The Justice-Security-Development Nexus: Theory and Practice in Fragile and Conflict-Affected Countries
Experts Workshop
November 15-16, 2012
Washington, DC

Opening Session: Conceptual Framing and Purpose

1. Purpose of the Workshop

This workshop is part of a World Bank project to provide practical guidance on how the Bank and other donors might promote the emergence of legitimate and effective institutions to manage (in)justice and (in)security in fragile and conflict-affected countries (FCC).

- The World Development Report: conflict, security and development (WDR 2011) argues that fragility and conflict are fueled by the absence of effective and legitimate institutions to provide basic security, justice, and economic opportunities for citizens.
- This basic message is hardly groundbreaking. But the report has provided an important opportunity for the Bank to re-evaluate the nexus of ‘justice-security-development’ and to explore fresh conceptual and practical approaches to the oft-criticized enterprise of justice and security reform promoted by a broad range of international actors.
- This project, funded in large part by the Bank-Netherlands Partnership Program, consists of three core interrelated components:
  i) Strengthening the conceptual and empirical base for undertaking programming related to justice and security. In brief, our aim is to move beyond the prevailing approach of identifying and then filling and correcting deficits and dysfunctions in justice and security institutions. The core of our approach is a closer examination of the conditions under which societies craft effective and legitimate institutions to address justice and security, and in light of this, to provide a better understanding of the potential entry points, and awareness of inherent limits, for development agencies. We discuss this in more detail below.
  ii) Adding value to the Bank’s strategic and operational work in select FCC through analytical contributions, pilot programming and ‘embedding’ within Bank task teams in a range of sector operations. This constitutes the practical application of (i), which we are currently

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1 This paper was developed for the November 15 - 16, 2012 World Bank expert workshop on the Justice-Security-Development Nexus: Theory and Practice in Fragile and Conflict-Affected Countries. The task team leaders for this paper were Deborah Isser and Doug Porter, team members included Alex Berg, Catherine Anderson, Saku Akmeemana and Deval Desai. For more information please contact Deborah Isser at disser@worldbank.org.
2 The Bank previously referred to fragile and conflict-affected states (FCS), but has now adopted the term fragile and conflict-affected countries (FCC). IDA Mid Term Review, October 2012.
pursuing (to varying degrees and around varying issues) in South Sudan, Liberia, Honduras, Nigeria, Cote d'Ivoire, Yemen, Timor Leste, Solomon Islands and Central African Republic.

iii) Synthesizing the analytical and operational work of (i) and (ii) into knowledge products, guidance notes and operational implications aimed at Bank and donor practitioner audiences.

- We think that our understanding of and approaches to justice and security in FCC need to be fundamentally re-conceptualized. But ultimately our work will be judged on how it translates into improved practice by the Bank and other donors.

This workshop comes early in this project. Its purpose is to examine and deepen our conceptual approach and explore its implications for donor interventions through discussion of five engagement cases.

- Our hope is that this workshop will help us test and refine our approach in reference to (i) and (ii) above. We are privileged to host a select group of leading thinkers and look forward to your wisdom and guidance as we explore these issues.

- We have organized the two days in reverse order to the typical deductive approach. We begin, so to speak, with practice by dedicating the first day to discussion of five engagement cases, and follow on the second day with theoretical reflection. This is intended to keep our discussions grounded and to provide common reference points throughout the workshop. We are excited by the theoretical implications of recent scholarly work, but we are not at all yet sure how these might be applied to the particular contexts where we work, nor to the instrumental purposes we carry there.

- Both days will follow a similar chain of analysis - engagement case discussions on Day 1 will attempt to mirror the three sessions of Day 2, namely,

  i) analysis of how, at a broad level, political deal making, economies, geographies and social pressures account for variation in the accessibility, fairness, legitimacy and responsiveness of institutions that impact on security and justice;

  ii) honing in on how (i) manifests in particular spaces where justice and security stresses arise and affects how they are managed (for instance, in dispute resolution and control of violence; public spending and service delivery; natural resource governance); and

  iii) reflecting on how donor interventions in these spaces may exacerbate justice and security stresses, or promote pathways toward investment in effective and legitimate justice and security institutions.

Here, we explain what motivates this Workshop, our starting point, and the thinking behind the Workshop agenda.

- The next section unpacks the key messages of WDR 2011 – about conflict, the attention it gives to justice and security, and the ‘roadmap’ it lays out for more effective engagements in fragile and conflicted settings. We’re mindful of the limits and critiques of these messages. But they do reflect an emerging consensus that provides a useful springboard for our thinking, and framing of this Workshop.
Then, we look at the implications of these messages in relation to justice and security. Without losing ourselves in theory or being unduly detained by definitions, we describe the contours of how we view this space by drawing contrasts with conventional approaches and laying out the principles that underpin our understanding.

We then look at what this means for ‘interventions’. A common view seems to be emerging following the WDR about what it takes to ‘successfully transition’, the kinds of domestic political and other conditions that are conducive to this, and about how donors can be useful.

The WDR’s intellectual fulcrum, namely the concept of ‘inclusive enough coalitions’, can be informed by a lively and wider scholarly debate that has emerged about elite bargains, pacts and political settlements. We are energised by this scholarship, despite often being perplexed by what it means in the contexts in which we are working and thus are by no means suggesting a slavish application of these concepts – for a host of reasons that we hope the Workshop will discuss at length.

This point will become clearer as we segue into the framing of the five engagement cases, the focus of Day 1 discussions, and explain the links to Day 2.

2. WDR 2011 and since: Conflict, Security, and Development

The WDR 2011 has not gone uncontested. But several events since the WDR –reflected in Bank and OECD policy statements and reviews, the high profile conferences in Accra, Monrovia, Dili and Busan, and in the New Deal 2011 sponsored by the G7+ – suggest that a consensus is emerging about the conflict-security-development nexus and what it means for donor interventions. There are both milder and stronger versions of this, some are more sanguine about the prospects, and others more emphatic about the prescriptions. But, taken together, they agree on some fundamentals, about the nature of modern conflict, the common denominator of ‘institutional failure’, and by and large, what to do about it.

Conflict and what drives violence

- The basic preamble to this topic indicates that the donor community is finally catching up with a long history of scholarship: for instance, that history is never linear but is punctuated by crises and conflicts that are continually evolving, mutating and fluctuating over time and space; and that conflict and contentious politics are inherent in any process of change and development – in other words, conflict can be both socially generative and socially corrosive. Modern development is typically defined by this double-movement (conflict in other words is not simply failed development or the antithesis of development).

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3 Emerging critiques of WDR 2011 center on a few key themes including: its conflation of different forms of violence and violent groups; insufficient attention to the historical roles of violence, including its role in social and political change; its inattention to spatial factors; overemphasis on political leaders as determinants of national identity and insufficient attention to how this interacts with multiple forms of contestation; and overreliance on the role of elite bargains and political settlements.
Past efforts to find single cause explanations of conflict/fragility – greed, grievance, ethnicity, natural resources – belie the reality of plural, complex and shifting causality. While the usefulness of categories of ‘fragility’ and ‘conflict affected’ is therefore questionable, the contexts they denote are commonly challenged by a lethal combination of external and internal stresses – specifically, security (e.g., militarization, cross-border conflict spillovers), economies (income poverty and inequality, youth unemployment, natural resource dependency, external price/policy shocks) and justice (sectarian and ethno-religious discrimination, human rights abuses, legacies of violence).

Violence as consequence of institutional failure

Institutional failure has become the common denominator in explanations of violence. Where states, markets, and social institutions fail to provide basic security, justice, services and economic opportunities for citizens, citizens withdraw support (revenue, loyalty, respect, mandates, consent) for ‘public interest’ authorities, whether these are state or non-state in form. This constrains the arenas available for peaceful social contestation and, at the limit, societies may descend into the most abject forms of civil conflict.

In terms of our interest here, the point is that when justice and security institutions – ‘formal’ or otherwise - are inaccessible or unreliable, weak, unresponsive, corrupted or purely parochial, people will adopt other means to redress grievance or to pursue and secure their economic, political, and social interests, including violence.

Key elements of ‘successful transitions’

While agreeing that our knowledge is partial, and warning that successful transitions require generational change, the international community, triggered largely by the WDR, has been crafting a ‘roadmap’ for successful transition. This map has perhaps two key guideposts:

i) First, when facing risks of violent conflict, citizen security, justice and jobs are key elements of a strategy of stabilization and transition.

ii) Second, the WDR argues that successful transitions out of chronic fragility and cyclical violence occur as a result of ‘inclusive enough’ political coalitions in which leaders:
   - send credible and widely meaningful signals of change, so as to restore or build confidence in collective action before embarking on
   - wider institutional transformations that require sustained investments of political and social capital over time to deliver security, justice and jobs in inclusive ways.

Role of International agencies/donors

Traditionally, external support is most often helpful in managing external stresses (for instance to block flows of illicit wealth offshore) and internal stresses (e.g., responses to natural calamities). But the two guideposts put forth by the WDR suggest that external support needs to undergo a paradigm shift in order to support successful transitions out of fragility. There are two key aspects of this:

i) First, refocusing international assistance on confidence building, through timely and targeted support to build citizen security, justice and jobs, and
ii) Second, revamping how donors engage. Namely, that where international agencies have helped countries to successfully transition from chronic fragility and cyclical violence, this has required careful tailoring of support to local contexts, astute and lasting engagements with national leaders and political networks to build coalitions for collective action.

3. Justice and Security: Beyond Conventions

- Turning to justice and security, we emphasize two messages that are sometimes lost in the practitioner community’s response to the WDR:
  i) First, that the WDR’s attention to security and justice is clearly not intended to reinvigorate or expand conventional approaches to security and justice reforms. While the report indicates that it means something else – crafting ‘best-fit’ institutions adapted to local context to manage insecurity and injustice, as opposed to the usual menu of capacity building of state security and justice sector institutions – it is less helpful in translating that into operational terms. Hence the focus of our work program on the operational implications of different conceptual framings.
  ii) Second, it would be a mistake to equate the call for context specific, astute and lasting engagements with national leaders, political networks and coalitions with efforts to inject steroids into the ‘harmonization and alignment’ agendas championed since the late 1990s by the OECD DAC groupings. In fact, for reasons we will doubtless explore in this Workshop, it could be read as a direct challenge to this thinking.

A word about conventions in security and justice

- It is commonly accepted that efforts on security and justice in FCCs have had an awful track record. But while the reasons of this have been well explored in critiques over the last several decades, the practice has failed to break out of the rut. The conventional paradigm has two, possibly three ‘phases,’ depending on how you look at it. These phases – sometimes pursued sequentially but more often simultaneously and in complement or competition to each other – represent the primary approaches pursued by international donors to justice and security in FCCs.
  i) a law and order (‘put a lid on it’) phase dominated by various forms of co-production of security and justice between the global community and national institutions, with the aim of containing violence and lawlessness and providing a security guarantee, followed soon thereafter by
  ii) a capacity building phase to ‘restore’ justice and security institutions, sometimes accompanied by ‘sector reforms’, but with the principle purpose of enabling international actors to drawdown and local institutions to ‘take over’.

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4 This convention is generally focused on major multilateral interventions authorized by the Security Council or a coalition of states, although there are elements of this in multi-lateral and bi-lateral justice and security programming in a range of countries experiencing fragility or pockets of conflict.

5 Conventional discourse recognizes the need to build in capacity building from the outset as critical to avoiding the mistakes of earlier missions which struggled with the transition from a heavy international substitution to local authorities. This does not however change the basic flaw of the paradigm as discussed below.
This phase is dominated by a ‘deficit and dysfunction’ approach to formal institutions, characterized by an assessment of how local institutions measure up to global norms and best practice and gearing aid to close that gap – mostly through legal drafting, professional training, infrastructure and material support. Much like early ‘law and development’ and ‘good governance’ work, this paradigm has been roundly criticized as importing models that have little to do with realities on the ground, emphasizing forms over functions and encouraging isomorphic mimicry. This leads to problems of ‘premature load bearing,’ fiscal and capacity overhang, and a failure to embed reforms in political and social processes.  

iii) For many years, efforts to respond to these critiques have focused on what we call the third phase. Often these efforts rise to prominence when the second phase runs into difficulties, as formal justice and security institutions remain chronically incapable of assuming the roles mandated to them, or where they fail to deliver what the public regards as fair and legitimate, or, more pragmatically, where they simply cost more than countries can afford, or donors are prepared to maintain. Three elements of this approach are increasingly considered part of the mainstream repertoire:

- Reaching beyond state institutions to engage (often state-sanctioned) customary or non-state actors
- Bottom up approaches of legal empowerment to promote ‘demand side’ justice and security service delivery, and
- Efforts to conjure up ‘local ownership’ of interventions, generally by seeking out ‘local champions’ and various forms of stakeholder consultation and participatory processes.

Many of these efforts do produce tangible results. But we are not the first to point out that as this two or three phase paradigm lurches on, producing a kind of schizophrenia within the ‘justice and security community of practice’ – over the securitization of justice; the difference in skills and approach to substitution versus capacity building; demand versus supply side interventions; state versus non-state – the flaws of the overall paradigm are reproduced. In a nutshell, these efforts address symptoms without engaging in the political, social and economic dynamics and processes that produce insecurity and injustice stresses, and that give rise to the institutions that either successfully manage or exacerbate these stresses.

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Elements of a new paradigm require a re-conceptualization of the justice and security problem, and exploration of the conditions, processes and domains where meaningful justice and security institutions and outcomes are produced.

- It is far from clear what the WDR’s ‘new paradigm’ for justice and security would look like. But the WDR and debates since offer interesting avenues for exploring three underlying elements: (1) what do we mean by justice and security; (2) what are the conditions and processes under which societies craft effective and legitimate institutions; (3) in what ways can donors meaningfully support these conditions and engage with these processes.

Justice and security re-conceptualized

- In contrast to convention, we might set out the following dimensions of justice, security and their relation to conflict and development. We do not here attempt to engage with the rich literature and theory around the meaning of justice and security, but rather to set out the contours of how we might view this space.

  i) Justice and security are not exceptional; they do not somehow stand as special institutional forms or societal functions at some remove from other aspects of ‘development’ but are rather amongst the core functions of public authorities. Both terms can be defined in various ways, but core functions include the regulation of markets (including how natural assets are transacted), the collection and spending of public wealth (resources, revenues, rents), delivery of services (including also social protection), as well as human security (public safety, property, person) and justice (defining and enforcing rights and duties, accountability). Thus, what concerns us is not justice and security as particular institutional forms, but rather as types of normative commitments and desired outcomes that employ a variety of processes and institutional forms in their realization. And the role of engagement is therefore not to promote any particular version of these, but rather to engage with efforts by societies to develop these institutions and achieve these outcomes.

  ii) It follows that justice and security is not limited to what is known as the ‘justice and security sectors,’ generally defined by a fixed set of institutions (military, police, courts, prosecutors, corrections, defense, bar associations, legal aid institutions etc.). If we start with the domains in which injustice and insecurity are experienced – and examine the expectations, sources of grievance and drivers of violence in relation to any of the core functions mentioned above – it becomes clear that the playing field is much wider and reaches across development ‘sectors.’ In other words, justice and security are the products of a wide range of institutions and processes that mediate people’s experience with rights, entitlements and public well being. This has the benefit of breaking down unhelpful silos in development practice. But it also has the uncomfortable effect of blurring the line between what is

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7 We do not mean ‘public authority’ to be limited to state authority; it can also be exercised by other forms of political and social collectives (customary, religious, etc.) that have authority to carry out activities in the public interest.
considered a security and justice issue and what is the domain of, for example, service
delivery, public finance management, or social protection.

iii) This approach further implies that justice and security are not technologies that can be
dropped into a country, but are rather embedded in the political, social and economic fabric
of their societies. Both the substantive commitments and institutional forms of justice and
security emerge from social and political processes of contestation around how societies are
ordered, and are of course influenced by a variety of internal and external forces. While
nowhere are these questions ‘settled’ once and for all, in fragile and conflicted settings the
institutional arrangements through which these contests are mediated/regulated tend to be
more fragmented, less authoritative and thus more contested in both how they operate and
the results they achieve. The aim of external interventions, therefore, is neither to import
best practice so as to fill perceived deficits and dysfunctions, nor to wait for local processes
of contestation to sort things out. Rather, the aim is to identify and engage with these local
processes and the institutional arrangements that mediate them, with the aim of
accelerating the ‘good struggles’ – i.e. the social and political contests that promote socially
generative outcomes – or otherwise fostering the conditions that enable legitimate and
effective security and justice institutions to emerge.

Three operational areas: domains of justice and security

- As a means of putting some boundaries on this space we have in our work defined three
  ‘operational areas’ in which justice and security contests frequently play out (the five engagement
cases discussed in this Workshop provide concrete examples):

  i) **Access to justice and security services.** This area corresponds with the conventional way of
     viewing justice and security – as the core function of institutions (not limited to state
     institutions) to resolve disputes, settle claims and grievances, and respond to public
demands to develop and enforce laws regarding personal security and public safety.

  ii) **Distribution of public wealth/service delivery.** How public authorities define what shall be
      ‘public’ wealth, collect that wealth and invest it in the delivery of services, (health and
      education, roads, infrastructure and public utilities), are everywhere sites of contest. How
      resources and services are allocated amongst competing priorities, who benefits, who loses,
      what interests are being served, how power structures are altered, can all be the source of
      grievance, perceived injustice and in extreme cases rallying cries to violence.

  iii) **Regulation of economic assets, in particular land and natural resources.** Contests over
       ownership, use and access rights to land, as well as the distribution and sharing of both the
       negative impacts and revenues derived from natural resource exploitation, have been
       significant drivers of conflict in societies undergoing economic transformation.
How do we engage in these domains?

- All this clearly calls for a different set of engagement strategies than are usually employed by donors. This requires not simply that we ‘engage deeply with the contexts in which we work’, for that is very old advice. Rather, the message from WDR and since is that we must engage with how power is ordered, with networks of power, in a word, with ‘politics’. The WDR’s two part message - selectivity around ‘citizen security, justice and jobs’, and engagement with leaders (coalitions, networks, alliances, pacts) as they take commitment risks to build confidence and inclusive institutions – point us toward the political conditions – the networks of political support, the foundations of authority and the normative commitments – that enable societies’ investment in institutions that more effectively manage security and justice. But it provides little guidance – and there is much less agreement – about what that actually means in practice.

- The World Bank Justice for the Poor program (J4P) and others have employed a socio-legal or ethnographic approach to understanding how people (‘end users’) perceive and experience injustice and insecurity. We believe this helps to arrest the tendency to see the local context through the lens of particular institutional forms – and thus judge that context in terms of the functionality (or absence) of these institutions. More importantly, across these three operational areas we aim to figure out three things:
  i) In any particular context around what issues are public grievances about injustice and insecurity most pronounced?
  ii) How are these issues being contested, what are the local institutions through which these contests are being mediated and regulated, and who benefits and loses?
  iii) In what ways can already existing institutions governing these contests be further adapted to create ‘spaces of contestation’ for peaceful, equitable and durable resolution of social contest?

We are aware that this approach is ambitious. Our aim in this strategy of engagement is not to identify and respond across the board to whatever ongoing grievances, contests and ways of responding that appear locally. Rather it is to discern amongst this wider array which contests are ‘socially generative’ and thus which kinds of engagements potentially offer what we call a ‘development pathway’ to peaceful, equitable and productive social change.

- It is not difficult to park alongside the WDR our interest in creating or supporting institutions as sites for social contests that offer longer term pathways for generative changes. The WDR reminds us to look beyond the grievances and institutions themselves to the political conditions and configurations of power that provide the space or impetus for productive social contests, that enable constructive development pathways to emerge, and that ultimately favor investments in more legitimate and effective institutions. But this is still a long way from understanding how our engagements might help align with the political incentives to improve the prospects that people, elites and others will be interested in investing political capital in public authorities that are more responsive to the public. And crucially, since we are part of the World Bank, we need to consider how engaging in spaces of social contestation might align with political incentives in our own
organization, or as often, work to create precedents that then lower the commitment risk for Bank people to get involved in these kinds of ventures. We are yet to find practical guidance from the myriad ‘communities of practice’ that have been spawned since the WDR about how to do this.

- There are conceits and hazards in this approach. The first conceit is that external actors can sufficiently understand the complex histories, geographies, identities and so on, that are packed into the expression, ‘local context’ to identify potentially generative contests foster favorable conditions. The second is that it will be possible ex ante to discern ‘pathways’ with the degree of coherence needed to mobilize support for engagements, whilst avoiding the all too obvious fallacy that societal change follows a linear trajectory and is unlikely to proceed as we anticipate. A hazard: although the aim of engagements is to positively influence – accelerate, short cut, help leaders absorb commitment risks, etc. – processes of contestation by altering the rules of the game, there is a high risk that this will generate conflict in unforeseen, unintended and corrosive ways. We take this up in more detail in our discussion of the engagement cases below.

We find the notions of ‘inclusive enough coalitions’ and ‘elite bargains’ useful, but insufficient in exploring the conditions under which effective and legitimate justice and security institutions emerge.

- In the instrumental world of donor development, the notion of inclusive enough coalitions is alluring. It plays to a particular view of societal change – that business, governments, civil society can coalesce and amass sufficient authority, legitimacy and capabilities to collectively sustain decisions around the core functions we mentioned earlier – and it provides a clasp point for donors around which they will form ‘partnerships’ to add legitimacy, ease the risks and augment the capabilities needed to steadily transform institutions over the long haul. In their more ambitious form, perhaps best illustrated by the ‘New Deal’ sponsored by the G7+ grouping, two sets of elites, donor and domestic, would create ‘dual compacts’, a kind of shared sovereignty arrangement, by laying their cards on the table and agreeing to a tight, selective list of peace- and state-building goals. This would then underwrite the delivery of early results, to build citizen confidence, and create space and credibility to progressively broaden the coalition, thus triggering a ‘sequence’ of long term ‘institutional transformations’ in which elites and citizens would be enrolled to progressively invest resources, trust and loyalties.

- Thus it makes good sense to begin by engaging with the rich scholarly literature on the door-step conditions for this approach – namely, understanding the processes through which ‘elite bargains’, ‘political settlements’, ‘provision and protection pacts’ occur. This we think is a useful way to open debate around our key organizing questions for this Workshop:

  i) Under what conditions do effective and legitimate institutions for delivering justice and security emerge in fragile and conflict-affected states?

  ii) What are the potential impacts of engagements by the World Bank and other development actors on those conditions, and how might they better organize their assistance?
However, as we do this, we want to discuss several reservations about how these concepts apply to the kinds of contexts we are engaging with. Let us here mention four examples of points we hope this workshop can canvass in more detail:

- First, strategic/dual compacts – whether on a national or local scale - seem barely conceivable at the best of times in many of the contexts in which we work; unless only in the proforma way that yields the ‘compact lite’ — for instance, the myriad ‘partnership strategies’ familiar to most of us in the development industry. Under what conditions could this occur in ways more authentic than the ventriloquized instances so often held up as exemplars?

- Neither by any reasonable stretch does it seem to be what occurred in some of the ‘successful transitions’- those that have transited over a decade or more from chronic instability and cyclical violence, and somehow from ‘institutional fragility’ to durable institutions capable of peacefully regulating conflict. Rwanda, Uganda, Vietnam, Cambodia, these are not the places that come to mind when thinking about ‘dual compacts’, indeed, we would be more comfortable arguing that the opposite occurred. Furthermore, could it be said of these contexts that elite coalitions have trended toward being more broadly socially or politically inclusive? In some respects, the notion of an elite coalition or pact suggests a kind predictable order, or clarity, where what we see are much more fluid, and highly personalized and factionalized, and deeply layered arrangements that are reflected in the ad hoc and fragmented partnerships that tend to emerge with external donors. It seems to us that what marks many FCCs is the chronic and long term decline of public authorities, and that this arguably speaks to the fact that elites and citizens are a long way from collectively investing in spaces for effective, legitimate, inclusive social contest.

- Finally, nor is it immediately apparent that these insights will prove to be applicable. This is not a criticism of scholarship, but simply recognizes our quite different contexts, purposes and precepts. It is already apparent that much of this rich comparative history literature draws for evidence on contexts and histories quite unlike those we will cite today – Europe since the emergence of the liberal state in the 1800s, the post-WWII recovery, and the emergence of authoritarian Leviathans in Southeast Asian in the last century. As significant is that comparative history is strong on hindsight, and is less oriented to providing ex ante knowledge of the ‘likely trajectories’ of societal change, at least in the detail required to argue the case for particular engagements, identify entry points and pathways. What’s more, this literature warns of the perils of this kind of thinking; histories of the future will continue to chart trajectories that loop and spiral back and forth, rather than more from A to B.

- These points will become evident when we work through the engagement cases in this workshop.
In Timor Leste for instance, we will discuss how an elite pact is in fact being elaborated through public spending systems – and this, arguably, is becoming more politically inclusive over time. And here too, we can arguably see the WDR storyline of ‘credible signals’ of change being sent through this spending and that this is underwriting a great deal of institutional transformation, experimentation and change. But at the same time, the regime is becoming increasingly personalized, and power concentrated in a small elite executive that might be expected to pose problems of transition and a durable peace.

Whilst in each case we will see evidence of long term decline in public authorities, far from a situation of and universal dysfunction and deficit, in which coalitions are then formed to begin the long term transition toward peace and institutional capability, we find situations, like in the Niger Delta that are both chronically prone to violent crisis and yet which are nonetheless durable. Here the conditions created by competition for oil rents have prompted elites to invest in strong but often abusive capabilities for security – through the state’s coercive arms – and for manufacturing consent about a particular kind of justice – through highly capable systems of patronage.

Indeed, what we will see in the Solomon Islands discussion, are multiple layers of bargains being struck over time, only some of which are visible through the lens of good governance. The types of institutions that donors typically inflate into life – including more ‘professional’ police and judiciaries – tend to be found alongside much more deeply imbricated systems where political contests are underway about the allocation of rents from resources, or about access to the informal economies around public sector rents and off budget transfer systems. And here, with some irony, whilst donor engagement has produced stability and security, those same engagements are reproducing the conditions of long term instability by blunting elite incentives to invest in capable justice and security institutions.

In light of our approach to understanding how justice and security commitments and institutional arrangements emerge, we want to explore additional dimensions:

1) What can we understand about the conditions – historical and contemporary, global, and domestic - under which public authorities are invested with the capabilities required to deliver legitimate justice and security outcomes, as well as the conditions which discourage such investments?

2) What are particular kinds of social, political or other contests, including what we term ‘good struggles,’ that lead to the emergence of institutions that produce legitimate security and justice outcomes, either by fostering the formation of ‘inclusive enough coalitions’ or otherwise enabling investments in fair and credible public authorities?
iii) How do these contests play out in the particular arenas that affect public experience of insecurity and injustice, and how do political conditions and coalitions matter for the politicians, decision-makers, officials, ‘end-users’ and citizens who must decide whether to preserve, support or alter the laws, procedures and practices that shape justice and security outcomes?

iv) What space is there for external actors to ‘accelerate’ these processes in constructive ways? Under what circumstances, and perhaps ways of engaging, are donors likely to be inconsequential, or do harm and reproduce injustice and insecurity in these contexts, or may positively contribute in ways regarded locally as useful, equitable and durable?

v) And how might external actors engage when ongoing political settlements are elusive or incentivized in ways that thwart positive justice and security outcomes and institutions?

Best at this point that we consider some of the points we’ve made so far through the lens of our ‘engagement cases’.

4. Framing the Engagement Cases

What do we mean by ‘engagement cases’?

- None of the five cases we’ll be discussing have been chosen because they are finished products, or because they showcase any remarkable conceptual or operational prowess. Some are further along than others, and we’ll dwell more on cases where our thinking and engagement is more advanced.

- The cases have been selected because we think they are a useful way to:
  - Inform you in a practical way what this project is about
  - Illustrate how we are unpacking and reconfiguring our understanding of the conflict, justice and security in these contexts, that is, explore our analytic framing of these issues, and
  - illuminate the practical challenges we are facing as we ‘engage’ with the contexts, operations and people these cases entail

- The engagement cases convey a chain of analytical interest – that is, what we want to understand in each case:
  - patterns and drivers of conflict, how they mutate and morph over time
  - how these impact on elite bargaining, coalition-building and other forms of collective choice about how to respond to or handle conflict
  - what this means for how institutions that impact on security and justice are created, sustained and are made to perform
  - and what implications this has for everyday experiences of justice and security

- Moreover, as the word ‘engagement’ suggests, we want this project to amount to more than an interesting study of how this process works on the ground. We want to take this chain of reasoning
into practice. For instance, if we are able to better understand the conditions under which elites choose to invest in institutions that have particular implication for resolving ‘conflict driving’ disputes (say, around transactions that exploit forest resources), the logical next step is to ask whether the kinds of things that the Bank is doing are likely to make a difference, or might be reconfigured to be more helpful.

- Our selection criteria for these cases are therefore based more on ‘strategic opportunism’ than any scientific method. In some cases our entry point is based on demand for our contributions to the development of Bank strategy and/or planned or ongoing operations (Nigeria, South Sudan, Honduras, Yemen – the latter two, however won’t be featured in this workshop). In others we were more active in creating the space for our engagement and its relevance to the Bank’s portfolio (Timor Leste, Solomon Islands, Liberia). But in all cases our aim is to demonstrate how our approach can translate into concrete strategies.

**What is a successful engagement?**

We are mindful that, as franker evaluations demonstrate, donor projects tend to have three effects, in rough order of frequency:

- First, engagements bounce, or at best leave a few skid marks, and are largely irrelevant. They often neglect or outright evade the key contests and binding constraints, focusing on the non-contentious spaces, leaving behind organizations and practices that are quickly abandoned, or pulling out at the slightest sign of resistance.

- Second, also from bitter experience, they ‘do harm’. This can happen because they create new sites for contest around rights and obligations at the wrong time or place, or via institutions that are not ‘fit for purpose’. They reproduce patterns of privilege and power about which people have serious grievances. If we prove capable of reducing the frequency of these unintended effects, we’d be pleased to announce ‘success’. But this aim, worthy in itself, probably wouldn’t justify this project: the Bank has an army of social safeguards and due diligence specialists snapping at the heels of every task manager trying to achieve this effect.

That said, in this Workshop we will consider other aspects of ‘doing harm’ that will connect us directly with scholarly work you are familiar with. The Solomon Islands case, for instance, will argue that the security and justice intervention has provided a much appreciated ‘security guarantee’ but at the same time it has effectively removed the kinds of ‘threats’ which Dan Slater’s work shows are crucial for the formation of ‘protection pacts’ and eventual functionality of security institutions.

- Third – and here is what we are aiming for – that by understanding this analytic ‘value chain’ there is possibility of positive engagement. As discussed above, these opportunities may arise from any of the ‘core functions’ of public authorities – in how public wealth is raised and spent, how political power is represented and reproduced, social services are delivered or natural assets are regulated, as well as in everyday public safety and personal security. We think of two ways interventions can be successful:
i) The first is relatively straightforward: using aid to alleviate chronic sources of injustice or insecurity or enabling institutions to more effectively manage these stresses, for instance,

- by highlighting the ‘social justice’ of geographic equity of public spending (which is a core purpose of the South Sudan project),
- or by creating meaningful employment opportunities for aggrieved and ‘restive youth’ (a feature of the Niger Delta projects)
- or as will come up in the Solomon Islands case, by relatively simple measures to rationalize the jurisdiction of lower courts, so that they don’t get jammed up with disputes that could be dealt with elsewhere, thus making space to resolve the kinds of dispute that can only be durably settled in this kind of forum, and alleviating the decades of backlog of disputes about which people are seriously cranky and prone to settle violently behind the police station or at home.

ii) The second is trickier as it seeks to promote pathways to better justice and security outcomes where there are no straightforward ‘fixes’ as described above. Rather, it requires identifying, enabling and sometimes fostering the ‘good struggles’ by which societies move toward investment in effective and legitimate institutions that deliver, in process and result, justice and security. As we’ve acknowledged, this is challenging, if not hubristic: ex ante, there is no easy logic as to where, around what core functions, in what institutional sites, at what scales, under what conditions, or when these opportunities for ‘good struggles’ might present.

In truth, we’re more alert to our limitations than abilities: we know for instance that dealing only with top-end formal institutions, or upstream reform is less likely to deliver ‘conflict, security and justice’ results than, say, overcoming our tendency to evade the institutions and fields of contest where elites are choosing to invest their attention, such as in the dark arts that govern informal civil service economies, or how police ‘forces’ might become ‘services’ or the broad scale granting of concessions over poor people’s livelihood assets.

Similarly, we are alert to our common donor tendency to see the ‘best’ struggles as being at the ‘community level’ and by measures to directly empower or advocate the interests of the poor and oppressed. To be sure, we know that actual experience is far more equivocal here: these opportunities might just as likely arise in high level donor strategy debates, in the inner sanctums of Nigeria’s Godfather party politics, in the formulae governing fiscal transfers, or by insinuating some provision into what appear to be remote and arcane administrative regulations that guarantee one’s standing before the state.

**Turning to the five engagement cases**

- It may seem that these five countries are so different, in geography, history, conflict experiences, the economic transformations they are experiencing, their ways of doing government and business, as to belie the possibility of comparative analysis. Clearly, by coupling these cases in particular sessions, and by our selection of them from a wider range, we don’t think that is the case. Let us briefly explain:
i) In the first session, violent conflict in Nigeria’s oil rich Niger Delta region has a 600 year history – driven by trans-Atlantic and world economies: slavery, palm oil, and petroleum, with radical implications for economy, culture and politics, and for societal boom and bust, volatility and turbulence. It has also become a place, in the wake of violent interruptions to oil flows to northern markets in the past decade and an amnesty in 2009, for donor engagements of an unprecedented scope and scale. We thus see it as an opportunity to look closely at how institutional fragility is being understood, and recent nostrums applied about how to ‘manage transitions’. Here there is an abundance of counter views – for instance, that the ‘oil complex’ of corporations, states and ‘communities’ conspires to produce what are inherently ungovernable spaces. But as we have noted, the Delta region shows how the political ecology of oil has produced particular configurations of public authorities and correspondingly particular capabilities with respect to justice and security. This reveals something of the conditions under which elites and wider populations make choices to invest trust, loyalties, talent and capabilities in some kinds of institution and not others, and might be expected to seize and hybridise, resist or sideline the wide array of donor engagements tuned to the common purpose of mitigating violent conflict.

ii) The second session couples Liberia and Solomon Islands largely because a decade or so on from the cessation of violent conflict, they each face similar challenges in dealing with the follow-on effects of the help they’ve received in the past decade. In a sense, both are copy book cases of the conventional paradigm at work: the legacy of the co-production arrangements for security and justice are oversized formal security and justice institutions ‘restored’ to what was imagined as their former, pre-conflict glory, but which lack local legitimacy and are beyond the fiscal means of the states to sustain. They also instance efforts to ‘reconstruct’ (Solomon Islands) or ‘reconcile’ (Liberia) various hybrids of colonial and customary dispute resolution authority to both embed and rectify the failings of the first phase of the conventional paradigm. And in both cases international attention to the ‘justice and security sectors’ has taken the focus off the core sources of injustice and insecurity that continue to plague the population – issues related to legacies of discrimination and perceptions of unfair treatment and natural resource governance. In Solomon Islands extreme political fragmentation and weak client organizations make the identification of development pathways – let alone a durable elite bargain - a challenge; while in Liberia international support to government ‘commitments’ to a range of public goods (natural resource regulation; justice and security hubs), has had little impact on underlying incentives to invest in the institutions constructed to produce these goods..

iii) The third session draws together South Sudan and Timor Leste, both of which are in the aftermath of long civil wars, are newly (in)dependent oil economies and states with limited connections to the wider population and their non-oil livelihoods. But our reason for coupling them together is that they have a strong family resemblance in how elites – government and donor - are aiming to ‘co-produce’ justice and security outcomes through their approaches to sub-national spending and central-local relations – what is typically
called ‘decentralized service delivery’. Timor, as we will show, is further along in this (both in terms of government actions and our engagement). Understanding the nature of ‘justice’ and ‘security’ that is emerging through and around these spending arrangements, and the configuration of institutions that elites are deploying in the hope of making their regime durable, provides an interesting opportunity to reflect across to South Sudan.

A final word

- We hope this paper is useful in establishing a productive basis for our discussions. We look forward to your participation, candid critiques and constructive insights over the course of the two days and beyond as we explore these concepts and apply them on the ground.