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Security Sector Reform, Democracy, and the Social Contract: From Implicit to Explicit

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Abstract

This paper asserts that there is a tension between traditional development paradigms and the post-Cold War leitmotif of democratisation which is as yet unresolved within the present SSR discourse. This tension is identified between what the paper describes as the developmental objectives of SSR, and its inherent democratic articulation. The paper argues that democratic principles remain the organisational logic within which SSR processes are conceived as taking place; and that a democratic environment is supported in order for the purpose of SSR – development – to be achieved. The paper takes issue with this model, and advocates for two alterations in the present SSR discourse. First, that SSR should be viewed as a democratising endeavour, specifically focused upon the security and justice processes, but retaining democracy as its intended measurable output. Second, that the conceptual device of the ‘social contract’, that describes the citizen/state relationship, should become a pivotal consideration when conceiving and delivering support to SSR processes.

Evolution of the Security Sector Reform Agenda

The end of the Cold War polarisation of security and development spheres has witnessed the gradual paradigm shift from security and development being viewed as mutually exclusive spheres, to an acceptance of their inclusive and interconnected natures. This paradigm shift has witnessed an acceptance that the objectives of each of the individual spheres will inevitably support the objectives of the other sphere. The paradigm has evolved from mutually exclusive to mutually supporting; a key conceptual base for the SSR agenda. The Global Facilitation Network for Security Sector Reform (GFN-SSR), in its Beginners Guide to SSR, states that:

“The SSR policy agenda has developed over the past 15 years as the traditional concept of security has evolved. During the Cold War, SSR concerns were seen as secondary to which sides ruling groups took in the East-West conflict. Development practitioners largely avoided security issues, which were inevitably bound up with political ideologies, and security policy focussed on the protection of states from military threats and, very often, providing illegitimate regimes with illegitimate support.”

(GFN-SSR: Beginners Guide to SSR)

Locating the initial evolution of the SSR concept with the end of the Cold War is echoed by Chanaa (2002) who states that, *“The SSR agenda is rooted in the search for solutions to the challenges faced by multilateral and bilateral donors concerned with development and peace consolidation in the aftermath of the Cold War”* (2002: p13). She goes on to outline that the debates and objectives of the evolving SSR agenda could be grouped around three sets of actors and concerns. These are: the UN and its role in peace agreements and post-conflict contexts; the EU and NATO and the post cold war enlargement of their respective membership; and the role of development agencies in developing and post-conflict contexts. This paper examines the evolution of concepts through these international organisations, highlighting the inherent democratising theme.

United Nations

With the lifting of the Cold War overlay, the first half of the 1990s witnessed a number of peace agreements that stipulated measures for the demobilisation of forces, and the other comprehensive measures for the attainment of sustainable peace. Such agreements and post-conflict programmes were often developed around UN peacekeeping operations, and saw an expansion of the roles and expected outcomes of the traditional peacekeeping concept. For example, the Paris Agreement signed in October 1991 mandated the UN Transitional Authority in Cambodia to ‘exercise power in political, military, economic and other

functional domains'. Such "unprecedented authority" (Chanaa, 2002:p17) for a UN peacekeeping mission was heralded at the time as a 'systematic effort at nation-building' (a concept now evolved into state-building). Not only did such a wide-ranging mandate for a peacekeeping force illustrate a shift towards a development focus, it also brought development back into the wider security debate. As gaps were identified in the UN's capacity to engage with its burgeoning responsibilities, solutions were also enacted. The creation in 1992 of the UN Civilian Policing Department, with a mandate to assist in the reform of police forces in countries in transition from conflict, is a case in point. More important than operational solutions was the development of the conceptual thinking around the 'new problems'.

The UN's Development Programme (UNDP) 1994 Human Development Report introduced a new paradigm for understanding global vulnerabilities which challenged the traditional notion of national security by arguing that the proper referent for security should be the individual rather than the state. 'Human security' proponents hold that a people-centered view of security is necessary for national, regional and global stability. The UNDP 1994 report maintains that ensuring "freedom from want" and "freedom from fear" for all persons is the best path to tackle the problem of global insecurity (UNDP, 1994). The report argues that the scope of global security should be expanded to include threats in the following seven areas: economic security, food security, health security, environmental security, personal security, community security and political security. Such an expansion of the concept of security was not universally popular, with many in the traditional development community arguing that it represented a 'securitisation of development'.

The UN report 'An Agenda for Development', 1995, linked the establishment of a just and democratic society even more closely to careful attention to the security sector. In 1998 the Secretary General's report on the causes of conflict and the promotion of durable peace and sustainable development in Africa reaffirmed the importance of the security-development relationship, stating: "*the prevention of conflict begins and ends with the promotion of human security and human development.*" (Chanaa, 2002). The 2004 UN High Level Panel on Threats expanded the focus of the security issues facing the international community by highlighting the problems already encountered with weak and failing states: "*And the erosion of State capacity anywhere in the world weakens the protection of every state against transnational threats such as terrorism and organized crime*"(UN, 2004). The UN Secretary 2005 General's report in 2005, 'In Larger Freedom', confirmed the focus on human security by outlining the rights of 'freedom from fear' and 'freedom from want', but expanded on these to include 'freedom to live in dignity': "*Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights*" (In Larger Freedom: p1).

As can be seen the conceptual linking of development and security was defined and solidified by the time of the 2005 World Summit. The preparatory High Level Panel report had introduced the additional focus on 'eroding state capacity', which represented an evolution from the 1991 UN Cambodia mission of 'nation building' to a clear focus upon states'

capacities: a key SSR focus. The outcomes of the World Summit were wide ranging consisting of a 38-page resolution, and it is therefore difficult to attribute all its elements to the SSR agenda. The preparatory reports and the resolution of the 2005 World Summit did however set the conceptual and policy framework in which the SSR agenda could operate. Specifically, the relationship between security, development and human rights was solidified, the problems of eroding state capacity were outlined, and developed as an area to be engaged with. Democracy was embedded as a ‘universal value’, and as with the relationship between security and development, the issues of democracy, development and human rights were established as interdependent and mutually supporting; the sine qua non being the ‘human security’ perspective:

“135. We reaffirm that democracy is a universal value [emphasis added] based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. We also reaffirm that while democracies share common features, there is no single model of democracy, that it does not belong to any country or region, and reaffirm the necessity of due respect for sovereignty and the right of self-determination. We stress that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing.” [emphasis added]
(UN World Summit Outcomes, 2005;p29)

These conceptual and policy frameworks became focused upon the SSR model within the UN in January 2008 with the Secretary General’s report, ‘Securing peace and development: the role of the United Nations in supporting security sector reform’, which was developed in preparation for a Security Council debate in February 2008. The report’s summary highlights how the evolution of the ‘human security’ concept and the interlinking of development and security have become the basis for a focus upon SSR:

“The UN exists to support the maintenance of international peace and security and to assist Governments and peoples in building a world in which freedom from fear and want [emphasis added] is a reality for all. The lessons of the past 60 years have illustrated that these goals are fundamentally intertwined; security, development and human rights are preconditions for sustainable peace.[emphasis added].....To that end, the development of effective and accountable security institutions on the basis of non-discrimination, full respect for human rights and the rule of law is essential”
(UN Secretary General’s Report, 2008:p 1)

It is important to note that the Security Council debate, for which the report was prepared, focused upon SSR within post-conflict and peacebuilding contexts. As Greene (2008) points out, influential members of the UN Security Council and General Assembly have been reluctant to provide explicit support for SSR. *“Efforts to influence or re-shape countries’ security institutions have raised concerns about implications for ‘sovereignty’.”*(Greene, 2008:p8) Greene highlights that

this reticence is based on ‘suspicions’ that SSR may be a cover for self-interested pursuit of contestable foreign and security policy objectives, and that this perception is shared by some in development aid agencies. Such an understanding highlights what Hänggi (2004) describes as the contest over the security concept, and goes some way to explain why SSR within the UN has been corralled into being specifically a post-conflict and peacekeeping concern.

The World Bank and the Development Arena

The development of concepts affected not only the UN, but also all intergovernmental organisations, and international actors. The World Bank can be seen not only as reacting to these developments, but also as an instigator. As Ball (2007) highlights, as early as 1989 the President of the World Bank was highlighting the necessity to view military spending as an element of fiscal policy and developmental priorities:

“...it is important to place military spending decisions on the same footing as other fiscal decisions, to examine possible tradeoffs more systematically, and to explore ways to bring military spending into better balance with development priorities.”
(Ball, 2007: p142)

Just as the UN’s 1994 ‘Human Development Report’ was a pivotal element in defining and shaping the evolving paradigm shift for UN actors and beyond, the World Bank’s 2001 ‘Voices of the Poor’¹ report identified ‘security concerns’ as a major barrier to poverty reduction of the majority of the 60,000 poor men and women who participated in the appraisal. Concurrent to the evolving concept of the inter-related aspect of security and development, the World Bank increased its involvement in ‘good governance’, “[by] the end of the 1990s governance had become a legitimate subject of discourse for development donors” (Ball, 2007:p141). This was codified with the inclusion of ‘good governance’ in the UN Millennium Development Goals in 2000.² With the growing acceptance of governance as a legitimate activity for development actors, a burgeoning consensus was established that the same principles of public financial management should be applied to the military and security sectors. This consensus was definitely stated in the ‘Lessons from Afghanistan’, 2006, that stated “*There is no justification for treating the security sector as separate or sacrosanct, and not subjecting it to budgetary and fiduciary processes*” (World Bank, 2006)

European Expansion

¹ Permanent URL for this page: <http://go.worldbank.org/H1N8746X10>

² <http://www.un.org/millenniumgoals/>

The geopolitical shifts initiated by the ending of the Cold War are more directly played out within the European region, as it was the strategic centre of the military standoff that exemplified the ideological division of the Cold War. Partly due to this history, and in comparison to the development focus of the World Bank and the political arena of the UN, the democratic motif (and motive) within the SSR discourse is more pronounced within the EU and NATO.

The European Union's (EU) role in evolving the SSR concept can be considered within three spheres: its post-Cold War expansion to include former Warsaw Pact countries, its roles as a globally significant development actor, and its evolving security policy. The EU reflects the paradigm shift outlined above in relation to development and security with the Cotonou Partnership Agreement of 2000. This agreement signed between the EU and 77 African Caribbean Pacific countries defines the aid, trade and development relationships between the signatories, and focuses much more on the political dimensions of development than was previously the case. The centrality of the good governance agenda, traced through the World Bank above and embedded within development agendas by the Millennium Development Goals, is central to the EU development approach, as later defined by the 2005 European Consensus on Development, adopted by the European Parliament, Council, Commission and Member States. Sherriff (2007) in his article outlining SSR norm implementation in the EU, states:

"The Consensus clearly embraces such norms as the rule of law, democratic oversight, human rights, accountability and transparency, without making specific reference to SSR."
(Sherriff, 2007: p 89)

Sherriff displays and highlights an assumption of the centrality of the 'good governance' agenda within the EU discourse, an assumption that is well-founded when considering the effect and purpose of the EU's post-Cold War expansion. The Copenhagen Criteria, named after the 1993 Copenhagen summit, established the requirement of a stable democratic government with respect of the rule of law, and its corresponding freedoms and institutions, as standards for accession into the EU.

In 2003, the EU elaborated its first European Security Strategy, which stressed the need for the EU to consider a wider spectrum of missions, including undertaking SSR as part of its institution-building activities. In 2005-2006, the EU Council and Commission adopted their respective SSR concepts. In both concepts, the EU uses the OECD's broad definition of the security sector and its main principles. Despite the firm policy and conceptual frameworks, the EU's approach to SSR will continue to be fragmented until there are some major revisions in the way the EU is governed, as Sherriff asserts, and later concludes, *"the key to making progress in the EU norm implementation is greater understanding and awareness of its importance, built on conceptual clarity."*[emphasis added].(p99). Achieving the 'conceptual clarity' is an objective of this paper.

For NATO, the rapid demise of the Cold War created not so much a conceptual shift and evolution of a new paradigm, but rather an existential

crisis. Haglund (2007) describes the dilemma as a “*yawning conceptual void*”, and with the removal of the threat from the Warsaw Pact militaries, which NATO was created to counter, the organisation lost its *raison d’etat*. The 1994 Brussels Summit saw the organisation gaining traction with a strategic direction by endorsing the Partnership for Peace process, initiating the enlargement of NATO to include newly independent post-Soviet states. The following year’s endorsement of the Study on Enlargement defined the conditions to be met by aspirant members. As Law summarises:

“NATO has made democratic governance of the security sector and the ability to contribute to the Alliance’s capacities central concerns of its approach to enlargement, inter alia in its 1995 Study on Enlargement.”
(Law, 2007:p14)

Hänggi (2004) asserts that if SSR is viewed as having been more successful in European post-communist states than in developing states, then this is probably due to the significant leverage the EU and NATO have to encourage comprehensive SSR in candidate states. Despite the doubts over a continued focus on SSR within NATO, it is clear that both organisations operated within the development-security paradigm created as a result of the end of the Cold War. The explicit democratic mandate of the two organisations, combined with the centrality of their democratic objectives within their SSR activities, stand in contrast to the discourse outlined within the World Bank and UN.

Organisation of Economic Cooperation and Development (OECD)

The OECD is not bashful concerning its members democratic credentials as its website proclaims: “The OECD brings together governments of countries committed to democracy and the market economy...”³. It is from the OECD that the publication described by Bryden (2007) as “*the state of the art in terms of understanding SSR and laying down the key elements for assessment, design and implementation of SSR programmes within a framework of security and justice service delivery.*” (Bryden, 2007:p71), was conceived and produced.

The publication referred to by Bryden is the ‘*OECD-DAC Handbook on Security System Reform: Supporting Security and Justice, 2007*’, produced by the Development Assistance Committee (DAC) of the OECD, through the Network on Conflict, Peace and Development (CPDC)⁴. The OECD is not an implementing agency and as such the DAC Handbook was conceived as an attempt to address the perceived

³ See www.oecd.org: “OECD brings together the governments of countries committed to democracy and the market economy from around the world to: Support sustainable economic growth: Boost employment: Raise living standards: Maintain financial stability: Assist other countries’ economic development: Contribute to growth in world trade.”

⁴ See www.oecd.org/dac/conflict

gap between SSR policy and practice. Bryden (2007) contends that the process of formulating the Handbook was as important as the output itself, highlighting the composition of the CPDC as “...major bilateral donors, the European Commission, United Nations Development Programme (UNDP), the International Monetary Fund (IMF) and the World Bank (WB).” (Bryden, 2007:p65). All of these organisations have been important actors in defining the paradigm evolution, and directly the subsequent emergence of the SSR concept.

Bryden (2007) traces the evolution of the OECD-DAC’s approach to SSR by highlighting that the 1997 guidelines had only a small sub-section on SSR, but that the 2001 supplement to the guidelines, ‘Helping Prevent Violent Conflict’ (OECD, 2001), identified explicitly the political nature of the security issues and the “need for democratic oversight and accountability of the security sector”. Human rights, security and development concerns were, Bryden asserts, brought together under the overarching concept of human security. Further work on SSR by the CPDC in 2003 identified a lack of ‘conceptual clarity’ and ‘ad hoc’ approaches by donors to SSR undertakings. The 2004 DAC Issues Paper ‘The Security and Development Nexus: Challenges for Aid’, highlighted the link between security and development for aid effectiveness and generated a review of the 2001 guidelines which resulted in the 2004 ‘Security System Reform and Governance: Policy and Good Practice’.

The 2004 Good Practice defines the approach to SSR most associated with the OECD-DAC, and incorporated within the Handbook, in that it emphasises the ‘local ownership’ of the SSR process, it stipulates the inherently political nature of engaging in security issues, it advocates that an holistic approach to SSR is adopted as apposed to what were seen as extant ‘piecemeal’ approaches of donors, and it embeds the pivotal role of non-state security providers and civil society within the SSR process. Bryden summarises:

“It also links measures aimed at increasing the effectiveness and efficiency of security forces to overriding concerns of democratic governance.”
(Bryden, 2007:p68)

Tension

Greene (2008) accepts that the OECD understanding of SSR is one that is widely used, but he asserts that it reflects a particular approach to SSR placing it within a development framework. According to this definition SSR concerns the transformation of the ‘security system’, and has been developed and promoted within a wider framework of development principles that emphasise and focus on providing a secure environment for wider economic and social development. The OECD approach, which remains the most definitive to date, reflects a particular understanding that places SSR within a development framework and seems to be at odds with the OECD Policy Statement (OECD 2005), that:

“OECD governments and their development actors aim to help partner countries establish appropriate structures and mechanisms to manage and resolve disputes through democratic and peaceful means. Support for security system reform (SSR) forms part of this assistance.”
(OECD, 2005:p11)

The developmental objectives of SSR, as outlined in the OECD handbook, appear juxtaposed to the democratising credentials of the organisation. The juxtaposition represents the tension between the overtly developmental objectives of SSR and the inherently democratic context that it purports to support in order to achieve its development objectives. Hänggi (2004) highlights the tripartite nature of SSR, development, security and democracy:

“Since the late 1990s, security sector reform (SSR) has emerged as a key concept, which has become widely accepted by development practitioners, security experts and to a lesser extent, democracy advocates.” [emphasis added]
(Hänggi, 2004:p1)

In an examination of existing and emerging international norms and principles relating to SSR within intergovernmental organisations, Myshlovska (2007) highlights which of these tripartite concepts is most universally present:

“Good governance of the security sector is an overarching concept that usually refers to democratic/civilian control or oversight, accountability and transparency of the security sector. Democratic control and accountability of the security sector have arguably been the sine qua non of SSR/G” [emphasis added]
(Myshlovska, 2007:p34)

Tension to Assertion

Democratic principles are clearly inherent within the present concept of SSR. This paper has traced the evolution of the paradigm within which the SSR concept is situated, and highlighted the democratic ‘current’ in which the process is ‘swimming’. These democratic principles remain the organisational logic within which the SSR processes are conceived as taking place. They are the ‘background’ to the process, an environment that will be supported in order for the purpose of SSR – development – to be achieved. As Hendrickson (2003) explains:

“What differentiates SSR from other approaches, both past and present, is first of all the belief that security needs should be considered in a broader, more holistic perspective that is supportive of development goals”
(Hendrickson, 2003:p243)

This understanding of the purpose of SSR is at the root of Greene's (2008) analysis that the OECD approach is specifically developmental. There is then a tension between the democratising context within which SSR is envisaged and what some actors define as the purpose, which remains 'Development'. This understanding conceives the democratising aspects of SSR as the supporting act to the development objectives. The tension between traditional development paradigms and the post-Cold War leitmotif of democratisation, this paper asserts, is as yet unresolved within the present SSR discourse. There is a reluctance to 'grasp the nettle', a reticence that is most clearly outlined by Whaites (2008) in his seminal paper on State-building, when he discusses issues related to political settlements:

"Settlements are visible through the machinery adapted or created to manage politics (how governments are formed and operate). These include electoral processes, Parliaments, political parties, cabinets and heads of state. Predominantly these are now organised around the ideas of democracy, but alternative organisational principles include: autocracy, monarchy, theocracy or nationalism."
(Whaites, 2008:p14)

The unasked, and therefore unanswered, question is whether international organisations would support the development of states, or the reform and transformation of their security systems, if the state's trajectory were in any other direction but towards democracy. Re-conceiving SSR as a democratising activity, as advocated within this paper, may appear to be a semantic undertaking, especially considering Bryden's (2007) assertion that:

"Instead of situating SSR as a contributing factor to broader democratisation and good governance agendas, the 2001 Guidelines point to a central role for SSR in delivering security and justice....A holistic definition of SSR is set out that stresses the need for an effective, well managed and democratically accountable security sector."
(Bryden, 2007:p 67)

Bryden outlines how "human rights, security and development concerns are brought together under the overarching concept of human security"(p67) as has been traced within this paper. SSR is situated within the conceptual framework of human security, but such a diverse concept does not define objectives. It is rather a perspective for viewing the problem. In a reversal of the OECD process outlined by Bryden above, this paper advocates that SSR should be viewed firstly as a democratising endeavour, specifically focused upon the security and justice processes, but retaining democracy as its intended measurable output. It is the assertion of this paper then, that democracy should be acknowledged as the overarching objective of SSR, an understanding that can be stated as:

SSR is a democratising activity, delivered utilising developmental approaches and methodologies, focused upon the security and justice

apparatus and processes of a state, in order that the state's responsibilities to individual citizens are met.

This understanding stands in contrast to the prevailing developmental understanding in so far as it defines the purpose of SSR to be democracy, while the present model outlines a requirement to engage in SSR in order to create an environment conducive to attaining development goals. This paper's understanding also places the individual citizen at the centre of the process, reflecting more accurately the Human Security perspective that the proper referent for security should be the individual. The two models, democratic and developmental, are not in conflict. It is the contention of this paper that the terminology 'conducive environment' equates to a democratic environment, but from a developmental perspective stating democracy to be an objective is anathema; as outlined with initial assertion within this paper by GFN-SSR which stated that, "*development practitioners largely avoided security issues, which were inevitably bound up with political ideologies..*" (GFN-SSR: *Beginners Guide to SSR*). The understanding advocated by this paper states that democracy is the immediate and stated goal of SSR engagements, and as such should be subject to quantifiable evaluation.

The above stated understanding also requires greater elucidation of the state's responsibilities to the individual citizen, and vice-versa, as there will be as many understandings of this relationship as there are contexts in which to implement SSR. This relationship is core to the democratic model and thus requires specific attention within the SSR discourse, leading to specific focus within SSR engagements. This relationship comprises the figurative space between the state and the individual, as opposed to a development model that holds that this 'space' is comprised of 'civil society'. The democratising model for SSR does not discard the role of 'civil society', but rather insists that the discourse and interventions focus be founded upon the individual/state relationship. This individual/state 'nexus' is best examined through the concepts of the social contract theorists whose thinking forms the core conceptual framework through which we understand the relationship between the individual citizen and the state; citizens' consent bestows legitimacy on the state. It is necessary therefore to consider the theoretical roots of social contract theory by examining the prevailing philosophies.

The Social Contract Theorists⁵

Social contract theory can best be understood as a belief that political structures and the legitimacy of the state derive from an (explicit or implicit) agreement by individuals to surrender (some or all) of their private rights in order to secure the protection and stability of an effective

⁵ The author holds no pretensions to be a philosopher or expert on the social contract theorists, as such this summary is likely to be objectionable to those who are. The audience for this summary is SSR practitioners and all inclusions and exclusions within this summary are based on this assumption.

government. Hobbes, Locke, Rousseau, and Rawls proposed distinct versions of social contract theory⁶.

The social contract theorists introduced two ideas into the political and philosophical discourse: the idea of the 'state of nature' and that of the 'contract' between the ruled and rulers that legitimised the role and actions of the rulers in an organised political society. The state of nature, as described by each philosopher, defines the alternative to entering into the contract. Thomas Hobbes in *Leviathan*, published in 1651, understands the state of nature to be a brutal situation, with individuals in a state of constant war with one another. Based on this assumption Hobbes argued that given that 'men' are naturally self-interested, yet rational, they will choose to submit to the authority of a Sovereign in order to live in a civil society, which is in line with their own interests. The alternative according to Hobbes is to return to a state of nature that was conceived as a state of perpetual war. Hobbes's view of the contract between ruled and ruler was an evolution of the 'divine right of kings', in so far as the right to rule was based on logic and self-interest, but he was opposed to the evolving democratic principles of his time. For Hobbes, the necessity of an absolute authority, in the form of a Sovereign, followed from the utter brutality of the state of nature; rational men would be willing to submit themselves even to absolute authority in order to escape it.

John Locke's idea of the state of nature is very different from Hobbes's version. According to Locke, the state of nature, the natural condition of mankind, is a state of perfect and complete liberty. Locke's version of the state of nature was one populated by families in what he refers to as 'conjugal society', being governed by 'Natural Law'. The state of nature for Locke was pre-political but not pre-moral. Property is the linchpin of Locke's argument for the social contract and civil government because it is the protection of their property, including the property of their own bodies, that 'men' seek when they decide to abandon the State of Nature (Locke believed that private property is created when a person mixes his labour with the raw materials of nature). In Locke's view 'men' give-up some of their liberty to enter into a commonwealth in order to protect their life, liberty and property. Crucially for Locke this was based on consent: a consent that could be withdrawn. The justification for the authority of the executive component of government is the protection of people's property and well-being, so that when such protection is no longer present, or the authority becomes tyrannical against the people, they have a right, if not outright obligation, to resist the authority. The social contract can be dissolved and the process to create a political society begins anew⁷.

Jean-Jacques Rousseau viewed the state of nature as an ideal, solitary existence where a person's few needs were easily satisfied by nature. The state of nature was inhabited by simple, morally pure persons who were

⁶ The data within this section is a composite from: <http://www.iep.utm.edu>

⁷ Locke's effect on the USA can be seen in the Second Amendment to the Constitution, effectively denying the federal state a monopoly of force, as well as the clauses in the State Constitutions of New Hampshire, Kentucky, Tennessee and North Carolina, establishing the citizens' right to rebellion.

naturally endowed with the capacity for pity, and therefore were not inclined to bring harm to one another. In his writings Rousseau described how society (by which he meant his contemporary society) had evolved from the ideal state of nature to what he viewed as a state of corruption. Uniquely amongst the early social contract theorists, Rousseau traced an historical path from the state of nature to his contemporary environment. For Rousseau it was the invention of private property that constituted the pivotal moment in humanity's evolution from the idyllic state of nature to his contemporary society, characterised by greed, corruption, vanity and inequality. For Rousseau the invention of private property constituted humanity's 'fall from grace' out of the state of nature. In his reasoning Rousseau argued that government and authority had to be constituted by those with property in order to protect their privileges and to fossilise inequalities.

The phrase "Man was born free, and he is everywhere in chains" opens Rousseau's 1762 'The Social Contract', where he set about describing what can be done to remedy the state affairs he had described previously. The fundamental philosophical problem that 'The Social Contract' seeks to address is how people can be free and live together. Like Hobbes and Locke before him Rousseau held that all 'men' were born equals, therefore no one has natural right to govern others, and therefore the only justifiable authority is the authority generated out of agreements or covenants. For Rousseau the most basic covenant is the agreement to come together to form a 'people', or the nation. Through the collective renunciation of an individual's rights and freedoms inherent in the state of nature, and the transfer of these rights to a collective body, a sovereign is formed. Included in this version of the social contract is the idea of reciprocated duties: the sovereign is committed to the good of the individuals who constitute it, and each individual is likewise committed to the good of the whole. Given this, individuals cannot be given liberty to decide whether it is in their own interests to fulfil their duties to the sovereign body, while at the same time being allowed to reap the benefits of citizenship. They must be made to conform themselves to the general will, they must be "forced to be free".⁸

John Rawls's 1972 publication 'A Theory of Justice' creates a highly abstract version of the state of nature. In Rawls's original position, or behind the 'Veil of Ignorance', one is denied any particular knowledge of one's circumstances, such as one's gender, race, particular talents or disabilities, one's age, social status, one's particular conception of what makes for a good life, or the particular state of the society in which one will live. These are the conditions under which, Rawls argues, one can choose principles for a just society. For Rawls two principles of justice emerge from this original position, the first principle states that each person in a society is to have as much basic liberty as possible, as long as everyone is granted the same liberties. The second principle states that while social and economic inequalities can be just, they must be available to everyone equally, and such inequalities must be to the advantage of everyone. This means that economic inequalities are only justified when

⁸ Some commentators suggest that a consequence of Rousseau's assertion that once a common will is formed individuals must be forced to conform, to be 'the terror' during the French Revolution.

the least advantaged member of society is nonetheless better off than they would be under alternative arrangements. Rawls also prioritises the principles so that one cannot decide to forgo some civil liberties in favour of greater economic advantage. One summary of the effect of Rawls's theories may have resonance with practitioners of SSR and 'aid' more generally, when it is stated as accepting 'the least worst option'.

Carole Pateman's 1988 book, 'The Sexual Contract', argues that lying beneath the myth of the idealised contract, as described by Hobbes, Locke and Rousseau, is a more fundamental contract concerning men's relationship to women. Feminist critique argues that an 'original pact' precedes the social contract and concerns the agreement by men to dominate women. Contemporary female critics of Hobbes, Locke and Rousseau included Margaret Cavendish who argued that as women were excluded from the social contract (as they clearly were by Hobbes and Locke) then they had not given their consent and were therefore not obligated to abide by the laws resulting from the 'contract'. Mary Astall writing in the same period asked 'if men are born free, why are all women born slaves?' Feminist theorists argue a change from 'classical patriarchy' to modern patriarchy is a shift in who has power over women. The social contract affects men's relationships to power and to one another, but women's relationship to men's power does not change.

Security Sector Reform and the Social Contract

In his examination of 'Constructing Sovereignty for Security' Rubin (2005) succinctly summarises the disfunctionality of much of the Cold War international aid transfers:

"During the formation of the nation states in Europe, rulers struggled and negotiated with subjects (who became citizens) to extract resources to wage war against external threats. In the post-colonial world, rulers struggled and negotiated with external powers to gain aid or capital to protect themselves from domestic threats. Citizens often became disenfranchised, as rulers looked to foreign patrons rather than citizens for power and resources."

(Rubin, 2005:p96)

The evolution of the frameworks for international engagements in the post-Cold War era has been outlined above: this paradigm shift in development and security thinking was captured with the concept of Human Security. The international aid and security architecture has utilised this thinking when considering conflict prevention, conflict resolution, peace building and state building interventions. Through the fog of these interventions has emerged the present SSR discourse that maintains a focus on what Weber (1919) considered the defining aspect of a state: its 'monopoly on the legitimate use of violence'. The SSR discourse and interventions maintains a specific focus on the states apparatus for maintaining this monopoly, along with the apparatus and

processes for delivering justice. The concern with such a focus is highlighted in an OECD Discussion Paper:

“A focus primarily on strengthening state capacities is unlikely to be effective if the state has limited capacity, or is not viewed as legitimate by substantial sections of the population. In such circumstances and depending on the extent to which the state-society contract is articulated, extending state security “services” may be tantamount to facilitating state oppression.”
(OECD, 2008:p72)

Avoiding such an outcome is a core undertaking within the SSR discourse. Within the state building discourse there is an explicit focus on the state’s legitimacy and within the SSR discourse ‘civilian democratic oversight and accountability’ appears to serve as the ‘short-hand’ for legitimacy. The intrinsically democratising nature of SSR has been highlighted within this paper, and it has argued that this core assumption should cease to be implicit and should instead be accepted as an explicit objective. By focusing upon the concept of legitimacy the state building discourse highlights its potentially diverse nature. Whaites (2008) discussing legitimacy states that:

“States also vary in the degree to which they manage state-building by coercion, but even the most repressive states seek to stake a claim to some form of legitimacy; essentially a claim that state institutions have a moral right to continue to lead the state-building process. The claim to legitimacy can rest on numerous grounds (such as tradition or popular support), but the greater the acceptance of this claim the better the prospects for maintaining dominance.”
(Whaites, 2008:p5)

Whaites’s descriptive analysis of state building processes hold a great deal of instructive value for the SSR field, as an immediate commonality between the state building and SSR discourse is the focus on legitimacy not only as a contextual factor for analysis, but also as an intended outcome of international engagements within these endeavours. The implicit contemporary basis for understanding state legitimacy is founded on the concepts of the social contract theory, which holds that an individual consents to surrender some of their rights in order that the state can deliver public goods for the collective benefit. SSR specifically focuses upon the states delivery of security and justice as public goods.

The social contract is the core conceptual framework in which we understand the relationship between the individual citizen and the state; citizens’ consent bestows legitimacy on the state. The present SSR discourse focuses attention on the effectiveness, efficiency and legitimacy of the state’s delivery of security and justice, by ensuring democratic civilian oversight and accountability. By incorporating a social contract perspective into the SSR discourse the conceptual ‘centre of attention’ shifts from the state’s structures and organised civil society structures (but does not preclude them), towards the figurative ground between the state and citizen. The conceptual device of the social contract describes this

citizen / state relationship, and therefore should be a pivotal consideration when conceiving and delivering SSR activities.

Aggregate Effect

The argument developed within this paper has advocated the recognition of SSR as a democratising endeavour, and for the inclusion of the social contract as a conceptual framework at the core of the SSR processes and engagements. It is recognised that there will be an effect upon the existing methodology and tools presently defined within the SSR discourse. However, it is important to note that these are viewed as additional aspects of the existing tools and methodologies as the paper intends to supplement what has been developed, and not to replace it.

Defining the overarching objective of SSR as enhancing the quality of democracy by focused on the social contract, will have an effect upon all interactions between actors within the delivery context. New tools and methodologies will be required for assessment processes, as well as additional outcomes conceived for the inception phases. Crucially, a method of viewing and describing the extant social contract will be necessary which can also serve as a base-line for evaluating the effect of the SSR process on the social contract. An evolution in practitioners' perceptions and practices needs to be conceived, in order to accommodate the overarching objective of SSR processes as the enhancement of democracy.

Held (1993) has argued that 'contemporary Western society is in the grip of contractual thinking'. As such it becomes an obligation on the organisation supporting SSR to examine its own 'DNA' in this regard. Each individual and organisation will possess an inherent historical and cultural understanding of an appropriate social contract. By applying a 'self analysis' approach as a first step to adopting a social contract perspective the individual, donor or supporting organisation can develop an understanding of their own implicit view of what the social contract entails, thereby going some way to preventing the adoption of normative solutions.

The social contract conceptual framework for SSR is primarily intended to affect the outcomes of the reform process for citizens, and the state established to serve them. Each context is unique, and thus the construct of the social contract will be as unique as the context. It is therefore difficult to predict an aggregate outcome of adopting the framework. It is possible to provide illustrative examples to highlight how the social contract perspective could alter outcomes within the SSR field. For example, present processes within the defence arena tend to focus on 'professionalising' militaries, whereas a social contract perspective could conceivably identify a requirement to focus upon the states' and citizens' reciprocal duties and responsibilities through the introduction of compulsory military service, perhaps in the creation of a citizens' army. Within the justice field the social contract perspective could suggest the requirement to introduce or extend jury service, or highlight how the state

structures could co-opt traditional justice providers through a 'Magistrates' system. Such outcomes would be focused specifically at enhancing the depth, quality and acceptance of the social contract.

The inclusion of the social contract theory within the SSR discourse is not intended as an answer, solution or imposition, but rather as a perspective for enhancing understanding of the state/citizen relationship that is at the heart of the SSR endeavour. It requires that the state's legitimacy of coercion and delivery of security and justice as public goods are enhanced, and by doing so the social contract is articulate, rendered more resilient and hence democracy strengthened.

Conclusions

This paper has traced the paradigm shift that evolved from international engagements in intra-state conflicts, fragile and failing states and humanitarian emergencies in the post-Cold War era, resulting in the articulation and acceptance of the concept of Human Security. The SSR discourse has been viewed through the Human Security perspective and it is argued that SSR should be viewed primarily as a democratising endeavour, specifically focused upon the security and justice processes, but establishing democracy as its intended measurable output. It is the assertion of this paper that democracy should be acknowledged as the overarching objective of SSR, an understanding that can be stated as:

SSR is a democratising activity, delivered utilising developmental approaches and methodologies, focused upon the security and justice apparatus and processes of a state, in order that the state's responsibilities to the individual citizens are met.

The social contract is the core conceptual framework in which we understand the relationship between the individual citizen and the state; citizens' consent bestows legitimacy on the state. The present SSR discourse focuses attention on the effectiveness, efficiency and legitimacy of the state's delivery of security and justice by ensuring democratic civilian oversight and accountability. By incorporating a social contract perspective into the SSR discourse the conceptual 'centre of attention' shifts from the state's structures and organised civil society structures (but does not preclude them), towards the figurative ground between the state and citizen. The conceptual device of the social contract describes this citizen/state relationship, and therefore should be a pivotal consideration when conceiving and delivering SSR activities; by doing so the social contract is articulate, rendered more resilient and hence democracy strengthened.

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