(Re)Building Core Government Functions in Fragile and Conflict Affected Settings

Joint Principles for Assessing Key Issues and Priorities

5. Security Sector


Disclaimer

This redacted and revised version of “Rebuilding Core Government Functions in Fragile and Conflict Affected Settings” is an Exposure Draft being released for public interest and consideration. The thinking on core government functions is continuing to evolve, and this paper is one of several efforts at engaging on this topic. The principles and guidelines explored here will be tested over the next few years, and a revised version will be produced subsequently in light of the lessons learned. It does not reflect the views and opinions of the World Bank Group or its Board of Directors, nor of the United Nations.
Preface

This report forms part of a response to growing calls for the United Nations, the World Bank and the International Monetary Fund to engage more systematically and coherently in fragile and conflict-affected contexts and indeed in major crises affecting security and development. In 2013, the Secretary-General’s Policy Committee called on these institutions to develop a joint approach and methodology to assess needs and improve the provision of support to core government functions in the immediate aftermath of conflict. This was echoed recently by the High-Level Independent Panel on Peace Operations in 2015 and falls within the scope of the Partnership Framework Agreement for Crisis-Affected Situations signed in April 2017 by the UN Secretary General and the WB President.

In the immediate aftermath of conflict, understood as the first three years after the cessation of widespread violence, the short-term objectives of assistance are usually focused on stabilization: to provide a minimum level of security, set in motion the beginning of an economic recovery and lay the initial foundation for long-term institutional development. The importance of restoring core government functions has been repeatedly identified as critical to sending confidence-raising signals to the population in the aftermath of conflict, to both project the authority of the state and for the delivery of services that improve development outcomes.

The lessons learned over the past decade emphasize the importance of incorporating a political economy approach to building core government functions, the need for flexibility and adaptation to changing political and security circumstances, the management of risk and the importance of staying the course in the face of crises and temporary reversals. Rather than adopting comprehensive reforms or entirely new business processes, it is about building on existing institutional legacies, adapting existing systems and working in an incremental manner. Tradeoffs between introducing the basic building blocks of public financial management, and understanding the need to distribute rents that create stability will need to be recognized and addressed. A key requirement for a durable recovery is a political settlement that is sufficiently inclusive of the major elite coalitions with the capacity to mobilize organized violence. Partnerships between the United Nations and the World Bank can enable greater flexibility in providing support, through enhancing the areas where one partner has a comparative advantage, whether it be geographical access, depth of technical expertise or an explicitly political mandate.
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Chapter 5. Security Sector

5.1 Objective

The goal of external assistance to the security sector is multi-pronged, focusing on the immediate restoration of a minimum level of security for economic and social life to resume; helping local actors transition to a situation where they provide for their own security through durable arrangements which address the underlying causes of the armed conflict; and creating an institutional architecture that furthers, rather than detracts from, these ends. Security measures need to support, or at least be consistent with, a political settlement that can be sustained after the departure of an external security presence.

5.2 Security sector in a post conflict setting

Providing security for the citizens is the most basic responsibility of an organized state, and the restoration of public order and of basic security of person and property is the single most important element of post-conflict consolidation and a precondition for sustainable, longer-term development and state building. The provision of security and the strengthening of civilian functions are complementary. Rebuilding the civil service and capacity in other core functions cannot realistically proceed below minimum-security thresholds. Since security is a continuum, pragmatic and context-specific decisions must be made about how much security is needed and where.

The provision of basic security is reinforced by the restoration of other core government functions, but cannot wait for success in those areas. At the same time, it is undesirable and unnecessary to wait until the entire territory is secured before commencing the process of institutional rebuilding. Expectations must be adapted to what can be attained in the immediate post-conflict period. Pockets of conflict may remain, including violence targeting international operations, or indirectly impacting on the ability of operations to function.

Some justice and law enforcement functions were likely performed even during the conflict, and the emphasis after the end of conflict should be to build on what exists, adapting expectations to what can be achieved in the immediate post-conflict period. This is especially the case for the resolution of routine disputes and social problems that did not relate to the cleavages of the central conflict and on geographic areas outside the main locations of conflict. If the existing dispute resolution mechanisms and the norms they apply have legitimacy amongst the broader population, in the immediate aftermath of conflict it is better to allow them to continue to function even if they are far from ideal. The risks of attempting to supersede them with new formal dispute resolution procedures are potentially serious, risking a vacuum of authority.

By definition, a state emerging from conflict does not have a secure monopoly on violence within its territory. The restoration of public order and security of person and property is the single most important element of post-conflict consolidation and a precondition for sustainable longer-term development and building the state. In the immediate aftermath of conflict, there may be an extraordinary military intervention helping to maintain social order and territorial integrity but the key question is whether elites are forging a durable political settlement that can be sustained after the departure of the external security presence. The foundations for stability lie in the ability of major elite factions with the capacity to mobilize violence to forge sufficiently inclusive political and economic arrangements. Security sector institutions will in many ways reflect whether such a political settlement has been forged, rather than being an instrument or means of ensuring peace.
At the same time, the security sector - primarily composed of defense and law enforcement institutions, but also corrections, intelligence services, institutions responsible for border management, customs and civil emergencies, and the criminal justice system - accounts for a large part of the public sector, in terms of budget and personnel. Restructuring or building these institutions is often a central tenet of any peace agreement and transitional political timetable – involving issues such as the integration of armed groups into one army financed by the state, the demobilization and reintegration of combatants, and the establishment of transitional justice mechanisms such as special courts.

A key concern is how to give ex-combatants or those that form part of the newly structured security sector, a role that takes them away from their previous alliances in the conflict and to align their loyalties to the new political order. Historically, the methods of accommodation can be through arenas in which international actors will be engaged (the demobilization, disarmament and reintegration process; development of formal civil and military institutions; rent distribution through public spending) or those that are wholly in the domestic political domain (the consolidation of informal political networks and alliances and the distribution of illicit rents).

In the aftermath of conflict, it is likely that formal security sector institutions lack civilian oversight and have weak institutional capacity, personnel, resources, training, and poor systems of internal and external accountability. These institutions may not have legitimacy or be trusted by the population, having engaged in human rights violations or war crimes in the course of the conflict. Historically, security sector interventions have focused principally on restructuring institutions, capacity building, financing recurrent costs or transitional justice measures. However, it must be understood that there is no linear path from the implementation of such blueprints for security sector reform and better security outcomes.

### 5.3 Principles

- **Function over Form:** Improved security is the aim rather than the creation of ‘best practice’ security institutions, a process that involves trade-offs among the normative, the technical, and the political. More effective law enforcement or defense institutions, with improved command and control cannot prevent a recurrence of violent conflict unless an “inclusive enough” political settlement has been reached.

- **From extraordinary external intervention to sustainable security outcomes.** The immediate post-conflict period requires compromises and special security measures but must also lay the foundation for the transfer of these functions to regular state organs and must be underpinned by a stable enough settlement that only local actors can forge. Security sector reform issues will be dealt with in peace agreements, but care should be taken not to overload formal documents with an unworkable level of detail. Steps should be taken to ensure that suboptimal trade-offs have sunset clauses so that they do not last beyond immediate need and become the root of further problems.

- **Inclusion is key, underpinned by an understanding that political accommodation is imperative.** Integrating formerly excluded groups into security institutions can increase their stake in the new political order and increase legitimacy and trust amongst the populace. However, this integration needs to be implemented in an incremental manner and not create new lines of exclusion for those who were formerly privileged. Similarly, while individuals suspected of being associated with war crimes and serious abuses should be excluded over time, it is inadvisable to ban from security or police employment members of the groups who were privileged by the previous political order. Doing so could affect political dynamics in unpredictable ways and perpetuate or rekindle further conflict.
• **Build on what is there in an incremental manner, to avoid a vacuum of authority.** Some security and law enforcement functions are likely to have been performed during the conflict; the risks of attempting to supersede them with new formal institutions are potentially serious, leaving a vacuum of authority. Necessary interventions should be problem-focused, kept as simple as possible, and aimed at producing quick results, reserving more ambitious reforms for later.

• **Expectations must be adapted to what can be attained in the immediate post-conflict period in terms of security and law enforcement.** Outcomes will have to be rudimentary and fall well short of the standards of the “rule of law” achieved in countries with competitive democratic political systems and a secure monopoly on the use of legitimate force.

**5.4 Priorities**

**5.4.1 Mapping the lay of the land: Information gathering**

• **Undertake a security assessment.** An assessment of the security environment, which draws on a deep understanding of the nature, duration and intensity of the conflict and the emerging political settlement is a prerequisite for identifying critical security measures and allocating resources.

• **Undertake an institutional and functional mapping of institutions** to better understand the types of actors and institutions that play security and law enforcement functions (state, non-state and hybrid; central government and local; international). Security actors may overlap in functionality, cooperate, compete, or be in open conflict. Since the immediate post-conflict period will be one of great flux, the mapping may need to be periodically revisited and updated.

• **Cost-effective efforts to develop survey and data collection capabilities should be made at an early stage.** An information gathering/survey mechanism could be used to gather two types of information: (i) immediate actionable information, such as the number and location of internally displaced persons (IDPs) and the number and disposition of armed combatants (ii) information for establishing baselines for assessing future progress in security, justice, and law enforcement, such as number of former combatants transitioned, respectively, to the military, the police, other civilian public employment, private employment, formally unemployed; degree of public confidence in the security/police organs; citizen perceptions of safety; and the extent to which security concerns curb the ordinary economic and social activity of citizens. It will also be important to formulate a profile of the frequency, nature, and regional distribution of crime - both the violence directly associated with the conflict, and the major crimes and disputes that are unrelated to it.

**5.4.2 Rebuilding formal institutions: Expenditure and Personnel**

_Avoid large, sudden increases in security expenditure_, as this may lead to a distortion of incentives and compromise longer-term economic and political prospects, without proving to be a successful means of political accommodation. In particular, it may crowd out development spending and compromise the prospects for service delivery, in a situation where there needs to be shift of mind-set and resources towards running a peacetime society and economy. A recent study of five conflict-affected countries indicates that while an expansion of the wage bill is inevitable (despite considerable variation in its scale), often forming almost half of total government expenditures and/or the government’s own revenues, care should be taken to avoid wage expenditures being largely in the security sector.
Large and sudden increases in security sector staffing should be avoided, as they may compromise longer-term prospects, often without improving security in the country. Incorporating large numbers of militants into security forces is often not successful as a means of accommodating parties to the conflict and is indeed correlated with two countries where conflict persists after over a decade, Afghanistan and South Sudan.

*A quick count of former combatants should be conducted early on, with adequate status verification to prevent the number from expanding as soon as benefits are announced.* This has been a typical occurrence in most post-conflict situations in the past and can put a heavy financial burden on the government, as well as to become a source of severe instability that complicates the challenge of forging a political settlement and rebuilding state credibility.

*Similarly, it is important to conduct an early, quick count of the police force - particularly when donors are considering financing government salaries for an initial period.*

Even when circumstances make it inadvisable or impossible in the immediate aftermath of conflict to delve into the contents of the security expenditure “black box”, *at a minimum* the total amount of such expenditure must be ascertained, included in the budget as an explicit item, and made public - both for transparency and to aid the assessment of the sustainability of overall government spending. At a later stage, when the political and security situation permit analysis in detail, the corresponding budget item can be unbundled to provide genuine accountability and spending efficiency.

*To address fiscal sustainability and more transparent allocation of security expenditures, a related priority is to consider carrying out a Security Sector Expenditure Review (SSR) in conjunction with a Public Expenditure Review,* to deal with interrelated sets of issues of civilian and security expenditure management. These instruments are aimed at understanding government expenditure policies as well as the functioning of the institutions and systems by which the expenditure (financed by aid or domestic revenue) is programmed, budgeted, implemented and accounted for - and have aimed to recommend reforms and improvements.

**5.4.3 Support for disarmament, demobilization, and reintegration (DDR)**

The DDR agenda is complex, with a long record of experience and lessons to be drawn from past experiences. The agenda is extensively handled in other documents, recommendations and programs, and is therefore not elaborated in this report. However, it is appropriate to underline here the necessity of coherence and, ideally, integration of the three dimensions of disarmament, demobilization, and reintegration. It is important to assess the fiscal implications of the compromises that may be necessary, e.g. DDR-related compensation that is funded outside the regular budget.

**5.4.4 Legitimizing the security apparatus**

The immediate post-conflict period requires compromises and special security measures, but there is a need to reconcile the immediate urgencies with long-term sustainability.

When the situation on the ground has developed adequately, *there is important symbolic value in demonstrating that civilian society is re-establishing oversight of the security sector.* The process would signal that there is movement away from an extraordinary external intervention and stopgap security measures to the ordinary provision of security as a core state function under the control of the state.

- An important measure is establishing a *ban on holding simultaneously military office and civilian office,* whether executive, legislative, or judicial. Strengthening of command and control is necessary to prevent security forces from preying on civilians, and to improve the legitimacy of security institutions amongst the population.
Security institutions require popular cooperation to be effective, but may have difficulty gaining that cooperation because they are not trusted or not seen as legitimate

- **Mechanisms to vet members of the security forces should be established to exclude individuals suspected of serious crimes: human rights abuses, war crimes or crimes against humanity.** However, it is inadvisable and dangerous to exclude from security or police employment all persons from groups who were privileged by the previous political order, as doing so could affect political dynamics in unpredictable ways and perpetuate or rekindle conflict. Transitional justice mechanisms need to be adapted to the particular needs of the country.

- **Structurally, it is important to change the composition of the police force through the integration of previously excluded groups, but to do so gradually. Steps should be taken to ensure that security institutions are “inclusive enough” of previously excluded and marginalized groups.** Integrating persons from formerly excluded groups into the security forces can increase legitimacy and trust, as well as provide some guarantee of physical security to groups who have been targeted by the state in the past (and thus reduce their incentive to take up arms).

### 5.4.5 Criminal Justice

**Controlling major crime, whilst exhibiting rudimentary fairness to citizens is a priority,** so as to build legitimacy and signal a break with the past. The most pressing concerns for the population in the immediate post-conflict period are likely to be the control of violent crime (murder, rape, robbery, serious assault), street crime (to allow for freedom of movement) and a return to “normality” or a context where crime occurs, law breakers are dealt with in non-lethal ways. Through allowing a return to normal social and economic life, primarily in the cities, police play a large role in building the legitimacy and credibility of the new government and its authorities.

**Restoration of order and normality can be a critical ingredient of rebuilding trust in state institutions, while widespread police abuse can prevent the new government from acquiring legitimacy.** Police are the public face of governmental power and reflect upon the state’s ability to project its authority. It is important that, on balance, citizens see the police as providers of safety and order rather than as primarily predatory.

**Longer-term goals in policing relate to increasing police availability to citizens and responding effectively to their reports and requests.** Even in the early days, some mechanisms can signal greater responsiveness. For instance, in some urban areas where cell phone use is high, simple information and communications technology initiatives (such as free SMS messages to a hotline number) can allow the police to respond in a targeted manner to geographical hotspots (without the burden of investigating individual petty crimes) and provide citizens initial opportunities for engaging in positive interaction with the police.

**The most important role of the courts in the immediate post-conflict period is to deal with serious criminal cases.** Without a functioning judicial and penal system, police are left with the choice to either let suspects go or to take punishment in their own hands. While courts rarely deal with more than a fraction of disputes even in developed country contexts, there is important symbolic value in establishing a judicial presence in the main cities to signal that things have changed since the end of the conflict and normality is returning. Where a judicial system is being built from scratch (for instance, in a new state, where the local population had previously been largely excluded from these offices), the process must be gradual. It is better to augment domestic capacity in the short term than appoint inexperienced and ill-trained judges and prosecutors to positions where they are likely to fail in the most basic of tasks.
The focus must be selective. Ambitious efforts to make courts in the image of those in developed countries, and expectations that they perform the same functions, are ill-advised. Rule of law institutions in the latter require the subordination of political power to law and provide an arena for genuine political contestation. Courts generally cannot function in this way in most developing countries, let alone in the immediate aftermath of widespread conflict, and cannot prevail over powerful economic and political actors in a society.
Annex: Diagnostic Questions

A.5 Security Sector

Understanding the parameters of the security situation

• Who are the actors involved in the provision of security - governmental and non-governmental, national, local, and foreign? Is there a national military or just a series of militias? If the latter, how much territory do they control? How are they funded? What is their ethnic or political base? To whom do they report? How cohesive or disciplined are they?

• Are there other potential spoilers who can mobilize organized violence?

• Which of these actors is critical for addressing immediate security needs? Which of them pose threats to national or civilian security?

• Is disarmament or demobilization to be full or partial? Are combatants to be cantoned (cf. be dispersed or immediately reintegrated)? How do disarmament, demobilization, reintegration mechanisms for weapons collection interact with local weapon markets?

• What amnesty provisions are available?

• Are there residual regional pockets of violence? Are they being tolerated or is there a strategy to tackle them?

• What international sanctions operate on key actors? Are there conditions/procedures for lifting those sanctions?

• Which actors are key to a durable political settlement? In light of this, what role can security reform play in terms of political accommodation of these groups?

Functional mapping

• What are the functional boundaries of security sector actors, groups or institutions? What relationships if any exist among the security actors? Do they cooperate, compete, or are they in open conflict? Do the same people belong to more than one of these groups or institutions?

• Do these groups operate in accordance with legal constraints, for example with respect to use of force?

• What is the de facto relationship between political and military leaders? Do factions of the military, security or police report to non-government actors? Are there effective mechanisms for the oversight of military and security personnel, and for civilian supervision and control of police and prisons personnel?

• Are there effective mechanisms of internal control and oversight? Do the groups or institutions have effective command and control?

• How inclusive are the security institutions? Are the institutions dominated by one warring faction, one ethnic or religious group, one political party, one region? Are women and marginalized groups represented or excluded?

• For each institution, what is its budget and where does its funding come from?
• How are staff compensated and how adequate is their compensation? To what extent do actors in the institutions pay themselves through rent-seeking?

• How are actors recruited into the institutions?

• Do military actors simultaneously hold civilian office?

• If new groups are to be integrated into the security institutions, is there an individual vetting process to exclude those accused of serious crimes? Are the groups maintained as separate entities in the institution or are individuals integrated?

• Are there mechanisms for symbolic rite-of-passage transition from combatant to post-combatant?

• Is there a clear security sector strategy? Does it provide an evaluation of the country’s security context, broad policy guidelines based on a legal and political consensus around how security is managed and detailed elaboration of mission, doctrine, force structure, human resource, and capital needs?

• What external actors are providing support for security institutions and personnel? What type of support are they providing?

Public order and the state-citizen interface

• Has the police force been newly established and recruited, or are there sizeable remnants from the force that was operating before or during the conflict? If the police force is a hybrid, are there major tensions between “old-timers” and “newcomers”? How are the tensions managed?

• Are there significant fractures in the police force along ethnic, religious, ideological, regional lines? Are there police factions aligned to political factions?

• What are the accountabilities and the main formal and informal “rules of the game” for the police?

• Is police compensation adequate and in line with overall government employee compensation (and the private sector)? What is the manner of compensation?

• Do the police enjoy special de facto “rents”? How decentralized is their collection? How is this likely to distort the manner in which they undertake their duties?

• Do police have the equipment necessary to perform their function? Are geographic challenges (of geography and population dispersal) particularly problematic for keeping public order?

• Have basic processes been established for the reporting of security incidents and serious crime?

• What formal and informal mechanisms, if any, does the population have to protect itself from abuses by security or police personnel, or report such abuses when they occur?

• How are the groups or institutions viewed by the public? Do they enjoy broad legitimacy?
Expenditure

- What percentage of the budget does the wage bill constitute? What percentage of wage expenditures supports the security sector? How might the employment composition be re-balanced to deliver services?

- Are resources devoted to the sector efficiently used for their intended purposes? Are there leakages or inefficiencies, for example in procurement or payroll to remedy?

- Are the objectives outlined in sector strategies being met? How is sector performance measured?

- Are resources being used transparently and accountably with adequate oversight and control?

- How is the security sector treated differently than other sectors? Is it exempted from oversight and accountability practices to assure value for money? How are budget justifications handled if compared to other government sectors? Are security budgets expenditures included in the budget? Are security expenditures disaggregated? Is it subject to legislative scrutiny? Is it subject to external audit?