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Security & Justice Development – What Next?

Andrew Rathmell

The development of local security and justice sectors in developing, fragile and conflict-affected states has for a long time been an important strand in the UK's approach to delivering its national security and development objectives. The 2009 White Paper on international development committed DFID to placing considerably greater emphasis on promoting security and access to justice in developing states. The Ministry of Defence's Green Paper is likely to place greater emphasis on soft power, including security cooperation activities. In some countries, the UK has poured bilateral resources into this domain, from the training of Afghan military and police to the reform of the Sierra Leone security sector and the strengthening of various African militaries and police forces.

DFID's White Paper commitments come 10 years after then DFID Secretary of State Clare Short took the bold step of putting Security Sector Reform (SSR) squarely on the development agenda. In the interim, the UK has taken a leading role in undertaking SSR-related projects in its bilateral programmes and in shaping the international donor debate. The success of international lobbying by the UK has been reflected in documents such as the OECD DAC's guidelines on SSR and the UN's adoption of the concept. While security and justice is unlikely to become a Millenium Development goal, the fact that it is discussed as such is a tribute to the progress that this agenda has made.

The UK's recent (re)commitment to the security and justice agenda is a worthy enterprise. However, achieving success will require three things: further conceptual clarity, a revamped international influence campaign, and addressing serious capacity constraints on the delivery side.

The need for conceptual clarity – and realism

The 2009 development White Paper reiterates DFID's long-expressed view that the lack of functioning and accountable security and justice systems will retard development. The emergence of this intellectual orthodoxy has resulted from the convergence of a number of streams since the late 1990s. The development community has put security and justice reform on the human development agenda. The defence community has sought to go beyond the military "train and equip" programmes that have characterised a lot of military assistance. Even counter-terrorist practitioners have recognised the

importance of broader approaches to security assistance and the interplay of security sectors and drivers of radicalisation.

Despite this conceptual progress, the orthodoxy on security and justice development faces three important challenges which have often been papered over rather than resolved. These are, in increasing levels of importance: - first, the tensions between the SSR and Rule of Law/justice communities. Doctrinally, SSR has subsumed justice activities, including non-state justice, but donors, practitioners and institutions in many recipient states do not see the world in this way. Indeed, in how many OECD donor countries are reforms of the security and justice sectors, as defined in OECD or UN guidance, seen as a whole? With considerable donor effort now going into security assistance programmes round the world, we have not yet moved from a broad policy commitment to the principles, to a commonly agreed articulation of how these principles apply in practice across the security and justice domains.

Second, the fact that the practice of SSR has deviated massively from the theory. Sierra Leone is held up as the paradigmatic case of integrated SSR. To some extent, this is a case of post-facto application of a theory, but the more worrying fact is that, of the billions of dollars spent elsewhere by donors supporting activities that could be labelled SSR, over the past decade, it is hard to identify many examples that stack up even to the theory of what happened in Sierra Leone. The bulk of international assistance in this area has involved building the capacity of local security forces. There has been a fair amount of work on aspects of Rule of Law and also plenty of cases where elements of broader SSR have been put in place – including oversight and accountability mechanisms. But system-wide reforms have been notably lacking. This may not matter if we see SSR as a set of organising principles and if narrower capacity building and reform work takes place according to SSR principles and methods. But at some point, the divergence between the investments in narrow capacity-building initiatives commonly funded by international partners and the principles of the SSR does become a problem.

This track record also points to the third outstanding challenge for the practical application of the SSR concept – political will and local ownership. These buzzwords are overused but point to a central challenge: any elite will only envision reform of its core state functions, notably security and justice, in exceptional circumstances. The entry points for internationals are obvious in a situation of state collapse (e.g. Sierra Leone, Afghanistan, Iraq), state formation (Balkans, South Sudan) or where there is some combination of political desire for internal reform (e.g. Indonesia, Chile) and/or the pressure of international norms (e.g. Eastern Europe). Where local elites have enough autonomy to take elements of SSR and reject others, then it is not clear what traction the concept can have. This explains the limited application of the concept to Middle Eastern, North African or Central Asian states. All of these states want elements of reform, or at least, modernisation, but do not want to undergo the thoroughgoing political transformation that the SSR project implies.

Do these major political, cultural and conceptual problems negate the value of the security and justice development agenda? They do not, since there is such a long way to go in raising the relatively low level of security and justice provision in many countries and in improving the rather ramshackle international donor apparatus. However, these problems do place an upper limit on what we can hope to achieve. Holistic, sustainable and thorough-going reform will be the very rare exception and usually linked to large-scale, indigenous political change, as in Eastern Europe after the Cold War. Piecemeal, incremental development will be the norm but what the security and justice concept provides are some guiding principles and good practices that can help guide domestic reformers and ensure that the international assistance they receive is fit for purpose.

A revamped international strategy

A notable success of the UK's SSR efforts has been the shaping of the international agenda. The UK has used a combination of direct lobbying, e.g. within OECD DAC and the UN; funding for agenda-setting research; and the power of example through institutional initiatives such as pooled funding, a cross-departmental Security Sector Development Advisory Team, and bilateral programming. The development White Paper rightly notes the importance of continuing international engagement.

Especially for a public sector facing years of belt-tightening, it is vital that the UK invests in seeking to shape the international agenda since, only through collective action can any individual donor make a significant impact on security and justice development. Bilateral UK programmes can serve as pilots but the most important game in town is now to influence other bilateral donors, notably the US, and the multilateral organisations.

If the UK is to be effective in leveraging its international partners, it will need to take seriously four issues. First, practising what it preaches. The UK probably leads the world in its commitment to security and justice development and has pioneered a number of delivery mechanisms. But the UK's capabilities to make and deliver policy in a comprehensive and professional manner need significant overhaul. Some fairly simple institutional fixes would help – agreeing on the role and resourcing for a cross-departmental centre of expertise that is used by the whole of government; ensuring that all work related to security and justice sector development overseas is carried out in line with common "doctrine" and standards; and ensuring that appropriate training reaches all relevant staff. These fixes are easy to recommend but difficult to implement in practice given the number of bureaucratic equities at stake. Since development and defence agencies, for instance, will always come at this topic from different perspectives, we should not expect a completely unified approach. Nonetheless, institutional reforms and more systematic education would go a long way to resolving many of the tensions that still exist. Second, the UK needs to get serious about engaging the US Government. At a policy level, the US Government now "gets" SSR and a major effort is underway within the Departments of Defense, State and USAID to mainstream the concept, to educate managers and to align funding streams and to disseminate good practices. By one estimate, the US government's total investment in programmes that relate to security and justice development totals some $20bn. The UK has played a positive role in helping the US to shape its policy towards SSR. A further investment in "full-spectrum" engagement with the US across the defence, development and diplomatic fields would have significant pay-offs.

Third, decisions need to be made on how best to leverage multilateral mechanisms for the design and delivery of security and justice development. The UN, EU, NATO and the World Bank are all active in implementing elements of security and justice development. The UN now runs or manages numerous rule of law and police reform programmes; many of the European Security & Defence Policy missions are, in effect, rule of law programmes; NATO now commands major defence development missions in Iraq and Afghanistan. Given that these multilateral organisations reach much further than the UK can do by itself and help to leverage other states, it will be important to ensure that the institutions are delivering effectively. The UK has already contributed to the development of the UN's SSR policy and UK officials are active in shaping and delivering EU and NATO missions. Current attempts to improve international performance, for instance in the form of the International Security Sector Advisory Team, are worthy but do not yet reach far enough.

The fourth challenge is that of avoiding the imposition of "northern" templates and of building true recipient "ownership". The UK has rightly identified building "southern" capacity to deliver security and justice reform as a priority and has used academic and training mechanisms to good effect. There is an emerging "southern" debate on security and justice development and plenty of examples where governments have either taken matters into their own hands or have worked to shape and redirect donor approaches. There are a small number of "southern" centres of expertise, including networks sponsored by DFID, but there remains a great deal of potential to increase the quantity and quality of such expertise. In this area, negotiating norms and principles that may or may not reflect the OECD orthodoxy will be as important as will be capacity building.

Professionalising the business

Underlying many of the above recommendations is a pressing need to build international capacity to design and deliver security and justice reform and development. Unlike other areas of development, such as health or education, or the military profession, security and justice development is not yet a true profession. The field has some of the trappings of a profession – such as a self-reflective academic

literature and assorted training courses - but much of the work is performed either by a small band of experts or by enthusiastic amateurs. If donors and recipients are going to invest more in this area and are to get better value for money from their investments, then donors and recipients alike will need to ensure the building of a more professional ethos. There are a number of practical, pioneering, steps that the UK could take to promote greater professionalism:

Work towards a better understanding of the respective roles of bilateral donors, multilaterals, the private sector on the supply side and the roles of local actors and owners on the other. There is considerable scope for further rationalisation, even role specialisation, and shared capacity building initiatives on the donor side. There is also scope for more formalised understanding of the nature of local ownership and earlier involvement of local actors in constructing the approach to security and justice reform in a particular country.

Explore innovative programming methods and performance measures. As we gain greater understandings of how reform happens in complex systems like security and justice sectors, it has become more evident that pre-planned, technocratic programmes are often not effective. A truly effective programme needs to be evolutionary, adaptive and tie tightly together political and developmental interventions. This can be a challenge for donor procurement and performance monitoring systems but DFID has the opportunity to demonstrate how innovative approaches can work.

Expanded education programmes that bring together multiple communities to address not just the concepts of SSR but the practicalities. The UK, US, EU, UN and other partners are all rolling out security and justice training programmes of various forms. Their interest provides an opportunity to ensure that these educational programmes serve two important goals. First, to bring together a wide range of actors, including local actors interested in negotiating their relationships with donors. Second, to ensure that practitioners not only understand the concepts but also have a thorough grounding in the developmental and programmatic tools that help make a programme a success or a failure.

From a UK perspective, this professionalisation is vital if the UK is to continue to exert international influence in an era of fiscal restraint. For the UK, its OECD partners and the multilateral institutions, the trick will be to get more out of a smaller number of deployed personnel. This will involve focusing on consolidating the UK's capabilities; working with partners to lay out capacity development plans for donor nations; and significantly reinforcing current efforts to boost "southern" capacities.

Conclusion

In the run-up to next year's general election, the UK is beginning to engage in a debate over how to reshape the public sector while still achieving key policy outcomes. In order to meet the UK's enduring national security and development objectives, supporting the improvement of security and justice systems in fragile and conflict-affected states, should be a "no-brainer". Further, helping to build accountable and effective security sectors in developing states who can contribute to global security, whether by countering terrorism or supporting international peace operations, is also a "spend to save" measure. Success has the potential to save the UK vast amounts of public resources that may otherwise be expended on large-scale military deployments, on counter-terrorist measures, or wasted if development funds are squandered by authoritarian and conflict-prone regimes.

Furthermore, given the UK's track record of leveraging other donor activity around SSR, investment in building UK capacity that could underpin an integrated international influencing campaign, would pay off handsomely. For instance, if the UK can help to raise the quality of ESDP rule of law missions or assist the US Government to build more sustainability into its defence and police reform programmes, this will have a greater multiplier effect than any number of bilateral programmes.

It is right nonetheless to end on a note of caution. The case for a more integrated and professional approach to security and justice development, underpinning an international influence campaign, seems clear. However, policy-makers and practitioners need also to be realistic. As we know from the history

of our own security and justice sectors, which are still works in progress, these are massively complex systems that evolve at different rates and in sometimes unpredictable directions. External support can nudge evolutionary reform processes in favourable directions but we should be under no illusions that even a more professional and better coordinated supply of assistance will have rapid or universal impact.