

Placing Security and Rule of Law on the Development Agenda

BY MARK L. SCHNEIDER

IF DONE CORRECTLY, development and security can reinforce each other. Conversely, if either is ignored, particularly in post-conflict countries, reconstruction can be crippled. This was the message that World Bank President Robert Zoellick delivered in his January 2009 speech to the United States Institute of Peace. He underscored the need for simultaneity rather than sequencing in security and development. Over the past 14 years, the International Crisis Group has arrived at similar conclusions in seeking to contribute to conflict prevention, end conflict where it exists, and help ensure the success of post conflict reconstruction and stabilization.

Crisis Group analysis

THE RANGE OF CRISIS GROUP ANALYSES of post-conflict efforts to establish or reconstruct competent, legitimate military, police, and courts encompasses the good, the bad and the ugly. For example:

- In Afghanistan, seven years after the Taliban government was removed and \$6 billion spent to train, equip and fund a police force, the U.S. Department of Defense and the Government Accountability Office classifies just 18 of the country's 433 police units as operation ready, a third of the 82,000 registered police are unaccounted for, and 40% of the guns they've been given are missing.



Hundreds of police officers, backed up by the army, took to the main streets of Guatemala City to provide security.

- In the Democratic Republic of Congo, security sector reform has yet to produce an effective military force capable of defending the country's borders or a competent police force trusted to enforce the law. The daily assaults, rapes and chaos inflicted by marauding militias in the Eastern Congo—and by government troops as well—are a reflection of those failures.
- In Liberia, a competent, elected president is working with donors to rebuild the war-torn country. Significant progress has been made in reconstituting an army after scrapping the previous force, but a non-corrupt police force remains a work in progress.
- In Haiti, after years of trying to recruit, train and equip a non-corrupt National Police force, 9,000 police are at work and earning relatively high public confidence. However, one thousand others have failed vetting and are in limbo.
- In Guatemala, a decade after the end of a civil conflict that claimed 200,000 lives, most people assume that entire national police units are corrupt.
- In Kosovo, the Kosovo police force has the potential to become a promising multi-ethnic institution, but Belgrade's insistence that Kosovar Serbs leave the force poses one of the single greatest concerns in advancing reconciliation for an independent multi-ethnic Kosovo.

Importance of the rule of law was underestimated

IN EXAMINING POST-CONFLICT EXPERIENCES in the Balkans, sub-Saharan Africa, South Asia and Latin America, the Crisis Group initially found a profound lack of awareness by the international community about the importance of the rule of law in post-conflict situations. For too many donors, working with police, criminal justice and jails—let alone the military—meant getting your hands dirty. The security sector task was left for others to clean up. Fortunately that position has changed profoundly—in part thanks to findings by Paul Collier, showing that a lack of security is responsible for the failure of nearly half of post-conflict reconstruction efforts, and that fighting has resumed within a decade. Among the prominent causal factors was the inability to manage disarmament, demobilization and reintegration (DDR) and then to build new security and rule of law institutions within a legitimate government. Even where DDR was conducted successfully, the more persistent flaw was the inability to address

citizen safety and to organize competent, respected police and an independent judiciary. The continued existence of impunity, corruption and insecurity led former warring parties back down the road to renewed conflict.

Recognition of the importance of the rule of law in fragile states and post-conflict reconstruction has grown substantially, including in statements by the United Nations General Assembly and Security Council, as well as in the speech cited above by the World Bank president. Crisis Group board member Lord Paddy Ashdown, as UN High Representative in Bosnia-Herzegovina, stated, "In hindsight, we should have put the establishment of the rule of law first, for everything else depends on it: a functioning economy, a free and fair political system, the development of civil society, public confidence in police and the courts."

Building rule of law and security capacity

NEVERTHELESS, THERE IS STILL a woeful absence of capacity on the part of the international community in the areas of rule of law and security sector reform. Interestingly there has been greater success in structuring military forces, such as in Liberia, than in building civilian police forces, promoting respect for the rule of law, requiring accountability of security forces and constructing impartial judiciaries able to act without regard to the traditional impunity of powerful elites.

Neither the United Nations, the African Union, the OAS or the EU—nor individual nations—has built an independent capacity to manage the full range of post-conflict security requirements, from enforcing the law during the immediate aftermath of conflict to assisting countries in constructing



Several hundreds former Serbian army reservists attacked Kosovo police in a series of violent incidents on the Kosovo-Serbia border at Merdare to protest Kosovo's independence.

legitimate security institutions. The demands encompass institutional management of military forces; separation of military from police and law enforcement functions; recruiting, vetting, training, equipping, deploying and mentoring police forces; assisting in developing criminal codes; agreement on mechanisms for the transparent selection of judges; training and support of prosecutors; and creating corrections staff and facilities.

It is unlikely that any single entity will develop the stand-alone capacity to meet all of these needs. The World Bank's Country Policy and Institutional Assessments (CPIA) is used by the Bank's concessional-lending arm, the International Development Association (IDA), the United Kingdom's Department for International Development (DFID), and others, to identify approximately 35 to 45 fragile and failing states. They include post-conflict countries and countries where NGOs such as Crisis Group use qualitative and quantitative indicators to identify risk of conflict in the near term. In many of these countries, the rule of law is absent, security forces act independently of civilian control, they abuse rather than protect citizens and fail in the most fundamental task of defending the national territory against armed occupiers.

The good news is that there are reformers gathering force, experience and resources in nooks and crannies of the international community attempting to build international capacity to help those countries build security and justice institutions. Pooled in a coherent and coordinated network with flexible resources, there is light at the end of the tunnel—dim but visible.

First, the UN was forced to recognize huge gaps with respect to its ability to fulfill its peacekeeping mandates during the 1990s. Current Crisis Group board member Lakhdar Brahimi, in his 2000 report, after his own experiences as head of one of the five UN peacekeeping missions in Haiti, called for "a doctrinal shift" to increase a focus on rule of law in the use of civilian police and "parallel arrangements" with respect to judicial, penal, human rights and other specialists. Today there are 18 post-conflict countries in which more than 113,000 UN Department of Peacekeeping Operations (DPKO) forces are deployed, including more than 10,300 UN Police. The 2005 UN General Assembly endorsed a standing police capacity and a rule-of-law coordinating capacity and a new Assistant Secretary General now runs the Office of Rule of Law and Security Institutions within DPKO. However, the doctrinal, planning, operational and evaluation capacity of that office is thin.

The mandates assigned to the DPKO by the UN Security Council for post-conflict peacekeeping usually span DDR to security sector and police reform and the rule of law. Now, there is an office with coordinating responsibility but without the financial and human resources to do the job. It requires an expanded standing police capacity, a comparable standing rule-of-law capacity, a designated and trained UN police reserve and a senior reserve roster of retired judges, prosecutors and jailers to be available for UN missions, ideally not only for post conflict but to help fragile states from falling into conflict as well.


Secondly, the regional inter-governmental organizations, particularly the European Union, are rethinking the extent of

their engagement in post-conflict security and rule-of-law operations. The current European Rule-of-Law Mission in Kosovo (EULEX) is calling, in effect, for replacing the UN's governance and rule-of-law support activities with the European Union (although they will still operate under the general framework of a UN Security Council Resolution 1244). Even before this 3,000-strong staff investment, European police have dominated international police missions in the Balkans.

Thirdly, the OECD and individual donor nations, including Canada, the UK, and the U.S., are reviewing their own capabilities in this area. The Obama international affairs budget for fiscal year 2010 proposed more than \$500 million across the State Department and USAID for civilian stabilization. This includes a rapid response capacity and civilian standing reserve in such areas as rule of law, with experts from inside and outside the government ready to assist failing states and post-conflict reconstruction. There is a growing consensus that accountability and the rule of law are necessary to strengthen citizen safety, trust and legitimacy, both in the short term peace-building scenarios and in the longer term state-building context. There is a growing understanding that if all groups in society are treated equally under the law, by the police and in the courts, the likelihood of conflict drops and the environment for development is vastly improved.

Challenges facing the World Bank

FINALLY, INTERNATIONAL FINANCIAL INSTITUTIONS, in particular the World Bank, are increasingly aware that they possess core competencies that permit—indeed require—their involvement in security sector reform and establishing the rule of law in fragile and post-conflict countries. The World Bank, as president Zoellick stated, has come to realize that it can contribute importantly to securing development by "bringing security and development together first to smooth the transition from conflict to peace and then to embed stability so that development can take hold over a decade and beyond." In fact, there is little chance Bank efforts to promote development, economic growth and poverty reduction can succeed without greater attention to governance, justice and security.

The challenge facing the Bank is how to build on what it has already accomplished. It must find a way to interact even more with partners in post-conflict situations, go further in helping them support civil society, provide legislative oversight and create domestic mechanisms for accountability. It should consider its own special fund for security and rule of law institutions that would marry with the UN and others to encourage holistic investments in "securing development" in fragile states and in post-conflict countries in transition to peace, justice and poverty reduction. The option for the World Bank and others is not whether to do more but how to harness the Bank's full range of human and financial resources to make "securing development" a Bank priority. 

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