutionalized. In either case, many environments in which SSR takes place, long histories with deep traditions exist in how to resolve disputes without reference to official bodies.¹⁹ Reform initiatives to alter the balance of power between the

¹⁷ Marina Caparini and Otwin Marenin, “Process and Progress in the Reform of Policing Systems,” in Marina Caparini and Otwin Marenin (eds.), *Transforming Police in Central and Eastern Europe: Process and Progress*, Geneva Centre for the Democratic Control of Armed Forces, Geneva, 2004, p. 329.

¹⁸ In this context, it is interesting to take into account that one of the implicit goals of DDR programming is to denude a defined set of “local owners” of their acquired power.

¹⁹ In Africa “80-90% of all disputes are processed through customary court processes in villages” Wilfried Schärf, *African Security* (p. 62), leading to the conclusion that significant elements of African civil society might be extremely hesitant to support judicial reform regardless of how deeply the process were to be “owned” by national governments as it would profoundly undermine their grasp of power. Brynjar Lia discusses similar difficulties faced by the Palestinian security forces – created as part of the Israeli-Palestinian Oslo

formal and informal sectors by strengthening police, military, and/or court systems may be strenuously opposed. There may be much more local adherence and fealty to alternate security providers and little real enthusiasm to alter current power relations, resistances that could undermine reform efforts regardless of the “ownership” of the process by the official “national” authorities.

Fourth, the current SSR agenda ignores the difficulties in instantiating and sustaining change within existing security organizations and institutions.²⁰ Even should reforms be formally adopted and thus “locally owned” by the ostensible leadership of a security sector institution and their civilian political masters, percolating meaningful change through an internally differentiated and non-uniform organization is an arduous and time-consuming endeavor, necessitating a comprehension of intra-organizational dynamics, namely “the pattern of value commitments, dissatisfaction with interests, power dependencies, and capacities for action” existing within any institution.²¹ All of these interests and power dependencies within an institution imply the existence of a series of “local owners,” many of whom may be hidden within an organization and some of whom may compete one with another. To presume that each “owner” within a security sector institution can be readily identified, let alone the assumption that there is a uniformity of interests within an organization, is idealistic and naïve.

process in the 1990s. As they assumed progressive security responsibility for the territories transferred to the Palestinian Authority, they ran up against entrenched and community-supported informal security mechanisms. Often they had to work with those mechanisms and tried to co-opt them in order to embed their own legitimacy. Brynjar Lia, *Building a Police Without a State*, Faculty of Arts, Oslo, 2003, pp. 121-142.

¹⁹ Simon Chesterman, *You, The People: The United Nations, Transitional Authority and State-Building*, Oxford University Press, Oxford, 2004.

²⁰ To complicate the situation further, security sector institutions throughout the world tend to be conservative, hide-bound organizations distrustful of reform initiatives and resistant to change. See Michael Brzoska, “The Concept of Security Sector Reform,” in Wulf (ed.) (2000), p. 11.

²¹ See R Greenwood and C.R. Hinings, “Understanding Radical Organizational Change: Bringing Together the Old and New Institutionalism”, *The Academy of Management Review*, Vol. 21, No. 4 (Oct. 1996), p. 1042. For a presentation of three methods of change management, see Anthony Mento, R. Jones, and W. Dirndorfer, “A Change Management Process: Grounded in both Theory and Practice”, *Journal of Change Management*, Vol. #, No. 1 (August 2002), pp. 45-59.

Fifth, the SSR agenda does not give sufficient weight to the informal culture of security sector institutions. In many circumstances, the SSR agenda seems to call for a fundamental cultural change in the values and principles embedded in and animating the sector's institutions, an alteration that is easier said than done and one that may be years in the making.²² In this sense, reform is not solely a question of laws, rules, regulations, and formal institutional arrangements, but a thorough transformation of minds and patterns of behavior; the adoption of different rationales and modes of thinking; and, finally, the creation of new values and habits. The difference between whether security sectors are "democratic and authoritarian.... will not be found in their organizational set-ups which will be bureaucratic in form and function... but in their informal cultures, their commitments to forms of decision-making and behavior which reflect democratic norms."²³ Consequently, the existence and rationales of the informal organizational culture(s) cannot be underestimated. Furthermore, to assert within analysis that there is a direct relationship between an organization's informal culture and any given set of "local owners" is highly problematic at best.

Sixth, even if "local owners" can be readily identified, the SSR agenda assumes that these "owners" have the managerial capacity and capability to see reform through. The difficulty with this presumption is that reform often takes place in environments in which the security sector is weakly institutionalized, if it even exists in the first place. In virtually every instance of SSR, the sector's institutions are under-funded and poorly equipped, no match for the myriad challenges with which they are confronted, let alone capable of undergoing and/or managing a systemic reform process on their own. Assuming, for argument's sake that the security sector operates with well-articulated administrative rules and regulations grounded on clearly enunciated laws, trained personnel in sufficient numbers capable of animating those institutional skeletons are often lacking.²⁴ Missing are not only personnel skilled in

²² Otwin Marenin, "United States Police Assistance to Emerging Democracies," *Policing and Society*, No. 8, 1996, pp. 154.

²³ Otwin Marenin, *Restoring Policing Systems*, p. 64.

²⁴ Andrew Cottey, Tim Edmunds and Anthony Forster, "The Challenge of Democratic Control of Armed Forces in post-communist Europe," in *Democratic Control of the Military in Post-Communist Europe*, Palgrave, London, 2002, pp. 4-6.

managing the daily operations, but also the human capital required to direct the reform effort to develop a strategic vision within delineated budgetary restraints. How an SSR program is to be “locally owned” when the presumptive “owners” do not possess the requisite skills is a question that SSR policy advocates have yet to address.

Implementation Imposition Rather Than Local Ownership: Tales from the Field

The claim that SSR policy’s comprehension of “local ownership” does not seem to coincide with the complexities of real SSR situations also pertains to the models by which SSR is implemented. Although it is touted that implementation must adhere to the principle of “local ownership,” as the recent OECD/DAC survey indicates, SSR practitioners often pay little attention to policy prescriptions.²⁵ This approach and the results it produces, however, appear to be as untenable, hubristic and thinly rooted in reality as the policy prescriptions that the practitioners rightly criticize and ignore.

Recognizing that policy guidelines may not conform to the reality with which they are confronted, field practitioners are left to their own devices and all too often bypass and ignore “local owners” in an attempt to impose security sector architectures on recipient countries. Unfortunately, this type of reform often inflicts a formal security sector architecture on the recipient state that is based upon an understanding of governance and public service from the country of the practitioner’s origin rather than on the realities of the histories, cultures, traditions,

²⁵ See OECD/DAC, *A Survey of Security System Reform*: “Very few countries have comprehensive SSR programmes that conform with the definition in the OECD-DAC policy statement... Reforms are rarely governed by an overarching strategic framework, informed by a wide-ranging and integrating public security concept, or effectively linked to wider government planning and budgeting processes in ways that help to strengthen governance” (p. 6). Given the finding that programming does not coincide with policy pronouncements, it seems to be an open and debatable question whether SSR policy prescriptions correspond to reality.

practices, and finances of the country whose sector is being reformed.²⁶ In trying to create or re-assert the prerogatives of formal security systems reflective of their own countries, practitioners too often slight and/or disregard extant formal and informal structures and methods by which order and security are being provided. Oftentimes, practitioners even undermine existing structures without substituting them with functional equivalents, thus, leading to deteriorations in safety, security, and law and order.²⁷ In either case practitioners' failure to reconcile how "local owners" conceptualize and operationalize their security structures and systems with how the international community would like the security sector to be conceptualized and operationalized results in an unsustainable - operationally and financially - security sector, one that is out of sync with reality.

It is understandable that international models of implementation are frequently characterized by a leering to engage "local owners." After all, there might not have been any need for international intervention in the first place if "local owners" were effective, public spirited, and rights respecting. Given that a notable percentage of these "local owners" may hold seemingly anti-democratic sentiments only reinforces that international skepticism. Knowing that the failures of the "local owners" hastened international intervention, security sector practitioners would require a healthy leap of imagination coupled with a political appreciation of the situation and knowledge of development practices to be able to turn around and rely on, in many cases, those same "local owners" who caused the initial problem. Given that security sector practitioners are, in the main, skilled technicians in their security

²⁶ In Belize, for instance, the international community recommended and forced through a multi-year strategic plan for the national police, one predicated on conducting periodic surveys and measurement exercises, for a police service where the concept of a statistically valid random sample meant opening the telephone book and picking names off the page. The Australian efforts to restructure the police services of the Solomon Islands seems to be another case in point.

²⁷ This was the case, for instance, in Bosnia and Herzegovina during the first years of intervention when the international community ignored the existing remnants of Bosnia's police academies in its single-minded drive to rebuild the country's police services, thus delaying the possibility of real reform for a number of years. A much more serious situation arose in Iraq, when the United States disbanded the Iraqi Army, precipitating a serious deterioration in the security environment.

specialties and subfields, it is unlikely that they possess the requisite political or developmental talents. Nor should it be presumed that they should possess such political skills. Additionally, assuming that a significant percentage of the “local owners” may exist below the surface, it would be exceedingly difficult to identify them, even if practitioners possessed the requisite language, cultural, managerial, and organizational behavior skills, which are almost uniformly absent from the cadre of personnel who execute most SSR projects. Finally, as practitioners are thrown into volatile, unstable situations without relevant policy guidance, it is not surprising that they revert to practices, systems, and habits with which they are most familiar - those of their home countries.

There are other larger reasons why the concept of “local ownership” has been frequently jettisoned by practitioners. Embracing the concept would mean that the pace of SSR implementation would most likely be slow, hesitant, and episodic. Being true to the concept might risk having the progress of SSR stall or impede other ongoing peacebuilding initiatives, given the current belief that there is an intimate relationship between security/law and order, on one side, and sustainable development and democratization, on the other. Lastly, accepting the rigors of “local ownership” might also imply that donor countries would have to seriously rethink their agendas, timelines, and funding mechanisms, as the first signs of sustainable reform would occur progressively over a period of seven or more years rather than in less than two or three, the customary deadlines of much international donor assistance. For all of these reasons, SSR practitioners are under pressure to produce “results” that might be infeasible to attain if they were to adhere to the strictures of “local ownership.”

In implementation, therefore, SSR programs regularly sideline or bypass “local owners.” Some peacekeeping mandates have seemingly legislated against integrating “local owners” into its operations. Indeed, recent attempts to bolster international peacekeeping capacity and leverage in SSR programming have been prompted by the limited mandates under which peacekeepers had been constrained and, consequently, the limited “leverage” they possessed to actualize SSR. The thin yield of much of

this first generation of SSR was often explained as being the result of “local and national actors” residing within the institutions to stymie the wider processes of SSR that was being proclaimed and pursued in their name. Often, too, it was claimed that “local actors” do not exhibit the requisite depth and strength of “political will.”²⁸ As a result, there has developed a perception that in order to implement robust reforms international and regional organizations needed to be endowed with the political ability to push changes through, compel, and/or impose reforms regardless of the wishes of the “local owners.” The extent to which international authority reached its apex was with the creation of transitional administrations in Kosovo and East Timor, each empowered to create local security sector institutions and architecture without significant recourse to any local actors or participation.

Although peace operations of such range appear less likely in the immediate future, other cases exist where international organizations have been assigned sweeping powers to create or re-fashion security sectors.²⁹ A prominent example is the Office of the High Representative in Bosnia and Herzegovina. There, the international community possesses the ability to take decisions - such as firing Ministers of Interior or other lower ranking police officials, rewriting codes of criminal procedure; imposing new law enforcement agencies such as border police; and creating new levels of executive oversight of cantonal police agencies - irrespective of the desires of “local owners.” The Australian-led “police-first” missions in Solomon Islands and Papua New Guinea are comparable examples. The latter two examples are predicated upon handing international police officers executive authority with the concomitant resources so that they can transform and restructure national law and order services.

Though less immediately apparent, the community of international consultants that conduct assessments, design, and then implement SSR

²⁸ There appears to be a confounding and confused relationship between “political will” and “local ownership,” although it is one that lies beyond the purview of this paper.

²⁹ The mere existence of a peace operation often encourages peacekeepers to arrogate to themselves the prerogatives of authority even when the ostensible mandates have not awarded them that privilege.

programs on behalf of international and regional organizations, not to mention donor countries, often overlook the needs and wishes of the “local owners.” Consultants can even leverage the political capital of their paymasters and pressure the recipient nation to accept a reform program despite active or passive opposition from “local owners.”³⁰ Thus, it is not an uncommon sight to have SSR working groups intended to steer the reform process be comprised of representatives of international donors and organizations, but be bereft of a single “local owner.” Often these working groups are organized in the name of international coordination, but the effective result is the same.

The history of SSR, therefore, seems to suggest that there is a widespread perception among field practitioners that in order to move ahead with and lay the foundations for a SSR process it is necessary and/or convenient to bypass the “local owners.” The question arises, however, whether this method of implementation creates sustainable institutions, let alone ones that are effective and rights respecting, and the answer is more often than not “no.”³¹

The reasons why recipient countries are often unable to sustain SSR initiatives are manifold. Financial considerations are the first and foremost explanation for unsustainable SSR reform endeavors, closely followed by a lack of managerial and technical capacity to absorb the

³⁰ In one recent example, the Deputy Minister of Interior of a Central American country complained that the ministerial planning office reported not to the Ministry, but to the police advisors of a major international donor.

³¹ Although there are notable exceptions, the SSR record with regard to sustainability is not a positive one. Only a few examples are needed to illustrate the theme. After years of building up the police services of Bosnia, Kosovo, and East Timor, for example, one of the first results has been the need to reduce the number of serving police officers because public budgets could not sustain the large police service payrolls. In many cases, equipment foisted upon these countries by bilateral donors lies unused and is unusable because of a lack of funds and/or maintenance budgets. In Kosovo, for example, the dogs donated for a canine unit had to be rescued and evacuated because the government had tabled a contract for their “liquidation” because the dogs could not affordably be housed and fed. In the Democratic Republic of Congo, it has recently been reported that the latest electronic video equipment is being installed in police training centers. In Honduras, a series of training programs initiated by the Spanish government produced no results because the police did not possess the equipment on which they had been trained. Interviews with DPKO and UNDP staff members, March 2003, April 2004.

proposed and implemented reform. It is difficult to conceive how many of the recipient countries will be able to maintain the various elements of their reformed services - forensic laboratories, GPS-based crime mapping, Ombudsmen's Offices, free or low cost legal aid, etc. - once the spigot of international funding is turned off. It is equally difficult to understand how a country can successfully sustain certain institutional reforms - establishment of career development processes, criminal statistic databases, or promotion and evaluation systems, for example - when the basic managerial skills required to utilize the systems are woefully lacking and no international support is offered to develop or strengthen those capacities.³²

There is also the related issue as to whether the imposition of international SSR solutions and the bypassing of "local owners" have created Potemkin institutions, security sectors that may appear robust and effective but are, in fact, facades of varying natures.³³ This concern is reflected in the weebegone refrain (or variant of it) often heard in these environments by field staff: "as soon as we pull out, it'll be back to square one." Concern has been expressed in Sierra Leone as to whether its security sector - often heralded as being one of the most successful instances of SSR - will collapse once international assistance disappears.³⁴ The same holds true for the "police-first" interventions in Solomon Islands.³⁵ As a result the international community stays longer and longer, often with no end in sight. Ten years after the Dayton Peace Accords, the edifice of the Bosnian security sector continues to be propped up and imposed by the Office of the High Representative and

³² This lack of sustainability raises the uncomfortable question whether the expectations of the international community with regard to what it can achieve were and are realistic in the first place. The hubris of the international community is most evident in peacekeeping operations where the presumption seems to exist that a systemic "rule of law" can be erected from the cinders of years of war in less than 3-5 years.

³³ The post-independence riots in East Timor that the Timorese police could not quell suggest that the years of training provided created the semblance of a police service absent comparable substance.

³⁴ See International Crisis Group, *Liberia and Sierra Leone: Rebuilding Failed States*, Crisis Group Africa Report N° 87, 8 December 2004 and *Sierra Leone: The State of Security and Governance*, Africa Report N° 67, 2 September 2003.

³⁵ Sinclair Dinnen, "Lending a fist? Australia's new interventionism in the Southwest Pacific", State Society and Governance in Melanesia Project, Canberra, 2004.

the EU.³⁶ Eight years of international police assistance in Guatemala has produced virtually no tangible results and in East Timor the formal structures of the security sector are being systematically eroded by the actions of the newly independent government, in part because they had been largely excluded from participating in the decisions concerning the development and formation of their police and security services.³⁷ The same holds true for Kosovo, six years after UN Resolution 1244 where only the faintest first hints of a Ministry of Interior exists, despite the fact that executive policing authority is in the process of being handed over.³⁸

When Local Ownership Becomes Problematic

At the same time, there is an entirely different side to the question. Although the imposition of international SSR recipes without due reference to “local owners” is untenable and the results unsustainable, the reverse problematic also arises when the capabilities, plans, intentions, and objectives of “local owners” are or should be deemed to be unacceptable by international donors.³⁹ There should be no supposition that because a “local owner” desires and/or demands a particular form of assistance that that support is either appropriate or should be forthcoming. One of the first requests of many “local owners” is for new equipment, ranging from vehicles for police to computer systems for courthouses; from one-off training programs to “look-and-experience” foreign travel, fulfillment of which may have little functional value and produce few tangible results. The history of criminal justice training programs is replete with requests for assistance that should never have been heeded.⁴⁰ Unless these requests are

³⁶ David Chandler, “Imposing the ‘Rule of Law’: The Lessons of Bosnia-Herzegovina for Peacebuilding in Iraq”, *International Peacekeeping*, Vol. 11, No. 2, 2004, pp. 312-333.

³⁷ Edward Rees, *Under Pressure- Falintil: Forças De Defesa De Timor Leste Three Decades of Defence Force Development in Timor-Leste 1974-2004*, Geneva Centre for Democratic Control of Armed Forces, 2004.

³⁸ See the chapter by Edward Rees in this volume.

³⁹ The International Crisis Group has broached this issue with respect to revenue collection in West Africa, see International Crisis Group, *Liberia and Sierra Leone: Rebuilding Failed States*.

⁴⁰ In Guatemala, for instance, of the hundreds -- if not thousands -- of police personnel “trained” in criminal investigations, fewer than 15 remain in positions for which their

embedded in systematic managerial reform processes and the requisite maintenance budgets exist, it may often be better not to satisfy the demands.

Two recent requests from the authorities of Liberia and Sudan, respectively, illustrate the argument that not all SSR plans of “local owners” are reasonable nor should be accepted by the international community, although in these two instances the requests are regrettably being honored. The 2003 Accra peace accords that have brought a semblance of stability to Liberia authorize the creation of a 4000-person army, although there may not be a substantive need for a Liberian military given that the military is a non-productive sector possessing a particularly dire historical legacy in the country. In fact, the re-establishment of an army may have more to do with finding positions for members of Liberia’s various political factions - and the political leverage that affords - than anything else. Despite the opposition of the United Nations Mission in Liberia (UNMIL), arguing that there are many more immediate priorities and needs and that what many African armies do is “sit around playing cards and plotting coups,” a Liberian army is being formed at the cost of \$35 million over three years.⁴¹

What is being undertaken in Liberia appears likely to be repeated in Sudan, at an even higher cost. An international appeal for funding is currently being organized to support the establishment of a unified Sudanese army that will incorporate and integrate the current predominantly northern military force with rebel groups from the south. Again, the decision by the “local owners” who negotiated the terms of the peace agreements may have as much to do with their desire to retain political relevance and leverage through the control of “men with guns” as it does in the belief that a national military is a public good for Sudan.⁴²

training can be put to use. Of the more than 145 instructors “trained” in community-based policing, none currently serve as instructors in the Guatemalan Police Academy.

⁴¹ Statement made by Jacques Paul Klein, Special Representative of the Secretary General, UNMIL, November 5, 2003.

⁴² The above discussion prompts another issue which beyond the purview of this paper, but which needs to be addressed in any re-thinking of SSR policy: should a military be an inviolate component of all security sectors? Currently the military is placed as a central

In East Timor, on the contrary, a request by local owners for SSR support was appropriately rejected. In 2003, in response to a prison disturbance, in which a large number of the incarcerated escaped, UNDP was asked by the Ministry of Justice to support the construction of a new penal facility a few miles outside of the capital, Dili. To evaluate the request, UNDP organized a visit to East Timor of a team of prison, who unanimously advised against international support for the new construction. The reasons for rejecting the request were numerous, including, among others, budgetary costs for the building and maintenance of a new prison; prohibitive expenses for transporting prisoners to their court appearances; the inability of families of the incarcerated affordably to travel to the proposed site of the new prison; and the deterioration of social services (not to mention legal representation) prisoners would receive because of the distance of the site from Dili. Instead, the UNDP team of penal experts recommended that the existing Dili prison be renovated, especially as it was not running at full capacity; that its security provisions be enhanced; and that social services received by the incarcerated improved, all at a lower cost than would be called for by constructing a new prison, recommendations that were politically unpalatable to the Ministry of Justice.⁴³

A much more difficult and tendentious issue arises when “local owners” may not be capable of pursuing elements of a SSR program. Above and beyond questions of managerial competence that have already been raised, there may be situations when the criminal justice system is sufficiently dysfunctional and corrupted that impunity rates exceed 95% of reported crimes. To address these situations there are a number of possible reform scenarios, one of which is the placement of international prosecutors into the system in line functions. These foreign prosecutors

institution of the security sector. However, in a world in which inter-state wars are diminishing in number and the role of national armies in Africa, for instance, have been notoriously detrimental for national peace and development, there may be more good reasons for nations not to have a standing army than there are for countries to possess armed forces. Given limited financial resources, a corollary question is whether a well-trained and managed national police service -- with the appropriate border and custom units -- serve as a viable substitute with regard to questions of sovereignty and statehood?

⁴³ UNDP Mission Report 2001-2002.

could be allowed to conduct high-profile investigations into selected types of cases, such as allegations of official malfeasance, bribery, and prominent human rights violations. Such usurpation of “local ownership” may succeed in “jumpstarting” reform and, thus, prove to be beneficial over the long haul, with the caveat that the foreign prosecutors are in place for limited duration and, while performing line functions, mentor their national colleagues.

An even more troubling occurrence is when powerful anti-democratic alliances have been forged during the period prior to the initiation of an SSR program between national political leaders and parties, private business, and criminal enterprises. These partnerships frequently occur and typically run diametrically counter to the recreation and/or strengthening of the criminal justice institutions, exerting powerful, malignant, and subterranean influences that perpetuate the former civil strife by other means. In such cases, the establishment of a sturdy rule of law regime threatens to erode the ability of the partnerships to manipulate or exercise power and control.⁴⁴ The implications of these tripartite alliances are even more deeply problematic for SSR, if and when these networks wield significant popular support through formal electoral processes and within free-forming civil society organizations, as they often do. How to initiate a SSR program under these conditions and what strategies to adopt are difficult to determine when such a tripartite alliance gains elected office, but a need exists to confront the issue directly in policy fora.

Illustrations of Intermediate and Modest SSR Reform

As has been suggested, neither bypassing and ignoring “local ownership” nor giving free rein to the whims of “local owners” is tenable to developing sustainable and effective SSR. It may be possible

⁴⁴ Graham Day and Christopher Freeman, *Operationalising the Responsibility to Protect: Proposals for Leadership through a Policekeeping Approach*, p. 3. It should also be noted that this unholy alliance need not necessarily be limited to post-conflict environments. For a discussion of how this alliance has been assembled in southern Africa, see Peter Gastrow (ed.), *Penetrating State and Business: Organized Crime in Southern Africa Volumes One and Two*, Institute for Security Studies, 2003.

to negotiate a middle ground that privileges local knowledge, traditions, and capacities and, only when necessary, is tempered by international intercession. An intermediate reform process is more realistic and will have lower expectations of what can be achieved, but also will be more likely to produce tangible results that are more reflective of the organization(s) undergoing reform and the political/cultural environment in which it is being conducted.

Examples of relatively successful SSR programs receive sparse attention in the literature, in part because autopsying failure is sexier than diagnosing success, garnering more attention for the analyst, particularly when he/she has little “hands-on” operational experience and less awareness of the particularities of field conditions. Understanding the intricacies and dynamics of “ownership,” how it has and can be positively been utilized, also tends to be overlooked in favor of citing egregious errors and missteps because of the care it requires to tease out and its often being confused with the elusive concept of “requisite political will.” Additionally, while a large program may be characterized by an absence of “local ownership,” elements of best practices can often be uncovered in the conception, delivery, and nurturing of “discrete projects” within bigger programs. Finally, those intimately involved in successful implementation tend not to write down their accounts of “what they did and how,” thereby allowing instances of real “local ownership” to be lost, if they are not shared orally. Consequently, this paper offers three such unheralded or obscured SSR “projects within programs,” two actual and one that had been proposed, as examples of how “local ownership” can be used to produce tangible, positive results.⁴⁵

One case of a successful deployment of “local ownership” was in Bosnia and Herzegovina with the development of the multi-ethnic Brcko Police Service from 1998 through mid-1999. A disciplinary commission had been created on which all three ethnic groups - Serbs, Croats, and

⁴⁵ Needless to say there are many more positive examples that could have been chosen. The cases were selected because of their geographic variety, the mechanisms of “local ownership” and its relationship to international intervention are dissimilar, and, lastly, the reform undertaken or proposed was on decidedly different levels of intensity.

Bosniaks – were represented by one or more senior police officials. No single ethnic group could outvote the other two. International representatives also sat on the commission and possessed veto power over the commission's decisions, but could not make decisions independently without the concurrence of the representatives, at least, one ethnic group. Beginning with disciplinary issues, the commission evolved over time to become the mechanism by which the competing ethnicities could build trust while transforming the police service into a truly multi-ethnic agency while learning how to exercise managerial control over all strategic and operational policing issues.

The success of this model of “local ownership” was tested when the two senior Serb police officials had to be removed because of breaches of the police code of conduct. First, the Serb Chief of Uniformed Police was accused of participation in a car theft ring when money marked in a sting operation organized by the Croat police of a neighboring area was found in his possession. When the decision to suspend him and refer the case for prosecution was taken, the Chief of the Brcko Police Service, a fellow Serb, voted in favor and participated in the selection of his Serb replacement. At the same time, however, it was revealed that on the night of the sting operation, the Chief of the Police Service had tried to cover up his ethnic colleague's involvement. Over the course of the next couple of weeks, more evidence of his misconduct was disclosed and he too was suspended, this time with the concurrence of the new Serb Chief of Uniform Police. The result of these two suspensions was the accession of a Bosniak to Acting Chief of the Brcko Police Service at a time when the populace he was responsible to was approximately 80% Serb.⁴⁶

At no time during this period or subsequently was there an outbreak of civil unrest. Neither were daily police operations or the continued strategic development of the police affected in the slightest. Quite to the contrary, the removal of the two Serb officials enabled the police service to perform its activities more effectively and within short order a

⁴⁶ It should be noted that at this time period, the cantonal police of the Federation and the Republika Sprska police were not only virtually segregated, each ethnic group with its own police services, but unable to speak with one another to conduct joint operations of any kind.

consensus was reached by all concerned on who the new Serb Chief of the Brcko Police Service would be. It should also be pointed out that the international representatives on the commission, albeit active participants, never seized control of the process, functioning primarily as mediators. In retrospect, it turned out that this period of time was pivotal in the development of Bosnia first and still only truly independent and multi-police service.

In contrast to Brcko, the ownership question in Belize was of an entirely different status. In 2004 a UNDP study of police performance was undertaken during which a wide spectrum of individuals and organizations involved in the security sector were interviewed: senior police officials, middle police managers, patrol officers, prosecutors, representatives of civil society organizations, and religious leaders. The study disclosed that despite three international police assistance programs of varying degrees of intensity having been conducted over the past seven years, the Belize police were exceptionally ineffective.⁴⁷ One of primary findings during the UNDP interviews was that police ineffectiveness was partially the result of the inability of a vast percentage of police officers to write a literate police report, resulting in, according to prosecutors, police reports of less than no value. Representatives of civil society organizations concurred, complaining that reporting a crime was meaningless given that the police officer could not write down a coherent summary of what a witness told him/her. Listening to what the “local owners” testified, UNDP proposed a literacy program as the basic building block of a police reform initiative.

Simultaneously, the major issues within the police were a severe communications problem between and among the ranks and the highly stressful nature of police work in Belize, which combined to cause an attrition rate averaging over 9% over the past three years. Within seven

⁴⁷ Though it is difficult to ascertain the reliability of criminal statistics in Belize, it appears that of the 95 rapes that occurred in 2001 and 2002, no one was convicted in either year for their alleged crime. Only one murder investigation reportedly resulted in a conviction in those two years and the combined burglary and robbery convictions rates were only 5.1% and 3.8% respectively.

years, almost the entire personnel of the Belize police service could be turned over, thus relegating most training programs to irrelevance. Although the problem was known and had been persistently intractable over time, the review revealed that no one had investigated the causes of the problem, let alone understood them. UNDP, consequently, recommended that, coupled to a literacy initiative, the attrition problem be immediately addressed, prior to the commencement of more traditional forms of police reform. Unfortunately, the Belize police leadership having grown accustomed to international assistance - the supplying of equipment, vehicles and forensic capabilities, for instance - rejected UNDP's approach despite what the lower levels "owners" were saying.

One of the classic problems in SSR is to rebuild basic law enforcement services where there is an ingrained distrust of the police and an already existing informal system that is legitimate and "locally owned." The designers of a new police for Bougainville chose to work with the "locally owned" structures rather than try to supplant them while restructuring the police. The result is a system of financially sustainable policing that links the informal with the formal and is perceived to be effective and legitimate.⁴⁸

During the conflict with Papua New Guinea over the island's status (1989-2000) the illegitimacy, ineffectiveness, and heavy handedness of the formal security sector caused Bougainvilleans to return to and give greater fealty to informal systems of policing and customary forms of justice.⁴⁹ At the village level, chiefs deputed community members to conduct policing functions, with some of the more weighty matters beyond their discretion adjudicated at the village court, resulting in a more legitimate and speedier criminal justice system, albeit informal.

⁴⁸ Emmart Tsimes and Wayne Stringer, "The Relationship Between Formal Policing and Traditional Justice in Post-Conflict Bougainville". Paper presented at *Securing the Rule of Law: Assessing International Strategies for Post-Conflict Criminal Justice* International Peace Academy conference, New York, 14-15 March 2005.

⁴⁹ Anthony Regan, "Bougainville" in Karen Ballentine and Jake Sherman (eds), *Beyond Greed and Grievance: the Political Economy of Armed Conflict*, Lynne Rienner, Boulder CO, 2002.

The peace agreement of 2000 provided wide-ranging autonomy for the island including policing. Instead of dispensing with the informal system, the international donors - predominantly Australia and New Zealand - recognized the informal justice methods and weaved the formal elements of the new police around them. A major element of the process was to deputize the already working “police” as “community auxiliary police,” empowering them with the discretion to (continue to) deal with everyday offences and refer, where necessary, matters to the village courts.⁵⁰ If the matter deemed sufficiently serious, they were to refer it to the newly created (uniformed) Bougainville police stationed in the island’s towns.

This hybrid system has obvious value. It is “locally owned” in that it formalizes an already extant form of legitimate and accepted informal justice. It is politically savvy because it quickly extends the geographic and institutional reach of the new police. Finally, it is resource friendly in that it does not require the money for infrastructure and salaries that creating a fully formal sector would entail.

Conclusion

The paper began by positing a SSR paradox: the need to ensure that reform is “locally owned,” coupled with the awareness that the actions of often the same “local owners” necessitated the intervention of the international community in the first place. The dilemma is how to chaperone a process that incorporates “local ownership,” but that does not permit either international actors or the compromised “local owners” to dictate programming choices. Unfortunately, intelligible and useful SSR policy guidance to those charged with implementation is in short supply, portraying “local owners” in an idealistic, apolitical light that does not correspond to reality. It is scarcely surprising, therefore, that policy prescriptions are so roundly ignored by field practitioners. Although practitioners may cloak their programs in the rhetoric of “local ownership,” all too often the SSR programs they enact are effectively

⁵⁰ Each Community Auxiliary Police officer is paid 60 kina (approximately \$20) a month for his services.

imposed. SSR programs that inflict a solution through bypassing local owners rarely produce an effective, sustainable, and rights respecting security sector (or even parts thereof).

Given the apparent failure of current SSR policy and practice to address the questions raised by the “local ownership” Gordian knot, it appears necessary to re-think the paradox. On the one hand, policy advocates may need to tease apart the various elements of “local ownership” and thereby recognize that less reform may, in fact, be more effective. Lowered levels of ambition may produce more durable reform. Practitioners too may need to decrease their expectations, searching for what is practical and affordable rather than what is optimally desired, lengthening their timelines and moderating the pace of reform.

The paper’s illustrations of SSR programs in which “ownership” was activated to produce positive outcomes appears to suggest that the most useful reservoirs of knowledge from which policy re-formulation can and must be grounded exist at the micro level, lodged in the minds of field practitioners and the “local owners.” Going beyond the tendency to look at programs as a totality, there may need to be greater in-depth investigation of discrete projects and the approaches adopted by them. The small vignettes presented suggest that when patient and detailed analysis of the recipient institutions and environments is combined with a preparedness continuously to re-think and re-tailor plans SSR projects can yield results. The approaches profiled may appear more modest in goals and circumspect in ambitions but they may stand a greater chance of gaining traction within “security sector” institutions, harnessing public support, and thus attaining actual and sustainable “local ownership” for those for whom SSR is intended to be.