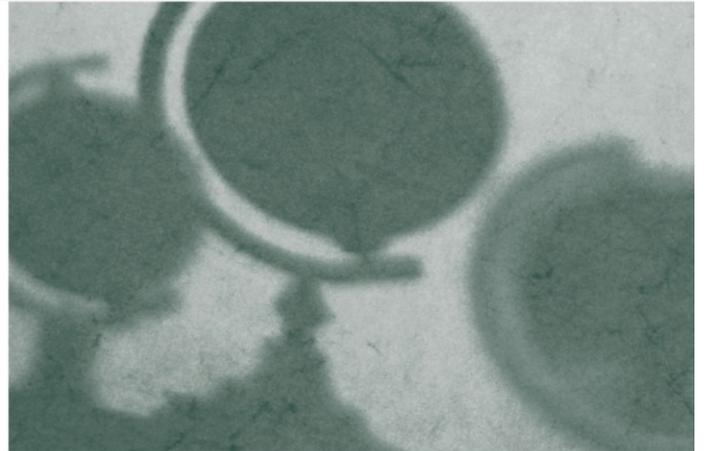


Re-tooling for New Challenges: Parliaments as Peace-builders

David Pratt, June 2005

**Parliamentary Centre
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EXECUTIVE SUMMARY

Human Security and the Security/Development Nexus

This working paper is a wide-ranging exploration of the proposition that “you can’t have development without security or security without development.” A discussion of this nature is fundamentally important in determining how countries like Canada address the vexing problem of failed and failing states and the challenging questions of emerging democracies. The principle of human security - the basic physical security of the individual - tied as it is to the rule of law and the state’s monopoly on the use of force, is critical for human development and any type of societal progress. Narrowly defined, human security creates the conditions that allow individuals to realize their full potential through social and economic development. But in a broader sense, it can be argued that human security entails much more: food security, income security, protection from disease and freedom from fear. In post-conflict societies, guaranteeing physical security can require military action and protection so that the longer-term aspects of human development can be delivered. Viewed in this way, interventions in post-conflict and emerging democracies require more comprehensive solutions that support both security and development.

The problem of human security must be addressed in the long run by sustained political change and economic development. Solving short-term conflict scenarios may require intensive military interventions needed to stabilize states at immediate risk. Ideally, these interventions should be both brief and decisive. But interventions should be entered into on the understanding that a long term commitment to

the overall well-being of the population affected – human security – is inherent in the process.

A Focus on Failed and Failing States

A failed state is one where sovereign control and the rule of law cease to exist and where the state is unable to enforce its monopoly on the legitimate use of force. If failed and failing states are left to languish and the viability of new democracies is not supported, the security of the people within these states will continue to be at risk. Not only will conflicts be prolonged, but they may in fact spread. Were this to occur, it would make it increasingly difficult for the international community to create conditions that provide for human security. In fact, an absence of human security may trigger collective or individual responses from concerned states invoking “the responsibility to protect.”

If human security and human development are the ultimate objective, the ability of a failed or failing state to restore its monopoly on the legitimate use of force is critical. Without it, a state cannot guarantee human rights and physical security for its citizens. Canada can contribute to human security by helping those who are committed to democratic principles establish governments which are able to re-assert their monopoly on the use of force. It means supporting good governance so that states previously considered failing or failed can restore their legitimacy, protect their citizens and create the conditions for social and economic development.

The approach of the international community to failed and failing states thus far has been ad hoc, makeshift and largely tied to the geo-strategic interests of intervening states rather than considerations of longer-term development and lasting peace for the countries involved. This has led to disproportionate responses and is exemplified by comparing the massive intervention in Kosovo with the failed intervention in Rwanda and the delayed intervention in Sierra Leone.

Experience makes it clear that engagement should begin as early as practicable and should aim in the first instance to provide for those functions that will restore security and enable the state to maintain its monopoly on the use of force. In post-conflict reconstruction, the creation of a professional military as well as police and security agencies within a system of democratic governance should be a top priority. It

also requires supporting the establishment of effective mechanisms of civilian control and oversight to ensure that whenever force is used it carries the imprimatur of a democratically elected government. This is an important way in which the establishment of democratic mechanisms can act as an enabler for security and development.

The Canadian Response

Most agree that the guiding principles for Canadian involvement must be those of human security realistically applied. To achieve this goal, Canada should have a focused approach that supports good governance and democratic development. This will ensure that our aid dollars aren't wasted on corrupt and inefficient partners and that they enhance political and social stability in the countries with which we engage. The Canadian body politic is underpinned by the constitutional affirmation of the concept of "peace, order and good government." Understanding that it is probably neither desirable nor possible to try to export our values en masse, the concept of "peace, order and good government" is so general that it is something that can be adapted to suit local conditions in post conflict environments.

Bolstered by other "Canadian values" such as tolerance and compromise, a "peace, order and good government" agenda could provide the basis for an important value added component that Canada could bring to countries emerging from conflict. While support for economic development, health and education are indispensable components of Canada's response to failed and failing states, support for democratic development must buttress the entire strategy so that it can support longer-term development and security objectives.

Canada needs to target those countries where we can truly make a difference and once having identified them we need to strategically invest our aid dollars with more emphasis on governance and security. Realistic pragmatism must be our guiding principle if our involvement is to produce sustainable long-term results. Canadian governments need to be prepared to get involved early and remain engaged for the long-term. Democratic institution building and good governance in post-conflict societies are complex matters that require more than "quick fix, feel good solutions." If they are to succeed, they require joint responsibility and joint ownership between donor and

recipient countries combined with solid, long term analysis and multi-faceted engagement.

A response of this nature requires a coherent development strategy that brings Canadian and international players together to effectively address the political, security, social and economic dimensions of post conflict reconstruction. It requires a framework and a set of principles that allow the military to work with the development community, diplomats and other government actors in a seamless fashion. Canada's International Policy Statement recognizes this: "Recent conflicts and emergencies have taught us that we need to develop an integrated approach in responding to international crises when they occur, so that military operations and civilian assistance form part of a coherent operational plan."¹ The commitment to coordinating the efforts of key departments has also been recognized in the International Policy Statement, which says that interventions in failed and failing states "will be coordinated in a whole-of-Government manner involving Foreign Affairs Canada, The Department of National Defence, CIDA, and other relevant agencies."² The objective is to ensure Canadian interventions are based upon strategic priorities that take a broader more holistic view and that include development, democracy and security.

Canada's recognition that a more coordinated approach is required to deal effectively with failed and failing states has implications for how Canada organizes the existing capacities of the federal government and the myriad of programs disbursed across the whole range of government activity. Armed with the commitment for greater co-ordination, what is now required are concrete mechanisms to render it operational. Because of the vital links between security, development and democracy, it would be helpful to give this agenda a political champion in the form of a "Minster of State for Democratic Development." Properly structured, such a ministry could operationalize the "joined up" approach, drive co-operation and co-ordination, help set policy, target initiatives, attract the required resources and make relevant recommendations to government. The ministry could reside within the Department of Foreign Affairs and contain senior representatives from DND, CIDA, PCO and Finance. A hybrid fund could

¹ A role of Pride and Influence in the World: Diplomacy, p.9

² Ibid, p. 24.

be provided which would encourage departments to work together and various “task teams” could be seconded to it to deal with crises based upon geographic or issue expertise.

Legislative Development and Post-Conflict Security Sector Oversight

The International Policy Statement makes it clear that establishing effective public institutions should be a key commitment for Canada in helping failed and failing states establish lasting peace, including lending support for the re-establishment of functioning legislatures.³ Although not a panacea solution in and of itself, an effectively functioning legislature is particularly important in post-conflict settings. People must have confidence in the democratic system and must believe that democracy will create the conditions which will open the door to improvements in their lives. They require an effective voice in the decision-making process to render outcomes legitimate and accountable. They also need to be engaged in meaningful discourse with their political representatives who are their connection to a wider political process. Otherwise citizens will look elsewhere for solutions, possibly intensifying ethnic, religious or other societal divisions that can lead to conflict.

In the broadest sense, legislative development in countries emerging from conflict is of profound importance for the development of representative democratic institutions. Legislative development activities which assist newly elected parliaments in becoming more efficient, effective and democratic have a direct and positive impact on the rule of law, human rights and a robust marketplace. Consequently, they contribute directly to and act as a vital enabler of lasting peace and stability.

A key starting point for a Canadian program in post-conflict legislative development would be to conduct assessment missions to a candidate country. An initial assessment would identify strategic areas for future programming, identify key-players both inside and outside the host-country legislature and ensure that the ground is fertile for a longer-term program. An initial assessment would be followed up by a general assessment to develop a more comprehensive program, examining in more detail the current capacities of the legislature and establishing joint ownership and responsibility.

³ *ibid*, p.10.

Oversight of the security sector should be a key priority for Canadian involvement in post conflict legislative development. If one accepts the security-development nexus; that one flows from the other – then allocating resources geared toward strengthening the democratic control and oversight of the security sector takes on a new and important light. This is especially true when it is considered part of an overall peace building strategy aimed at preventing a costly, debilitating relapse into conflict.

However, in some cases, in order to build the necessary level of trust required to support capacity-building for parliaments in the sensitive but crucial domain of security sector oversight, initiatives may need to first address other, less sensitive areas. These could focus on key issues and functions related to legislatures that contribute to the reduction of conflict. Examples include:

- *Poverty Reduction.* Poverty can create conditions of desperation which lead to conflict. Conflict, in turn, exacerbates poverty. A post conflict legislative development program could involve capacity building for parliaments and parliamentarians in collecting and processing information concerning the poor. It could also support mechanisms that provide a voice for the poor in decision making. The more critically self-reflective a states' public and legislators, the more likely private troubles will be addressed as public issues and resolved through its institutions. Few would disagree with the assertion that "private troubles" are accentuated in a post conflict situation with the issue of insecurity being pre-eminent. In effect, what this means is that legislative development in countries emerging from conflict is of profound importance for the development of representative democratic institutions. If properly nurtured, these institutions have the potential to provide the poor with the accountability they desire to address the critical issues of powerlessness and voicelessness.
- *Gender Equality.* The re-thinking and re-engineering of institutions during a post conflict period, the establishment of democratic governance and the possible redistribution of power within a society present significant opportunities for the promotion of gender equality. A project could work to strengthen the capacity of a parliament to better include women in decision

making by addressing gender imbalances through constitutional amendments, legislation and internal party rules.

- *Public Information.* To build trust and ownership in government processes among citizens, parliaments require a strategic plan and effective practices for communicating with the public on a wide range of issues. Projects could support the establishment or enhancement of effective mechanisms for two-way communications including committee hearings, policy discussions within and across political parties and town hall meetings. The objective is to ensure a parliament becomes a conflict-mitigating institution, rather than another venue for conflict and division.

A Canadian Approach to Legislative Development and Security Sector Oversight

Once trust is established, involving a wider range of players in a multi-sectoral approach to security sector reform and legislative development could operationalize in a significant way the “whole of government, whole of Canada, joined-up” approach. Working with national and international donors and partners, a legislative development program of this nature could allow Canada to play a more substantive role as part of a more unified, coherent and strategic international effort in post conflict nation building. A range of important players from the Parliament and Government of Canada to NGOs and associations of professional retirees could support such a program.

Successful democratic control of the security sector at the level of state institutions is very much contingent upon the power dynamic between parliament, the executive, the judiciary and the security forces themselves. The central focus of any post-conflict initiative aimed at legislative oversight of the security sector must be to rebuild or in some cases create the conditions which will allow for democratic control to exist.

A starting point for legislative development activities could possibly entail the revision or amendment of an existing constitution to ensure that, while the executive has responsibility for security forces, it is also accountable to parliament. Activities addressing constitutional issues could be buttressed by providing advice and assistance on specific legislation, rules, procedures, norms and standing orders of a parliament. Engaging countries at the constitutional design stage underlines the need for Canada to be

prepared to respond quickly with a significant degree of flexibility to meet the rapidly emerging requirements of this type of support. Another important component of a Canadian program could be to support the establishment of an effective security and defence committee. Capacity building activities could support the security and defence committee in examining expenditures, drafting and amending legislation, monitoring the implementation of security policy and overseeing administrative policies.

Sierra Leone

Choosing a venue for and implementing a successful program of post-conflict legislative development requires a careful examination and consideration of the socio-political context of the partner country. It also requires a cautious, go-slow approach which emphasizes mutual learning, building relationships and incorporating lessons learned. With a relatively secure environment, a connection with Canada through the Commonwealth as well as several existing post-conflict programs within which Canada is playing an active and substantial role, Sierra Leone offers a compelling case for an initial Canadian program in post-conflict legislative development. Canada's current and not insignificant contributions to security sector reform in Sierra Leone suffer from the absence of an over-arching strategy, but could provide the basis for a more coherent and strategic legislative development program.

The Palestinian Authority

Events in the Middle East have placed the issue of Palestinian governance and democratic reform squarely on the agenda of the international community. While the death of Yasser Arafat and the assassination of Rafik Hariri have created air of change in the region, there is still active opposition to democratic reform by entrenched elites in many Arab countries. And although there has been much discussion and some internal pressure in Arab countries surrounding democratic reform issues, much more progress must be made in fostering broad-based democratic constituencies from the "bottom-up." The role of outside players such as the EU and the United States in the recent efforts at democracy promotion have suffered from excessive timidity in the case of the Europeans and inconsistency and credibility problems on the part of the United States. Still, it is

accepted that core democratic reforms in the region are unlikely to take place without the support, encouragement and pressure from outside players.

Pursuing democracy, security and development in a Middle East context means working on a resolution to the Palestinian-Israeli conflict and undertaking democracy promotion on a parallel track. The recent London Meeting on Supporting the Palestinian Authority which focused on governance, security and economic development offers the international community, including Canada, the opportunity to play a role in supporting the objectives of the Palestinian people as expressed by their leader and thereby also making a contribution to peace and security throughout the Middle East. A vigorous program of democracy promotion which combines “bottom-up and top-down” approaches and centered on legislative development activities could provide Canada with an interesting and important niche.

PART I - THE BROAD CHALLENGE

Introduction

“Force without judgment collapses under its own weight.”

--Horace

The recent death of George F. Kennan at the age of 101 should give us pause to reflect on a life of public service and the art of good foreign policy-making. Kennan, a diplomat and Pulitzer Prize-winning historian, was the principal architect of US foreign policy during the Cold War. In 1946, while serving in Moscow as a US diplomat, he wrote what came to be known as “the Long Telegram”– an 8,000 word cable outlining policy positions that helped guide Washington's dealings with the Kremlin until the disintegration of the Soviet Union nearly 50 years later. The Long Telegram said that the Soviet Union’s expansionist tendencies must be stopped and Kennan delineated precisely how he felt that could be accomplished. Moscow, he said, was “impervious to the logic of reason,” but “highly sensitive to the logic of force.” Although Kennan never felt war was inevitable, he believed US policy required a military component. The principal policy tools, however, were to be economic, political, cultural and diplomatic. A year later, Kennan published an article in Foreign Affairs magazine which he signed with an ‘X’ where re-stated his ideas and named the policy - containment.

With the foresight of people like George Kennan, the immediate post-war period saw the growth of a tremendous number of multilateral institutions designed to address the political, security and economic challenges of the day. The United Nations, the International Monetary Fund, the World Bank and the European Economic Community were all part of an effort designed to rebuild from the devastation of the Second World War and, in the case of NATO and the Marshall Plan (both of which can be traced back to Kennan), to confront the moral and strategic challenges posed by the Cold War. The situation we face today is vastly different from that which confronted the world in 1945. Just as Kennan developed the policy tools and institutions aimed at “containing” Soviet communist expansion, we too must use our ingenuity and creativity to fashion new policies and, if necessary, new institutions to address the broad challenges

of our time. These challenges include the terrible threats to human security posed by terrorism, the spread of deadly diseases, weapons of mass destruction and the proliferation of missile technology. Generally speaking, these threats are most acute in the wider Middle East and in Sub-Saharan Africa.

If we trace our steps back to the collapse of the Soviet Union, most believed that peace and stability were assured. In the absence of superpower rivalry, former surrogates would be free to chart their own course and reason dictated that this would be toward democratic political institutions and free-market economies. Indeed, the latter was understood to be the essential foundation, if not complete guarantor, of the former. Once free to choose, the choice itself was assumed to be self-evident.

This naïve optimism or, according to some, ill-conceived arrogance was soon belied by a host of internecine conflicts and failed states. Bosnia, Croatia, Rwanda, Somalia, Sierra Leone, Kosovo, Srebrenica and more – are all symbols of a misery we believed would not again be so easily visited upon humankind. The “new-world order” had quickly degenerated into the “new-world disorder”. Traditional concepts of balance of power and collective security could no longer help us address present exigencies. The 19th century was long past and the governing principles of the 20th had suddenly proven inadequate. Troublesome also was the growing belief in some quarters that the United Nations had become little more than an anachronism awaiting its inevitable demise.

September 11, 2001 confounded matters even more. Civil and tribal conflicts could eventually be contained or let run their course without too much discomfort to ourselves. While obliged to help, these were conflicts well beyond our borders. Our public and politicians were concerned but, though motivated by moral precept, the concern remained largely intellectual and abstract. The terrorist attacks on the United States, however, made us all feel vulnerable. What is more, the challenge of how best to respond to the new security threats made even those in “mature democracies” reflect upon the basic principles of human rights, political freedoms, international humanitarian law, civil-military relations and the fundamentals of good governance –

vital issues which are all too often taken for granted. As the British writer Bernard Crick once noted: “boredom with established truths is the great enemy of free men.”⁴

At the international level, the organizing principles we turn to today are those of multilateralism and human security. As UN Secretary General Kofi Anan noted in his address to the Canadian Parliament:

“The individual is the basis on which every free democratic society is built. As a result, we increasingly conceive of sovereignty as involving the responsibility of states in the first instance to protect their own populations. When that protection is lacking, all of us in the international community share responsibility to protect our fellow human beings from massive and systematic violations of human rights, wherever and whenever they occur.”

At the same time, there are those who believe that the hegemonic superpower should simply shoulder the burden of providing stability and bend the recalcitrant to its will – for its purpose and principles must surely be just. However, more sober reflection speaks of the “paradox of power” and recognizes that the United States cannot go it alone. Today, we find ourselves in an environment wherein even the best of allies can disagree on relatively fundamental matters. Democratic discourse certainly does not consist of a single voice.

What we have learned is that in order for us to help emerging democracies achieve stability and sound government, we need to engage them in dialogue – it is not simply a matter of presenting them with “blueprints” for reform. Today, we – both developed and developing countries - are all to a greater or lesser degree confronted with the challenges of good governance. If we are to be truly helpful in post-conflict nation building, we will need to temper our enthusiasm with a degree of modesty. Democratic institution-building best succeeds if it grows from within, thereby taking into account and managing cultural traditions. While the basic principles of democratic governance remain true irrespective of time and place, how they are “actualized” can, of course, differ. The differences may lie in institutional arrangements, the political representation of ethnic minorities, differing electoral regimes and other types of accommodation.

⁴ Bernard Crick, *In Defence of Politics*, Penguin Books, 1973. p. 15

Guiding Principles

Our approach to nation-building of any kind needs to be based on realistic pragmatism rather than exuberant idealism. When reflecting on this matter, we would do well to take a page from Max Weber. In his classic essay, *Politics as a Vocation*, Weber asks us to consider a very basic question, “what is the ethical foundation of political practice?” In answering the question, he distinguishes between two differing, but ethically oriented modes of conduct; an ethic of “ultimate ends” and an ethic of “responsibility”.

The ethic of ultimate ends asks that we do “right” and leaves the results with “the Lord”, so to speak. Its foundation is largely religious and it is the rightness of the act itself that is most important – to turn the other cheek does not require us to assess who it is that is doing the striking. The belief is that there are ultimate principles over which one does not compromise. In this case, however, responsibility of outcome is often assigned to some fact other than individual responsibility. One may point out to the individual that his or her actions may prove to have dire consequences for those they either represent or are trying to help, but the consequences will be seen as the fault of other forces or actors. As Weber noted, “If an action of good intent leads to bad results, then, in the actor’s eyes, not he but the world, or the stupidity of other men, or God’s will who made them thus, is responsible for the evil.”

On the other hand, a person who believes in an ethic of responsibility takes account of precisely the average deficiencies of people – such a person would never presuppose their goodness and perfection. Here the individual takes responsibility for his or her own actions and does not ascribe their consequences to others. At the same time, it is also recognized that in numerous instances the attainment of good ends may mean the adoption of morally dubious means. There is no ethic that can teach us when and to what extent the ethically good purpose justifies the ethically dangerous means and ramifications.

Needless to say, the application of moral principles to daily life is no easy matter. In choosing to act morally, one must consider the moral rules under which the action comes, the circumstances or the facts of the case and our estimates of the consequences that might ensue. Thus, a good deal of judgement will enter into the choice

of an action and it is often possible for good people, holding to the same moral principles, to differ somewhat in specific actions. The use of moral principles in politics is much more complicated than in private life. Politics is a practical activity focused on the making and carrying out of public policy. The need for government arises not from the nature of man, but from the nature of society, from the diversity that exists in any society and the need for common action. As Aristotle taught, “government exists to make life possible.” The most basic and important function of public policy is to protect society from external danger and internal discord. On both these counts, democracies have proven to be particularly resilient and effective.

Any sound public policy will be based on a realistic appreciation of the possible. Good intentions and lofty principle are never enough. Policy-making is about practical judgement. It is about coping with a mixture of disparate factors. Off-the-shelf solutions are not a part of its serious consideration. Any sound public policy will be based on a realistic appreciation of the possible. Thus, when we set out to help fledgling democracies, we need to bear in mind that the task will be both daunting and long-term. Although it may not necessarily be blessed with rewards at the end of the day, it is a task that is absolutely vital and a challenge which must be pursued.

Human Security

The long taken-for-granted language and assumptions of “realpolitik,” are in many quarters slowly giving way to the more nuanced and humanitarian principles of “soft power” and human security. But as these principles are discussed and brought to bear on our management of the international environment, we also need to ensure that certain basic understandings are in place. Human security entails far more than the generous dispensation of foreign aid and cannot be sustained by good intentions alone.

Its first requirement is “physical security,” the basic security of the individual. Narrowly defined, human security creates the conditions that allow individuals to realize their full potential through social and economic development. But in a broader sense, it can be argued that human security entails much more: food security, income security, protection from disease and freedom from fear. In post-conflict societies, guaranteeing physical security can require military action and protection so that

the longer-term aspects of human security and development can be delivered. Viewed in this way, interventions in post-conflict scenarios require more comprehensive solutions that support both security and development.

In any situation where physical protection cannot be assured, talk of human security is little more than self-serving avoidance behaviour on the part of those pretending to help. Advocates of human security will grant that, in extreme cases where other efforts have failed, “military” intervention to protect populations at risk may be required. Its detractors often suggest that the latter is precisely what advocates are “overly reluctant” to employ. Amongst detractors there seems to be a suspicion, though probably unfounded, that the champions of human security are essentially pacifist.

Either way, there can be no denying that the principle of human security is fundamentally important to how we address current exigencies, if for no other reason than it challenges the once sacrosanct principle of state sovereignty. The challenge is a moral one and, as such, carries responsibilities. The principle of human security should never be seen as a substitute for military action or protection – the two are complementary. This complementarity dictates that, once engaged, we are in for the “long haul”.

Unfortunately, recent history has shown that when it comes to extreme cases, our resolve has been found wanting. There are probably a host of reasons for this. When looking at the failures of Rwanda and Somalia and the lack of real resolution in the Balkans and Haiti, we are led to wonder whether events have run ahead of our “understandings” or whether we simply lack the institutional capabilities for dealing with them. If our understandings are such that we cannot really grasp what is transpiring, then our ability either to construct or restructure relevant institutions to cope with matters will prove limited.

Failing, Failed and Collapsed States

The concept of state sovereignty which emerged from the Peace of Westphalia in 1648 and resulted in the modern European *staatensystem* or system of sovereign states seemed largely secure during most of the twentieth century. The Westphalian system involved an assortment of sovereign political entities governed by

rulers who exercised full control through the rule of law over the lands and people within their recognized territorial boundaries. In fact, one could argue that this international system was largely strengthened by a series of treaties, conventions and the collection of multilateral institutions created after the Second World War. The U.N., the World Bank and the IMF were founded on the precept of the sovereignty and equality of states. However, the post-cold-war disintegration of certain states has given rise to the phenomena of failing, failed or collapsed states in places like Afghanistan, the Democratic Republic of the Congo, Rwanda, Somalia, Liberia, the Balkans, Haiti and Sierra Leone.

There are many definitions of what constitutes a failed state, but perhaps most observers would agree that a failed state is one where sovereign control and the rule of law cease to exist and where the state is unable to enforce its monopoly on the legitimate use of force. While the differentiation between a failed state and a collapsed state is largely a question of degrees, a recent European study⁵ describes a failed state as one which still possesses an “official” government, while a collapsed state is one characterized by the effective absence of government – in other words the partial or complete implosion of the institutions of the state.

Nevertheless, it is the loss of the monopoly on the legitimate use of force that is most critical from the standpoint of human security. It is a well-accepted tenet of international law that states must have recourse to the use of force to protect their citizens from outside aggression or internal threats such as criminal activity. Recent history seems to indicate that the matter of foreign aggressors is less a concern than the disintegration of internal order that results in a pre-Westphalian type of feudal chaos. In these circumstances, warlords, street gangs, paramilitaries, guerillas, private armies and common criminals hold sway. In effect, when a state loses its monopoly on the use of force, it is replaced by the privatization of violence. As the international community has sought to grapple with implications of failed states on human security, questions have been raised about the very concept of state sovereignty. Indeed, these were the subject of

⁵ “Failed and Collapsed States in the International System,” A report prepared by: The African Studies Centre, Leiden; the Transnational Institute, Amsterdam; The Centre of Social Studies, Coimbra University; and the Peace Research Centre – CIP-FUHEM, Madrid, December 2003, p.4

the controversial and thought-provoking 2001 Report of the International Commission on Intervention and State Sovereignty (ICISS) entitled, *The Responsibility to Protect*.

A recent study by Marina Ottaway and Stefan Mair, entitled “States at Risk and Failed States – Putting Security First” speaks to the need for more focused international engagement, but cautions against being overly exuberant about the potential of effectively applying too broad a concept of human security.⁶ The authors in no way deny the real risks and dangers posed by failing and failed states to the international community. As they note:

“(Failed states) can become safe havens for terrorist organizations, centers for the trade of drugs and arms, and breeding grounds for dangerous diseases. Regionally, they can spill instability well past their borders and create a conflict dynamic affecting neighboring countries. Domestically they cannot provide security for their citizens or deliver goods. Beyond these immediate threats, failure of states also means the appearance of a growing number of stateless territories, a phenomenon with which the governments of Western countries are poorly prepared to deal.”⁷

It is also suggested that despite all of the cogent arguments on the importance of non-state actors and on the need to rethink the concept of sovereignty, states are still the central actors and units of global governance;⁸ a notion with which ICISS Commissioner Michael Ignatieff is also in agreement. The promotion of human security does not entail the abandonment of the nation state. There need not be any contradiction or conflict between sovereign states on the one hand and international laws protecting human rights on the other.

Without the “coercive enforcement” powers of the state, human rights become essentially meaningless. In the final analysis, it is the state and not the international community that makes the application of human rights possible. It is for this very reason that we speak about capacity building. Human security is best delivered by providing failing or failed states the capacity to govern – the capacity to protect and provide for their citizens.

⁶ Marina Ottaway and Stefan Mair, “States at Risk and Failed States: Putting Security First”, Policy Outlook, September, 2004, p.1

⁷ Ibid.

⁸ Ibid.

If we are to have a sound governance agenda as the foundation for engagement and post-conflict reconstruction, we need to take the warnings of Ottaway and Mair into account. According to them, "...it is not only the lack of resources which constrains the effectiveness of the international community, it is also the lack of knowledge of which approaches to the stabilization of fragile states work and which instruments are best suited to perform this work." To date, the approach of the international community to failing states has been ad hoc and makeshift. Situations are dealt with only once they have become critical and the character of the response, both in terms of effort and approach, has largely been based on "...the extent to which crises have been perceived as threatening to the interests of countries in a position to intervene."⁹

As a consequence, interventions have differed dramatically. Kosovo, for example, has been the target of a well-funded protracted intervention. Approximately 50,000 troops were sent to stabilize Kosovo in 1999 and today almost 20,000 remain; this for a small country of less than two million people comprising a territory which the international community is not even sure it wants to recognize as a state. "The United Nations Interim Administration Mission in Kosovo employs a civilian police force of 3,510, an international civilian staff of 820, and a local civilian staff of 2,737 and oversees a budget of \$329.74 million." Then there is the example of Rwanda, "...a country left to its own devices as 800,000 of its citizens were slaughtered in 1994. The small contingent of UN peacekeepers present in the country at the time was ordered to leave just after the genocide started."¹⁰

While we may have learned lessons from these events, neither approach can serve as a model. A Kosovo-style intervention is simply not sustainable given the financial and personnel requirements. It may be possible in small isolated cases, but what of a country like the Democratic Republic of Congo? The resources required make the possibility virtually unthinkable. Multiply this by ten or twenty and the enthusiasm for human security intervention becomes somewhat tempered. But, at the same time, the inaction witnessed in Rwanda is simply unacceptable. If the international community

⁹ Ibid.

¹⁰ Ibid. p.2

cannot prevent the atrocities of a Rwanda or worse, if we once again stand by and watch a future Rwanda unfold, then any claim to the moral high ground by countries espousing human security or the responsibility to protect will be little more than a cruel, amoral political posturing.

Ottaway and Mair argue that there is a consensus developing around two ideas of how to deal with failing states. First, there is the belief that interventions in weak states should start early, before the states begin to fail. Second, there is the contention that state failure should be judged from a wider perspective than problems threatening only the immediate security of the state such as insurrection or ethnic strife. Failure should also be judged on the basis of whether or not “it” is threatening the general well-being of individuals – their physical integrity, welfare, self-determination and other factors which go to the heart of a civilized existence. According to this view, “the state’s inability to deliver services or to institute the rule of law is as problematic, and potentially as threatening, a source of failure as is the state’s inability to maintain secure borders or a monopoly over the means of coercion.” The authors conclude that consensus on these two points has led analysts to formulate “...ambitious prescriptions for early intervention in all weak states.”¹¹ They also note, however, that the international community doesn’t have the resources, the political will or the know-how to mount early interventions.

The goal of intervention is not merely to provide for security. It includes economic development, improving the state’s capacity to deliver services, good governance and the rule of law, reform of the security sector and the protection of human rights. Such a wide-ranging and comprehensive approach to states at risk is beyond the capacity of the international community to implement. Yet, Ottaway and Mair also argue that “the promotion of human security and human development are fundamental tasks that the international community must address in all low-income countries, on a sustained basis and to the best of its capacity.” There is no question that poverty reduction, economic growth, and capacity building must be central to any long-term relationship between developed and developing states. However, a long-term commitment to poverty reduction and capacity building is different from interventions to stabilize states at risk. These interventions should only be undertaken in special circumstances and should focus

¹¹ Ibid.

“...narrowly on the urgent problems that threaten the stability of a state.” Here we need to deal with the immediate cause of the crisis and not the underlying chronic problems.¹²

All states must be able to maintain security. While it alone is insufficient to ensure development and self-determination, without it, neither can be achieved. Thus, intervention to prevent the failure of states at risk should aim in the first instance to provide for those functions that will restore security and enable the state to maintain its monopoly on the use of force. Needless to say, it will be here where establishing a proper system of civil-military relations will prove crucial. The latter would also become part of a longer-term goal tied to capacity building. And here, the involvement of professional defence personnel both in the short and long term will be essential.

Today, we are not so much interested in putting in place governments that are potential allies, but rather ones that can assert sovereignty, govern well, promote economic development and safeguard human rights within their territory. The Cold War after all is over. This is part of the long-term development challenge. The immediate challenge will, in all likelihood, prove to be the military one, to save that which is the central pre-occupation of the human security agenda – the individual.

Ottaway and Mair have focused on the phenomenon of African states. There, “failure” has often been caused by armed opposition groups seizing control over part of a country’s territory or by simply denying government control over it. What is striking is the ease with which this occurs and the “ragtag” nature of those challenging government. Especially surprising is the speed with which even modest international interventions can restore security:

“Over the last sixteen years, governments in Liberia, Sierra Leone, the DRC, and the Ivory Coast have lost control of much territory to insurgents with very weak organization and fighting ability. These governments were not confronted by the equivalent of war-hardened Vietcong backed by the North Vietnamese government, but by bands of poorly armed, trained, and commanded child soldiers, petty criminals, drug addicts, and desperados, and still they lost. In some cases, as in the DRC in 1998, a country was conquered with hardly any fighting – Laurent Kabila could march across the Congo and become president not because the Tutsis and Ugandans that backed him provided an

¹² Ibid. p.3

awesome fighting apparatus, but because the DRC no longer had an army.”¹³

The crisis in Sierra Leone was due to “state weakness” and criminal activity, not the strength of insurgents. In the end, only eight hundred British paratroopers were enough to restore a degree of security and to put the peace process back on track. Had Romeo Dallaire been given a modicum of support in Rwanda, the genocide might well have been prevented. Dallaire, force commander of the UN mission in Rwanda in 1994, has argued that a few hundred committed, well-trained peacekeepers endowed with a strong mandate would have been enough to destroy the operational capabilities of the Hutu militias. The lesson to be taken from these cases is that the deployment of well-led combat capable troops at a decisive moment can save lives, prevent a conflict from escalating and possibly even prevent state collapse.

In the case of most failed states, collapse is not due to insurgents or secessionist movements, but “...to the breakdown of law and order in peripheral border regions and urban slums, and from the spread of organized crime and criminal activity.”¹⁴ The situation is further complicated by the ineffectiveness of security forces – a void which is too often filled by private militias, vigilantes and for hire security personnel. These circumstances require comprehensive reform that entails the re-equipping, retraining and professionalization of armed forces and security agencies and the strengthening of civilian oversight agencies. “Devising an implementable, focused approach to security-system reform should be a prime task of external intervention in states at risk.”¹⁵ Before we can properly engage in a discussion of security sector reform, it is first necessary to understand the principles which underlie a professional military and why the concept of civilian control is so critical to the state’s monopoly of the use of force.

Professionalism and Civil-Military Relations

Whether in a mature democracy or an emerging one, individual and societal security can only be assured if there is established civilian control of the military

¹³ Ibid. p.4-5

¹⁴ Ibid. p.6

and the broader security sector. Sound civil-military relations are one of the mainstays of democratic governance. The Athenians of Pericles' time already understood this most important precept; holding their generals publicly accountable for both military and financial matters. A breach of the public trust could result in serious sanction.

If the democratic principles of civil-military relations are to be properly applied, a professional officer corps is essential. A truly professional officer corps is one that understands not only its military duties, but its proper relationship and responsibilities to society at large. One of the most important things Canada can do for emerging democracies or failed states is to help them develop the professionalism of their armed forces, police and security agencies. Like democratic capacity-building, it is an arduous, long-term process. But without schooled professionals, basic security will prove elusive at best.

In his famous study on civil-military relations, *The Soldier And The State*, Samuel Huntington distinguishes between the "...career enlisted man who is professional in the sense of one who works for monetary gain and the career officer who is professional in the very different sense of one who pursues a 'higher calling' in the service of society."¹⁶ The professional, as such, possesses specialized knowledge acquired by an extensive education and prolonged experience. There are objective standards to which one can turn in judging this competence and these standards apply irrespective of time and place. Professional knowledge is also based on continuous learning which has a depth and breadth beyond that of a normal occupation. This is what distinguishes the true officer from the enlisted man or conscript.

The professional is also a practicing expert performing a function essential to the functioning of society. It is this social responsibility that distinguishes the professional man or woman from experts with only intellectual skills. Finally, the members of a profession understand that they are a group apart from others. They possess a sense of corporateness – an understanding that they are the products of lengthy specialized training and that they share a unique social responsibility. According to Huntington, the vocation of officership meets the principal criteria of professionalism.

¹⁵ Ibid. p.6

¹⁶ Samuel P. Huntington, *The Soldier And The State*, Massachusetts, Harvard University Press, 1957, p. 8

While it is obvious that officership requires education and a host of technical skills, there still remains the question of what it is that distinguishes the professional military officer from others. The central skill common to officers is, quite simply, the *management of violence*. “The direction, operation, and control of a human organization whose primary function is the application of violence are the peculiar skill of the officer.”¹⁷ It must, however, be emphasized that this peculiar skill is the management of violence not the act of violence itself. The act of violence is the responsibility of enlisted personnel. Good officers manage violence; good enlisted personnel apply it. Proportionality is also critical to this concept. Both officer and enlisted personnel have a responsibility to keep casualties down, primarily on their own side, but also on the other if that is compatible with victory.¹⁸

The expertise of the officer corps also imposes upon it a special responsibility. The employment of the expertise acquired, if used for private advantage and gain, would wreck the fabric of society – a phenomena we have witnessed in many failed states. Society must be able to insist that the management of violence be utilized only for socially approved purposes. At the same time, the skills utilized by the military are timeless. The nature, severity and precision of the violence may change based upon technology and scientific advancement. And indeed, the political circumstances surrounding its use may change from conflict to conflict. Nevertheless, the same professional military skills focused on the management of violence are essentially universal.

Huntington argues that the modern military profession came about on August 6, 1808, the day the Prussian government issued its decree on the appointment of officers. The decree clearly set forth the basic standard of professionalism that was henceforth to be followed. As noted by Huntington, it did so “with uncompromising clarity”:

The only title to an officer’s commission shall be, in time of peace, education and professional knowledge; in time of war, distinguished valor and perception. From the entire nation, therefore, all individuals who possess these qualities are eligible for the highest military posts. All previously existing

¹⁷ Ibid.

¹⁸ Gwynne Dyer, “War Without Casualties,” London, April 1, 1999.

class preference in the military establishment is abolished, and every man, without regard to his origins, has equal duties and equal rights.¹⁹

The officer corps was now open to all members of society, irrespective of social status or political ties. While all European nations had made distinct contributions to western culture, it was the Prussians who gave us the professional officer. The basic elements of military professionalism were pulled together and molded in a well-rounded and complete system. “Requirements of general and special education; examinations; institutions for higher military education; advancement by merit and achievement; an elaborate and efficient staff system; a sense of corporate unity and responsibility; a recognition of the limits of professional competence: these Prussia possessed to an extraordinary degree.”²⁰

As well, it was the Prussian Clausewitz who contributed the theoretical rationale for the new profession. He advanced the notion of the dual nature of war. That is, war is best understood as an autonomous science with its own methods and goals, but is at the same time also a subordinate science in that its ultimate purposes come from outside itself. Clausewitz clearly understood the importance of civil-military relations and recognized that war does not have its own logic and purpose. The latter is the purview of the statesman. The inherent quality of a military – its professionalism – can only be evaluated in terms of independent military standards; the purpose to which that expertise is put is necessarily judged according to different criteria.

Clausewitz not only formulated the first theoretical rationale for the military profession, he also contributed the first theoretical justification for civilian control. He argued that:

The subordination of the political point of view to the military would be unreasonable, for policy has created the war; policy is the intelligent faculty, war only the instrument, and not the reverse. The subordination of the military point of view to the political is, therefore, the only thing which is possible.²¹

¹⁹ Quoted in Huntington, p.31

²⁰ Ibid.

²¹ Quoted in Huntington, p.58

The insights of Clausewitz and the principles underlying Prussian military reform are as relevant today as they were then. Yet, when it comes to civilian control of the military, one might suggest that matters were somewhat more straightforward when the Kaiser ruled. Today, we speak not only of control and subordination, but also of transparency and accountability. Accountability understood as “being responsible” to the legislative as well as the executive arm of state.

Democratic civilian control of the military is only possible if a truly professional military exists led by an officer corps imbued with the kind of “liberal” education envisioned by the Prussian reformers. Huntington distinguished between two kinds of civilian control over the military – subjective and objective. The former consists of instances wherein civilian groups (i.e. Parliament and the King; aristocracy and bourgeoisie) try to maximize their power in relation to the military. As Huntington noted, “In its various historical manifestations, subjective civilian control has been identified with the maximization of the power of particular governmental institutions, particular social classes, and particular constitutional forms.” Probably one of the best examples of a Parliament maximizing its authority over the military to the detriment of the King was the English Bill of Rights of 1689. It stipulated that “the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against (the) law.” The issue was not one of reducing the power of the military. Rather, it was a matter of increasing parliamentary control in order to reduce the power of the monarch. The same could be said of the competition between the aristocracy and the bourgeoisie during the 18th and 19th centuries. In both cases, the military was simply a pawn being used by important players as part of a larger power struggle.

On the matter of subjective civilian control being identified with a particular constitutional form such as democracy, a certain amount of caution must be exercised. It is often assumed that the military, by virtue of the fact that it controls the dominant instrument of violence, will be more powerful in totalitarian regimes than in democratic ones.²² This is not necessarily true. There is no tradition of Bonapartisme in either the Russian or Soviet armies. And even the attempted assassination of Hitler,

²² Ibid.

though orchestrated by officers of the Wehrmacht, was not carried out on the understanding that the military would henceforth rule.

Objective civilian control, on the other hand, is premised on the maximizing of military professionalism which according to Huntington, is "...that distribution of political power between military and civilian groups which is most conducive to the emergence of professional attitudes and behavior among the members of the officer corps." This type of control simply does not permit the participation of serving members of the military in politics. The essence of objective civilian control is the recognition of autonomous military professionalism. Hence, there is no need for civilian groups to try to maximize their power in relation to the military in order to retain or gain control. The officer corps must be politically neutral and should therefore never be subordinate to the interests or principles of political or civilian factions. It should answer only to the duly constituted governing authority of the day.

The achievement of objective civilian control has then only been possible since the emergence of the military profession. However, while this is certainly true, we must also remain realistic for, as Huntington concludes, an elevated level of objective civilian control is an uncommon occurrence even among mature western democracies. Of course there are no flawless systems that can readily provide unblemished results. We can approximate ideal solutions, however, by putting in place mechanisms which will move us closer to a higher standard.

In post-conflict reconstruction, the creation of a professional military within a system of democratic governance should be a top priority. Security cannot be guaranteed if its "physical" component continues to rest with para-military groups, vestiges of those formerly involved in internecine strife, party armies or street gangs. The formal mechanisms put in place to provide for some degree of objective civil-military control will only work if the military itself understands its ethos as that of a truly professional organization. The proper and continuing education of the officer corps should be a central element in any rebuilding; the objective being to assure the state's monopoly on the use of force.

Canada has a key role to play in this area and it has been duly emphasized as a strategic direction in the International Policy Statement. Importantly, the Statement

notes that “the Canadian Forces will focus their efforts on developing basic staff skills to help mid-level officers conduct peace support operations.” This can be seen as a valuable short to medium-term role for Canada. The Statement goes on to say that “...National Defence will promote security sector reform to encourage democratic values within armed forces.” This reflects a welcomed commitment on the part of Canada to help with professionalizing militaries in failed and failing states, and connects short-term stabilization with a longer-term contribution to lasting peace.

Part II – Canada, Democracy and Development

Introduction

“The responsibility to protect implies the responsibility not just to prevent and react, but to follow through and rebuild. This means that if military intervention action is taken – because of a breakdown or abdication of a state’s own capacity and authority in discharging its “responsibility to protect” – there should be a genuine commitment to helping to build a durable peace, and promoting good governance and sustainable development. Conditions of public safety and order have to be reconstituted by international agents acting in partnership with local authorities, with the goal of progressively transferring to them authority and responsibility to rebuild.”²³

In the recent past, government strategies to deal with countries in crisis have often focused on the quick fixes of military assistance, immediate relief and humanitarian aid and a smattering of development programs. No sooner are troop contributing nations and humanitarian organizations in a country than the political conversation moves to “exit strategies.” The desire to limit engagement and keep costs to a minimum for donor countries is understandable. However, as we have seen, this approach can unfortunately have unintended and undesirable consequences.

The vast amounts of money channeled into creating the Haitian National Police were for the most part wasted in the absence of the reform of the judicial sector.²⁴

²³ The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, December, 2001 p.39

²⁴ Ann M. Fitz-Gerald, “Addressing the Security –Development Nexus, Implications for Joined Up Government,” Institute for Research on Public Policy, p.8

Overall, the international response to events in Haiti in the mid-1990's resulted in massive infusions of military, humanitarian and development assistance. This was followed by the withdrawal of the international community. Soon after, the country began its slow, inevitable descent back into crisis. In too many instances, the response by the international community to post-conflict nation building has been piecemeal, uncoordinated and lacking an overall strategy. Indeed, the problem has been as acute within governments as between governments.

Knowing what we know about conflict and nation building based on the experience of the 1990's, the "responsibility to rebuild" in a post-conflict environment today calls for a much more sophisticated, comprehensive and longer term commitment by donor nations than has hitherto been the case. As indicated earlier, while "exuberant idealism" may be the impetus for our involvement in some crisis situations, "realistic pragmatism" must be our guiding principle if our involvement is to produce tangible, sustainable long-term results. It is also essential that we apply an "ethic of responsibility" to our activities fully appreciating that democratic institution building and good governance in post-conflict societies are indeed complex matters that require more than "quick fix, feel good solutions". If they are to succeed, they require joint responsibility and joint ownership between donor and recipient combined with good long-term analysis and multi-faceted engagement.

Democracy First versus Development First

Good governance entails not only sound precept – the understanding of basic democratic principles – but also a host of institutional mechanisms. Principle without structure and process remains little more than an interesting exercise in navel gazing. Thus, to ensure sound relations between the civil authority and the military, it is necessary to put in place appropriate mechanisms of accountability. Relevant lines of authority need to be clear and transparent.

Given today's environment, these mechanisms also need to be extended beyond the military to the wider security sector. Since 9/11, concerns have been voiced in even mature democracies over the question of whether we may be sacrificing basic civil

rights in order to enhance our security and whether we may be doing so unnecessarily. There can be no question that the protection of its citizens is the primary duty of government. However, if the zeal to do so becomes a threat itself and if, as Crick warned, we become bored with “established truths,” then the first step on the road to tyranny may well have been taken. If we cannot agree on “ideals,” we can at least come to a common sense agreement on process.

One may also ask why focus on institution building should be deemed of such importance when, in many cases, much still needs to be done in terms of economic development. Many have long believed in what they now simply consider a truism, namely, that economic development stands prior to democracy; the argument being that poor countries must develop economically before they can democratize. More recent evidence, however, suggests that poor democracies “...have grown at least as fast as poor autocracies and have significantly outperformed the latter on most indicators of social well-being. They have also done much better at avoiding catastrophes.”²⁵ If accepted by policy makers, this conclusion reached by the authors of a recent study published in *Foreign Affairs* could have a profound impact on policies targeted at emerging democracies.

Authors Joseph T. Siegle, Michael M. Weinstein, and Morton H. Halperin argue that those who preach a “development first” strategy may in fact be condemning hundreds of millions in the developing world to a lethal cycle of poverty, conflict, and oppression. The well-intentioned argument that “...economic growth creates the necessary preconditions for democracy by expanding literacy, creating a secure middle class, and nurturing cosmopolitan attitudes” also proved useful in the political and ideological struggles of the Cold War. The West was quite content to support authoritarian governments in order to keep them from becoming communist. At the time, very few democratic countries were in fact poor, again helping foster the notion that economic development needed to come first.²⁶

Proponents also point to the historic economic performance of certain Asian autocracies (some of which have made successful transitions to democracy) like

²⁵ Joseph T. Siegle, Michael M. Weinstein, and Morton H. Halperin, Why Democracies Excel, *Foreign Affairs*, September/October 2004, p.57

²⁶ *Ibid.* p.58

Singapore, Indonesia, South Korea, Taiwan and more recently, China. It is little wonder that development first theorists are ready to argue that robust technocratic government protected from the vagaries of democracy provides a better foundation for future-oriented but not necessarily politically popular macroeconomic policies. Those who believe in the development-first principle point to the poor performance of faltering democracies in Eastern Europe, Latin America and Africa as well as the halting performance of Russia. Yet, while the development-first argument seems to make intuitive sense, empirical evidence offers a different conclusion – that democracies surpass their autocratic counterparts.

Evidence also suggests that the advantage of poor democracies over poor autocracies increases when one takes into account broader measures of well-being. When development is measured by social indicators such as access to potable water, life expectancy, literacy rates, agricultural yields and public health services, low income democracies dramatically outdo autocratic countries. Also, the argument that democracies are subject to the whims of the electorate which may be inconsistent with long term economic interests is found to be groundless. Over the past 30 years, poor democracies have not, on average, run higher deficits than poor autocracies. Finally, democracies in the developing world also do a better job of avoiding humanitarian emergencies. The study notes that 87 of the largest refugee crises in the last 20 years occurred in autocracies and 80 percent of all internally displaced persons in 2003 were living under authoritarian regimes, even though such systems represented only a third of all states.

The conclusion that the authors come to is that poor democratic countries have had an unfailing advantage in development over poor autocracies in the past 40 years. The question we then confront is “why should this be so?” According to Siegle et al, the answer is found in the basic nature of democratic societies. “Democracies are political systems characterized by popular participation, genuine competition for executive office and institutional checks on power.”²⁷ In the final analysis, poor democracies do better than authoritarian regimes because of institutionalized power sharing and because democratic societies are open and adaptable.

²⁷ Ibid. p.59

For democratic leaders are to survive politically, they need to bring a certain degree of imagination and innovation to decision-making. If they don't, they may quickly find themselves out of office. The average person is most concerned with daily issues of survival – basic bread and butter issues. Once a polity becomes or significantly approximates a system of democratic governance, politicians and candidates will need to take into account the concerns of the general citizenry. Those whose support is based on narrow clan interests and patronage need not worry about the general well-being of society. While authoritarian regimes often turn political monopoly into economic monopoly, democracies spur competition. They encourage the flow of ideas, keep citizens informed, prod political leaders into considering a variety of options and establish clear mechanisms for succession, thereby enhancing political and social stability.²⁸

What is most important about the arguments of Siegle and his colleagues is not that they help us justify the superiority of democratic institutions. Despite the chicanery of Cold War politics, that is something that most of us have long taken for granted. The real importance of the arguments lies in the fact that they require us to reflect on how and where we apportion our efforts in overseas development assistance. If countries with democratic or quasi-democratic institutions fare better than others, should we then not become more concerned about democratic institution-building? And should this not become an important consideration in allocating our aid dollars?

This is not for a moment to suggest that we abandon official development assistance aimed at health and education, economic development and support for physical infrastructure – clearly these must progress side by side with good governance. However, it is to argue that we should re-examine how we formulate our priorities. How many precious aid dollars aimed at improving health and education have been lost to corruption? From the perspective of granting agencies, the most honest answer would probably be that no one really wants to know. Perhaps it is time that we more closely associate our aid with the principles of good governance. As Michael Ignatieff has argued, the promotion of democratic values is not particularly effective “...unless you can specify the institutional or economic prerequisites that make them sustainable in

²⁸ Ibid. p.64

societies very different from our own. And when we fail to specify the institutional requirements for human rights delivery, we're just talking rhetoric." The public understands that unless we have "good government" partners, foreign aid will most likely be squandered on corrupt politicians or criminals.²⁹ Ignatieff would then likely agree with Siegle and his colleagues that "a principle of democratic selectivity" should be applied when making funding decisions. Countries demonstrating a clear effort to develop democratic institutions and thereby adopt power-sharing arrangements should be given preference when allocating development assistance.³⁰

For guidance in our approach to international engagement, Ignatieff suggests that we turn to our own "founding principles", those that have defined our political culture and allowed us to accommodate a variety of diversities. These principles were adopted in the clear recognition that "what holds a political community together is government." The Canadian political tradition is one based on the idea that "the state creates the nation, that government action is a precondition both for economic development and the creation of a political community."³¹

Importantly, we are also a free enterprise country instinctively believing "free markets make for free people" along with their obvious economic benefits. However, our pragmatism has tempered our enthusiasm for free market solutions and taught us to believe that markets aren't the sole solution for distributing wealth between classes and regions. Programs such as health care, employment insurance, old age security and equalization between more affluent and less affluent provinces have helped to supply the "glue" that fosters a sense of national cohesion and solidarity. Our founding principles of peace, order and good government, though not having made for an untarnished history, have generally served us well and have certainly made us distinct from others. These principles and the lessons we have learned from our own history can form a general foundation for our approach to international engagement.

Ignatieff argues that Canada is well-placed to make a significant contribution in addressing the crisis of state order that is undermining peace and stability

²⁹ Michael Ignatieff, "Peace, Order and Good Government: A Foreign Policy Agenda for Canada", Department of Foreign Affairs and International Trade, 2004, Canada, p. 1-15

³⁰ Siegle, p.26

³¹ Ignatieff, p.7

in 20 to 30 states around the world. If developing countries are to reap the benefits of globalization, then they must in the first instance have stable governments. “You can’t have equitable distribution of the benefits of globalization; you can’t have political control of the forces of globalization unless you have a government with capacities and the resources to inflect the forces of globalization in favour of your population.”³²

What is especially disquieting is the realization that if we, along with others, cannot stabilize failed states, if we cannot deal with and reform rogue states and if we cannot ensure the viability of new democracies, it will be increasingly difficult for us to maintain our international obligations. There are only so many refugees we can absorb. There is a limit to the monies the public will allow us to spend on behalf of others and in the end there will be those we simply cannot save from themselves.

To have a goal-directed, well-managed and successful overseas assistance program, Ignatieff says we will need government partners in developing countries that are reliable and honest. Development assistance programs, he says, need to be tied to governance goals. It is because of this that the focus of our foreign policy should be “...to consolidate peace, order and good government as the sine qua non for stable states, enduring democracy and equitable development.”³³ This is where our comparative advantage lies and where our foreign policy could be used distinguish us from other countries and reflect our own national traditions.

Given our experience with imperialism, bilingualism, multi-ethnicity, multiculturalism, multilingualism and ethnic rights, we just may be the ones to put in place or at least argue on behalf of an engagement that works. Ignatieff says we “have some authority in these matters, and we should use it, not to lecture, but to listen, not to impose, but to learn, adapt and change our ideas as they encounter the different reality of other political cultures.”³⁴ Furthermore, he states that we need to perfect a tool kit of preventive intervention involving conflict resolution from the bottom up, political dialogue from the top down, constitutional change involving devolution and minority rights as well as economic assistance. The toolkit does not exist, but his suggestion is that we may be the ones best suited to put it together.

³² Ibid. p.8

³³ Ibid. p.12

³⁴ Ibid. p.13

Our belief in the wider concept of human security necessarily entails the responsibility to protect which Ignatieff argues “reconceives the world of states as a series of interlocking duty holders towards the populations they are supposed to serve. When one states fails in its duties, other states must step in.”³⁵ Indeed, this is increasingly regarded as a “moral” responsibility; one borne by the international community and preferably exercised collectively by member states through the United Nations or in some instances other international fora.

The principles of peace, order and good government, combined with the responsibility to protect, enjoin us to stop ethnic and religious conflict before they destroy a state; protect citizens when their own state cannot or is unwilling to do so and provide reconstruction assistance over the long term. There is a continuum involved in the responsibility to protect that begins at conflict prevention and continues through to reconstruction. It also entails assembling the necessary expertise and capabilities of both our national government and community. The question then becomes: “If we accept the principles, how do we give them effect?” As we noted at the outset, when it comes to public policy, good intentions and lofty principles are never enough. If we are to be truly engaged, so also must the public treasury. And, if we need to convince the public that the investment is worthwhile, they will more easily accept the commitment if they know it is being entered into with sound partners.

A peace, order and good government program will require a coherent development strategy - one that can bring relevant players together. It will require a framework and a set of principles that can allow the military to work with the development community, diplomats and other government actors and it will need to bring the public and private sectors together in common cause. While monies spent on overseas development assistance are accounted for separately from overseas security expenditures, there exists a commonality of interest that demands better communication and co-ordination of effort than we have seen to date. A cohesive development strategy will necessarily involve political, social, security and economic considerations. As noted by General (Ret'd.) Klaus Reinhardt, former NATO commander in Kosovo, “Condoleezza Rice is wrong: it is the business of the military to escort children to school,

³⁵ Ibid. p.14

if that makes people in conflict situations feel more secure. But we also need professional civilians like policemen, human rights monitors and workers to make human security interventions successful.”

The question then becomes: “How do we organize the existing capacities of the Canadian government to enable us to pursue an effective peace, order and good government agenda? And how can we better organize the myriad of programs disbursed across the whole range of government activity?” We need to agree on strategic priorities for our development cooperation efforts including both aid and security. These priorities should be based on a government-wide perspective of what we believe needs to be done, what is realistic and on what we are willing to contribute. Security and development issues, the so-called “security-development nexus,” can no longer be addressed separately. Better mechanisms that bring together a wide range of governmental and non-governmental actors are required to generate more comprehensive responses. We need policy coherence and effective coordination on the ground. The need to simultaneously deal with security and development is unfamiliar territory for most donor nations. Matters were far simpler when we were confronted with one or the other. To meet the challenge, we need a combination of creativity, experimentation and a willingness to learn from our own failures and successes and those of some of our donor partners.

Crises that combine state collapse with violence will continue to occur, as Ignatieff rightly observes and we therefore need to develop a comprehensive prevention, intervention and reconstruction capability. Prevention would strengthen the rule of law, improve police, conciliate ethno-religious conflict and create political dialogue. Intervention could involve the military, civilian police, administrators and humanitarian experts. Reconstruction entails capabilities that range from constitution writers to contractors and construction engineers.³⁶ What is required, therefore, is an agency or institution that can bring all of these resources together. And once brought together, we need to focus these energies on what is feasible and carefully determine where it is that we can make a real difference.

Ignatieff’s prescription, although perhaps somewhat ambitious, contains much that can and should guide us in the years ahead. Part of the initial exercise may well

³⁶ Ibid. p.16

entail understanding better our own hubris and the need for humility. The days of grand mission statements should be put behind us. As Denis Stairs recently noted “...genuine creativity in international affairs is encountered more often in response to tangible problems and specific issues than in the construction of inspirational mission statements.” According to Stairs, what we need in their place are “more honest (and hence, much more cautious) accounts of what is likely to be feasible in the real world of social engineering abroad, both generally and in terms of policies suited particularly to Canada.”³⁷

When responding to failing, failed or collapsed states, we will need to target those countries where we can truly make a difference and once having identified them we need to strategically invest our aid dollars with more emphasis on governance and security. We need to set realistic expectations and spend our aid dollars with a view to results; the shift from disbursement-driven aid to results driven aid needs to be accelerated.

Furthermore, if we are going to effectively involve a variety of government departments in international activities, we will need to have a rational funding system in place. As the involvement of departments has grown, so too has the demand for additional resources to finance their “new” international activities. Some of these have been funded from A-based budgets and through cost recovery. However, it is only natural that as departmental involvement grows, many will be looking to CIDA and to the International Assistance Envelope for financing.

How to Proceed: What others are doing

If there is one thing we can agree upon, it is that the international environment defies any attempt to “manage” it. However, we can make a difference and sometimes achieve significant success. As mentioned, in many circumstances the international community does not have the knowledge, resources or political will to initiate early interventions to save failing states – to help buttress their failing social, economic and political institutions. There will undoubtedly be situations in the future where, because of specific circumstances, we absolutely must act to restore security in

³⁷ Denis Stairs, “Challenges and Opportunities for Canadian Foreign Policy in the Paul Martin era,” *International Journal*, Autumn, 2003, p.481-506

states at risk or failed states. Not to do so would clearly have unacceptable consequences for human security. It is not a matter of defending some abstract principle. Rather, it is a question of ensuring that we do not repeat the shameful tragedy of a Rwanda and revisit the horrors of ethnic cleansing and genocide.

The problem of human security must be addressed in the long run by sustained political change and economic development, a process that can help build the foundations for well-governed states. The short-term will likely involve intensive interventions needed to stabilize states at immediate risk. Such interventions, where they entail military force, should be decisive and of brief duration. But they should be entered into on the understanding that a long term commitment to the overall well-being of the population affected – human security – is inherent in the process. While Canadians are debating these issues, we are not the only jurisdiction trying to address the conundrum of security and development.

The European Response:

The European Union recently released its “Barcelona Report on Europe’s Security Capabilities”, *A Human Security Doctrine for Europe* (September 2004). The report, produced by an independent study group at the request of Secretary-General Javier Solana, argues for a fundamental rethink of Europe’s approach to security – both inside and outside of its borders. The authors suggest that “human” rather than “nation-state” security should be at the heart of European policy. They define human security as “freedom for individuals from basic insecurities caused by gross human rights violations.” The doctrine comprises three elements. The first is “a set of seven principles for operations in situations of severe insecurity that apply to both ends and means.” These principles are the primacy of human rights, clear political authority, multilateralism, a bottom-up approach, a regional focus, the use of legal instruments and the appropriate use of force. The report especially emphasizes the bottom-up approach that entails communications, consultation, dialogue and partnership with the local population. As has been argued, democratic governance works best when it is founded on local desire and commitment.

The second element consists of a “Human Security Response Force,” composed of 15,000 men and women of whom at least one third would be civilian (police, human rights monitors, development and humanitarian specialists and administrators). The Force would be drawn from dedicated troops and civilian capabilities already made available by member states as well as a proposed “Human Security Volunteer Service.” This bears some resemblance to a whole-of-government approach and even has undertones of the much talked about Canada Corps.

The third element comprises a new legal framework to govern both the decision to intervene and operations on the ground. This would build on the domestic law of sending states, international criminal law, international human rights law and international humanitarian law. The authors of the report suggest that the EU should tackle the “deficits” in the international legal system and encourage the development of global rules.

OECD Initiatives:

The recent report of the OECD’s Development Assistance Committee (DAC) on Security System Reform and Governance also emphasizes the importance of a whole-of-government approach. Security and development are seen as inextricably linked, which “opens the way to mainstreaming security as a public policy and a governance issue.” In its deliberations, DAC also adopted a broad definition of security, one that focuses not only on regime stability and state security, but one that also includes the well being of the individual citizen. The security sector reform policy agenda covers three inter-related challenges facing all states:

- Developing a clear institutional framework for the provision of security that integrates security and development policy and includes all relevant actors;
- Strengthening the governance of the security institutions; and
- Building capable and professional security forces that are accountable to civil authorities.³⁸

³⁸ Security System Reform and Governance: Policy and Good Practice, OECD, 2004, p.12. See Appendix 1, Policy Statement, Security System Reform and Governance, Policy and Good Practice

The OECD paper argues that if security sector reform is to work then its processes need to be locally owned and based upon democratic values and internationally accepted human rights principles. It is also important that the views of all stake-holders be taken into account. For example, tensions may well develop between the objective of enhancing the democratic control and accountability of security forces on the one hand and efforts to improve the operational capacity to stabilize the security situation on the other. As well, strains may emerge between the need to invest in effective and sustainable security structures and strategies for a reduction in fiscal deficits (which are often donor-imposed) leading to significant cuts in security expenditures.³⁹

It is also suggested that donor governments should furnish their assistance within multi-sectoral strategic frameworks. These should be developed jointly with partner governments and civil society and be based on an assessment of the security needs of the people and the state. Here, women's organizations can play a particularly important role in ensuring that needs assessments capture the security concerns of vulnerable groups. Consultation among donor government departments as well as coordination with other donor governments, NGOs and international organizations is also required.

The United Kingdom's Approach:

The all-of-government approach to security sector reform probably finds its best expression in recent approaches taken by the United Kingdom. Today, "defence diplomacy" is one of the UK's military's eight "defence missions". Planners realized that new policy frameworks would be required if Britain's efforts in conflict prevention were to be effective. The UK began work on security sector reform in 2000. Its Department for International Development (DFID) developed two policy statements: one for security sector reform and one for Safety, Security and Access to Justice. The Ministry of Defence (MOD) developed a policy paper on "defence diplomacy." However, as the UK gained more operational experience, it became clear that a 'joined-up' approach to security sector reform required a common policy framework. The government then set up

³⁹ Ibid. p.18

a security sector reform policy committee and an informal inter-departmental strategy was then developed.

The UK has created two inter-departmental funding pools, the Global Conflict Prevention Pool (GCPP) and the African Conflict Prevention Pool (ACPP). The purpose behind these is to improve the UK's conflict prevention policy and effectiveness through joint analysis, long-term strategies and improved coordination with international partners. Much of the UK's security sector reform work is financed through these two pools which receive both ODA and non-ODA funds for programs based on agreed MOD/DFID/Foreign and Commonwealth Office (FCO) strategies. In order to promote stronger adherence to the common framework, the UK Treasury contributes additional resources to the pools beyond those committed by the DFID, MOD and FCO. The Netherlands have also established a "Stability Fund" in order to provide for coherence through pooled funding as well as an integrated policy-driven approach to security and development issues.⁴⁰

According to DFID, where there has been a strategy based on a shared analysis of a conflict and a joint response, UK interventions have proved more effective and there is a closer relationship between government policy and operational response. The 'conflict pool' approach has also been helpful in giving the Treasury a better understanding of the issues faced by the departments on the ground. Both pools consist of a peacekeeping and a program component. "The peacekeeping component covers the UK's assessed and voluntary contributions to international peacekeeping and related operations. The program component is further sub-divided into country or regional strategies and thematic strategies. SSR (security sector reform) is one of the thematic strategies in the GCPP. A parliamentary vote decides the settlement figure given to pools which incorporates an extra top-up amount to encourage inter-departmental collaboration."⁴¹

Money contributed to the Global Pool by all four departments (MOD/DFID/FCO/Treasury) is managed by the FCO and funding for the African Pool is managed by DFID. Once activities are agreed upon, DFID examines them for ODA

⁴⁰ Ibid. p.21

⁴¹ Ibid. p.21-22

eligibility. If so, they contribute to the UK's ODA sum. What is especially appealing about this approach is that it allows for distinct roles for development and security actors, while working under an overarching security sector reform policy in a coherent way and with relevant departments. This type of collaboration can permit development agencies to better comprehend and have an increased impact on security related issues when they are vital for development goals. Development agencies need to establish effective partnerships with their defence and security counterparts. This is especially important in areas where donors are restricted from operating because of security issues.

This approach also enables one to better provide the appropriate channels for delivering the types of assistance required by a security sector reform strategy. While many activities will not require expertise that most aid agencies do not already possess, there will be occasions when existing capacity will simply prove insufficient. The UK, for example, created a new entity – the Defence Advisory Team (DAT) – in 2001 to provide practical support for defence-related reforms. Eventually the original mandate was broadened and the DAT now offers advice and assistance on governance and civil military relations, defence reviews, defence organization, force structures, procurement and logistics, change management, financial and human resource management and development in the defence sector.

It is, therefore, easy to see how “defence diplomacy” fits into the overall policy framework. Its basic aim, as defined by the MOD is “to provide forces to meet the varied activities undertaken by the MOD to dispel hostility, build and maintain trust and assist in the development of democratically accountable armed forces, thereby making a significant contribution to conflict prevention and resolution.”⁴² Included in the mission are a number of military tasks including,

- Arms control, non-proliferation, and confidence and security building measures;
- Outreach (advice and assistance to countries); and
- Other defence diplomacy activities.⁴³

⁴² United Kingdom, Defence Diplomacy, Ministry of Defence Policy Paper No. 1, p.7

⁴³ Robin Banfield, Defence Diplomacy and Beyond, *The Source: Management Journal*, January 14, 2002.

In recognition of the importance of “defence diplomacy,” the UK government significantly increased the Defence Assistance Fund (DAF). The British approach to security sector reform is one from which we can take some well-grounded lessons. The integrated policy framework and pooled funds provide a degree of flexibility and efficiency that our policy makers envy.

A Possible Canadian Approach

Most would agree that the guiding principles for Canadian involvement must be those of “human security” realistically applied. We also require criteria that enable us to make realistic choices. We need to engage government wide actors, NGOs and the public in pursuit of clearly defined objectives based on sound principles. A “whole-of-government” or “joined up government”⁴⁴ approach to security and development is required, one that is animated by our founding “peace, order and good government” principles:

- **Peace:** Here our efforts would focus on ending conflict and immediate post-conflict peace building. Activities, inter-alia, could include the deployment of Canadian troops for peace enforcement, civilian police, humanitarian assistance and the demobilization and reintegration of military personnel.
- **Order:** The promotion of security system reform with the intent of providing for transparent and democratic governance of the security sector. Relevant actors here would come from a wide range of government departments, NGOs and academe.
- **Good Government:** The emphasis here would be on the consolidation of democratic institutions and practices including elections, public sector institutional reform, legislative development, the rule of law, property rights and judicial reform. Relevant actors here would be not only government wide, but would also include the private sector along with NGOs and academe.

⁴⁴ For a good discussion of the concept of “joined-up government, see Ann M. Fitz-Gerald, “Addressing the Security –Development Nexus, Implications for Joined Up Government,” Institute for Research on Public Policy

The type of approach envisaged would, of course, require both co-operation and co-ordination among a myriad of government departments and agencies. At the same time, it would require someone at the helm. Fashioning an integrated, effective development strategy will require reconciling diverse and competing interests. One suspects that this should be something other than an inter-departmental grouping of "appropriate deputy ministers" for turf wars and jurisdictional jealousies are precisely what one wants to avoid.

Following the British example, our own initiatives in addressing failed states and human security need to bring together, in an unprecedented way, planners from the Canadian International Development Agency (CIDA), the Department of National Defence (DND), Foreign Affairs Canada (FAC), Finance and the Privy Council Office (PCO) in common cause. None of the important players can be allowed to work in isolation - whether in bureaucratic boardrooms or field missions on the ground. Bureaucratic politics and interdepartmental jealousies have to be put aside. Monies budgeted also need to be structured so that they can be flexibly accessed to meet the exigencies at hand. For instance, one can only hope that programs like Canada's military training assistance program (MTAP) will be properly integrated with CIDA initiatives to enable us to venture into the field of defence diplomacy, obtain synergies and, more importantly, help us achieve the objectives of security sector reform and good governance.

The Canadian Government, therefore, may wish to consider the creation of a "Human Security/Governance Secretariat" whose responsibility it would be to bridge the gap between security and development. Indeed, because of the vital links between security, development and democracy, it may be helpful to give this agenda a political champion in the form of a "Minister of State for Democratic Development." Properly structured, such a ministry could operationalize the "joined up" approach, drive co-operation and co-ordination, help set policy, target initiatives, attract the required resources and make relevant recommendations to government. The "Ministry of State" could reside within the Department of Foreign Affairs and contain senior representatives from DND, CIDA, PCO and Finance. A budget allocation in the form of a "hybrid fund" could be provided which would encourage departments to work together and various

“task teams” could be seconded to it to deal with crises based upon geographic or issue expertise. To avoid the “tail-wags-dog” scenario, it is very important that spending initiatives not be driven by definitions of what does or does not count as Official Development Assistance. Rather decisions should be based on what is required as part of a good public policy approach with accounting of what portion of the spending is or is not “ODA-able” done after the fact.

New Directions – Governance and the International Policy Statement:

Fortunately, some of the shortcomings of the international community’s recent responses to post-conflict situations have been recognized and are being acted upon, not just in Canada, but amongst many other donor countries and international agencies. When intervening in failed and failing states, the International Policy Statement calls for FAC, CIDA, DND and other relevant departments to work more closely together in what has been described as a whole-of-Government approach.

If it moves from catchy slogan to reality as hoped, and if the appropriate resources are directed to it, it could very well mean a major step forward in the formulation and execution of Canadian foreign policy. Central to the concept is better co-ordination between departments, NGO’s, the business sector and other levels of government. The aim, quite simply, is to produce better results for the recipient country and a greater impact for Canada “on the ground.”

Whatever one’s approach to Canada’s future foreign policy requirements, there is little doubt that new tools, new policies and new administrative mechanisms are going to be required if Canadians are to have the impact they so earnestly desire. One such tool that has potential is the “Canada Corps.” As previously announced by the Prime Minister and re-iterated in the recent Speech from the Throne, the Canada Corps will be established with a three-fold mandate. First, it will “put our idealism to work by helping young Canadians bring their enthusiasm and energy to the world.” Secondly, it “will bring our skills and ideas to bear by ensuring that experts of all ages and backgrounds – for example in governance, health, economics, human rights – can get to the places in the world that need them; and third, to coordinate the efforts of government and to work with civil society.”

Presumably, the “idealism” of young Canadians mentioned in the first part of the Canada Corps mandate will be tempered by the “pragmatic realism” of “experts of all ages and backgrounds.” Nevertheless, the Government clearly recognizes the nature of the challenge to be addressed as the SFT notes that: “Poverty, despair and violence are usually rooted in failed institutions of basic governance and the rule of law. This is where Canada, with its commitment to pluralism and human rights can make a unique contribution.”⁴⁵ Still, as Ian Smillie has cautioned, “great care must be taken in the recruitment, placement and support of Canadians overseas. Whatever the requirements of ‘normal’ placements, these can be doubled for postings in fragile states.”⁴⁶

This focus on “governance” in the SFT as a tool of conflict prevention and post-conflict nation-building is consistent with Canada’s international obligations as contained in the United Nations Millennium Declaration where world leaders on behalf of member states resolved to “spare no effort to promote democracy and strengthen the rule of law as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.” While governance in its broadest sense encompasses the state, the private sector and civil society, a succinct working definition of governance can be found in the 1997 UNDP policy document entitled “Governance for Sustainable Human Development.” It defines governance as:

“The exercise of political, economic and administrative authority in the management of a country’s affairs at all levels. Governance comprises the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations. Good governance has many attributes. It is participatory, transparent and accountable. It is effective in making the best use of resources and is equitable. And it promotes the rule of law.”⁴⁷

The UNDP Human Development Report 2002 puts the importance of the issue of governance and democracy into perspective. “The last two decades of the 20th

⁴⁵ Speech from the Throne, October 5, 2004, First Session, 38th Parliament

⁴⁶ Ian Smillie, *Hubris, Humility and Human Resources: Notes on the Proposed Canada Corps*, (paper prepared for Canadian Council on International Cooperation) October, 2004 p.1

⁴⁷ *Governance for Sustainable Human Development*, A UNDP Policy Document, January, 1997

century saw a historic shift in the global spread of democracy. Some 81 countries – 29 in sub-Saharan Africa, 23 in Europe, 14 in Latin America, 10 in Asia and 5 in the Arab states – took steps towards democratization.”⁴⁸ Although “democratic” societies now account for approximately two-thirds of the world’s population, there are many democracies where the legislature is an after-thought, the executive enjoys virtually unfettered power and where the ability of the people to hold their governments accountable is severely circumscribed. Such is the demand, however, for international assistance to strengthen democratic governance that international organizations like the UNDP have been under pressure to deliver more and more programming. In 1994-95 for instance, the UNDP ran six projects. By 2001, that figure had climbed to 40 and shows no sign of abating.

While there is never likely to be any shortage of governance issues to be addressed, there does appear to be growing recognition internationally that parliaments and legislatures are indispensable players both in building under-developed societies and in re-building societies emerging from conflict. As Mark Malloch Brown, Administrator of the UNDP has noted:

“We must recognize that parliaments are a focal point for change in a globalized world. As societies and governments struggle to respond to the sweeping transformations in economic, social and political life, parliamentarians draw on unique legitimacy, reaching beyond the walls that so often hold back government and other actors, and confronting the central challenges of our time.”⁴⁹

Part III – Legislatures and Post Conflict Nation Building

Understanding the Importance of Legislative Development

In many of the world’s poorest countries, there is a vicious cycle being played out which involves poverty causing conflict and conflict causing poverty. The World Bank has observed that eighty percent of the world’s twenty poorest countries have suffered major conflict in the past 15 years. The connection between poverty and conflict is underlined simply by reviewing the list of countries where conflict currently is

⁴⁸ UNDP, Human Development Report, 2002. p.63

⁴⁹ Mark Malloch Brown, UNDP, Website

occurring or has occurred: Afghanistan, Africa's Great Lakes region, Haiti, Sierra Leone, Liberia, East Timor, Iraq, Ethiopia and Eritrea, the Balkans and the West Bank and Gaza. In fact, countries emerging from war faced a forty-four percent chance of slipping back into conflict in the first five years of peace. For the average person, even with rapid progress on post-conflict economic development, it can take a generation or more to return to pre-war living standards.⁵⁰

In a post-conflict situation, it is one thing to talk about democracy, economic development, security system reform and civil-military relations as being essential to a country's future well-being. It is quite another to be able to demonstrate to these same citizens that their lives will in fact improve. If our principles of governance cannot provide for economic well-being or if our exhortations about democracy fail to produce empowerment and reduce alienation, then people will look elsewhere for solutions. If there is one thing that history has taught us, it is that a disenfranchised citizenry bereft of hope will not necessarily make the best choices. Democracy, properly understood, implies that those vitally affected by any public decision made have an effective voice in that decision. This, in turn, means that all power to make such decisions be publicly legitimated and that the makers of such decisions be held publicly accountable.

C. Wright Mills, in his classic study *The Sociological Imagination*, argued that the general citizenry experience their lives as a series of private troubles that occur within the character of the individual and within the range of his or her immediate relations with others. A trouble is a private matter in which individuals feel either their values or well-being threatened. Troubles are often experienced in isolation from the wider social setting of which they may in fact be a consequence. Often troubles may only be sensed rather than articulated, a sense of unease about things not being right is all that may initially be felt. Instead of explicit issues, there is often merely the tired and frustrated feeling that all is somehow not right.

According to Mills, it is not until troubles are understood as issues or concerns that transcend the local environment of the individual and the range of his or her inner life that real solutions may be found. An issue does not lend itself to resolution on

⁵⁰ World Bank Group Website, Conflict Prevention and Reconstruction.

an individual basis. Insofar as it consists of a confluence of “personal troubles,” an issue needs to be understood structurally and prospective solutions must take into account determinants well beyond the scope of individual manipulation.

Both the correct statement of the problem and the range of possible solutions require us to consider the economic and political institutions of the society and not merely the personal situation and character of a group of individuals. The question then becomes: “How do we turn personal troubles into social issues?” When Mills first made this distinction, he argued that it should be one of the foremost responsibilities of social scientists. It could be argued that we should go one step further and that it should be an important aspect of our political institutions – that is, of democratic political institutions as such.

It is important that citizens not feel powerless when facing their private troubles. A sense of powerlessness breeds not only despair but also cynicism. Of the two, the latter proves more destructive for cynicism propagates a self-validating picture of reality. If people are told often enough that their “milieu” is their natural fate, they will have little to console themselves save the despair of inevitability.

Mills’ theorizing takes on new life in today’s world when we consider the powerlessness, voicelessness, humiliation and insecurity faced by the world’s poor. A World Bank study entitled *Voices of the Poor* recorded the comments of 60,000 poor men and women from 60 countries in an unprecedented effort to understand poverty from the perspective of the poor. One of the principal findings of the study was that security - in its broadest sense – emerged as one of the most critical issues facing the poor. As the study noted:

“Poor people repeatedly stress the anxiety and fear they experience because they feel insecure and vulnerable. Most say they feel less secure and more vulnerable today than in previous times. They describe security as stability and continuity of livelihood, predictability of relationships, feeling safe and belonging to a social group. Forms and degrees of security and insecurity vary by region and differ by gender.”⁵¹

⁵¹ *Voices of the Poor*, Volume Two, *Crying Out For Change*, The World Bank Group, p. 151

Among the most significant types of insecurities most often mentioned by the poor were those related to employment, natural and human-made disasters, crime and violence, persecution by the police, a lack of justice, internal conflict and war.

Another important finding of the World Bank study was that the poor want governments and state institutions to be more accountable to them. Within this area, corruption emerges as a key poverty issue. If those in vulnerable societies conclude that politics is rife with corruption and that their problems and issues will never become part of a genuine political discourse, democratic government can not survive let alone flourish. Citizens everywhere, but particularly those in vulnerable societies, need to be engaged in meaningful discourse with their political representatives and their political institutions need to connect them to the wider policy process. Only then, as Mills has stated, can they have their private troubles turned into issues of public concern.

One suspects that if Mills were alive today he would be an enthusiastic exponent of legislative development, capacity building and security sector reform. He might also likely argue that democratic government should not be construed as an ideal. Rather, its realization is always a matter of degree; the more critically self-reflective its public and legislators, the more likely private troubles will be addressed as public issues and resolved through institutions of the state. Few would disagree with the assertion that “private troubles” are accentuated in a post-conflict situation with the issue of insecurity being pre-eminent. In effect, what this means is that legislative development in countries emerging from conflict is of profound importance for the development of representative democratic institutions. If properly nurtured, these institutions have the potential to provide the poor with the accountability they desire to address the critical issues of powerlessness and voicelessness.

Legislative development activities which assist parliaments in becoming more efficient, effective and democratic have a direct and positive impact on the rule of law, human rights and an efficient marketplace. In the broadest sense, they support and encourage sustainable human progress. Legislative development, of course, focuses on the three primary functions of a legislature: representing the people, lawmaking and oversight of public services. Each has an important role from the standpoint of

connecting the citizen with his or her government. Consequently, any program of legislative development must address all three areas.

From a representational perspective, one of the important challenges in a post-conflict scenario is to enhance communication between legislators and their constituents so that issues can be addressed. This can be somewhat complicated with the atmosphere of rising expectations that often accompanies new institutions. Therefore, public education as to what legislators can and cannot do is important. Still, in many emerging democracies, it is common for legislators not to have any significant contact with the people they represent. Quite simply, those elected do not feel it is important or view service to constituents as patronage. Often, there is also no tradition of constituency service and no staff available to assist. Importantly, because they themselves may be part of a dysfunctional parliament, legislators often fear constituents' demands because there is little they can do to address the problems of the people they represent. The UNDP has noted that without close contact with their constituents, legislators "cannot fully represent the people and may make erroneous assumptions about the needs and wishes of their constituents."⁵²

Developing the lawmaking and oversight functions of a legislature are of obvious importance to average citizens because of the role parliaments can play as agents of peaceful dialogue and national reconciliation in an immediate post-conflict setting.⁵³ Where legislatures and parliaments have ceased to exist because of conflict, almost inevitably peace agreements provide for new provisional constitutions and legislatures as a means of transitioning to more permanent arrangements. In the case of transitional parliaments, once established, they can be used as a forum to enact legislation on issues important to peace and nation-building such human rights, anti-corruption measures, truth and reconciliation processes, minority rights and security sector reform. Some observations at a recent IPU-UNDP meeting provide some valuable insight:

“The potential of parliaments and their members to contribute, and the serious obstacles they face, highlights the importance of international assistance to parliaments during

⁵²Essentials – Legislatures, UNDP Evaluation Office, p. 3

⁵³ See Summary of Discussion, Working Meeting on “Enhancing the role of Parliaments in Conflict/Post Conflict Settings”, Geneva, March 24, 2004, sponsored by the Inter-Parliamentary Union and the UNDP.

and after peace negotiations. It is at these points that parliamentary institutions need help to function effectively. Often, however, that help is not forthcoming...In spite of the central governing role parliaments play in promoting peace and reconciliation, this role is often recognized too late by the post-conflict international community who focus instead on the executive and other institutions. Often, the international community focuses inordinate attention on organizing elections and does not pay adequate attention to the sustenance of the institutions born of those elections.”⁵⁴

While the situation has improved markedly in recent years, it is clear that in the past too little attention by donor countries has been focused on legislative development especially involving countries in a post-conflict phase. The reluctance in many respects to engage legislatures is understandable enough. In addition to being unpredictable and volatile, they are seen as being highly political bodies under sovereign control and not necessarily amenable to absorbing assistance. Equally, beyond providing technical assistance to militaries and police, there has been a reluctance to engage in security sector reform in all its dimensions (i.e. professionalization and civilian control). This is because of the highly sensitive nature of the relationships between the executive and the military - internal security leadership and between the executive and the legislature. As has been discussed, there are clear connections between security, democracy and development. It is to the institutional practicalities of how we can assist in helping to promote democratization, citizenship engagement, legislative development and security sector reform that we now turn.

Security Sector Oversight – The Theoretical Backdrop

In more recent discussions on the security sector, a more expansive definition of what it constitutes is now largely accepted. As the OECD has noted, the security sector includes:

“...not just the armed forces, but also the civil authorities responsible for oversight and democratic control (e.g. Parliament, the Executive, and the Defence Ministry), the police and gendarmerie, customs officials, judicial and penal

⁵⁴ Ibid. p.2

institutions, and the intelligence services. It also encompasses civil society, including human rights organizations and the press.”⁵⁵

Oversight of the security sector is not the sole preserve of one component of government or society acting in isolation. In fact, security sector oversight is a partnership within society involving the military, the executive, the legislature, the judiciary, civil society and the media. In an ideal circumstance, it would function in an atmosphere of shared responsibilities, trust, open lines of communication and a willingness to see others players not as adversaries but as partners. The real world is somewhat different.

Even in mature democracies, the debate on oversight and democratic control of the security sector is far from settled and the instruments of oversight far from perfect. The manner in which nations oversee the activities of their armed forces, police, customs officials and intelligence services varies from country to country. It can be dependent upon a number of factors including history, democratic traditions, the system of government and the political culture to cite just a few. It almost goes without saying that there is no perfect system of oversight. Experimentation and trial and error are the order of the day. What might be effective in one jurisdiction could prove highly unworkable in another.

Consequently, truly effective oversight even in any society is fraught with challenges. Because the primary responsibility for the security activities resides with the executive, oversight frequently pits a parliament, the media and civil society against the executive and security forces in a seemingly endless tug-of-war over information. Secrecy and operational security are critical to the physical safety of defence and intelligence personnel. In addition, arrangements involving international security co-operation may be predicated on a significant degree of confidentiality. However, in many countries secrecy is too often a shield used to prevent the legitimate scrutiny of matters for which a government should be both transparent and accountable. This is especially the case in those countries without some form of access to information legislation.

⁵⁵ Security System Reform and Governance: Policy and Good Practice, OECD, 2004, p.3

Meaningful oversight is also made more complicated by the sheer enormity and complexity of defence and security organizations. In the case of armed forces, for instance, civilians must grapple with a military culture that appears rigid and archaic. Weapons systems and procurement issues can be tremendously complicated. Attempting to understand force and rank structures, military doctrine, rules of engagement, supply chains, international humanitarian law and other aspects of how armed forces conduct their business can be a daunting exercise for those on the outside looking in. When all of this is combined with an ever-changing security environment, the information and expertise at the disposal of legislators, the media and the rest of society makes effective oversight at best an uphill battle.

In an attempt to “arm” legislators with the tools to conduct proper parliamentary oversight activities of the security sector, the Inter-parliamentary Union and the Centre for the Democratic Control of the Armed Forces have prepared a valuable handbook entitled “*Parliamentary Oversight of the Security Sector*” which canvasses many of the theoretical and practical aspects of oversight. In response to the critical question of why legislative oversight is important, the publication observes:

“...in a democracy, the representatives of the people hold the supreme power and no sector of the state should be excluded from their control. A state without parliamentary control of its security sector, especially the military, should, at best, be deemed an unfinished democracy or a democracy in the making. According to the eminent American scholar Robert A. Dahl, ‘the most fundamental and persistent problem in politics is to avoid autocratic rule.’ As the security sector deals with one of the state’s core tasks, a system of checks and balances is needed to counterbalance the executive’s power.”⁵⁶

From the standpoint of state institutions, if effective and comprehensive security sector oversight involves a partnership between the executive, the judiciary and the legislature, then each has a specific role to play in ensuring that its functions contribute to an appropriate level of civilian control. In the case of the executive, it means creating the constitutional and statutory parameters of the security sector, budget-making,

⁵⁶ Parliamentary Oversight of the Security Sector, Principles, Mechanisms and Practices, IPU and DCAF, 2003 p.18

formulating policies and exercising direct control over their priorities and a wide gamut of activities. The judiciary is also a critical participant in interpreting the constitutional and statutory authority of the executive and security agencies (especially in relation to “emergency powers”) and prosecuting any incidents of wrongdoing by security or armed forces personnel. For its part, the legislature is also engaged in law-making related to constitutional and statutory provisions which codify the powers of the military and security forces. But beyond that, many legislatures have a broad range of instruments at their disposal to ensure oversight.

Legislatures, for instance, can initiate legislation, amend laws, question members of the executive, call witnesses before parliamentary defence or security committees, obtain documents and hold hearings and special inquiries. On spending, legislatures can seek access to budget papers, review and amend budget appropriations for defence and security agencies down to the level of programs, projects and line items and grant or deny spending on supplementary estimates. On defence and security policy, force structure, emergency measures and defence doctrine, legislatures may have the power to approve or reject the executive’s plans and concepts.⁵⁷

From an administrative and operational point of view, legislatures may also exercise authority in the area of human resources plans by fixing personnel ceilings for security forces, reviewing training regimes and approving high level appointments such as the chief of defence staff or the head of the intelligence agency. They may also involve themselves to varying degrees on procurement matters such as capital spending plans where they may recommend the acquisition of certain types of capabilities, equipment or infrastructure. They may also review past acquisitions in terms of the impact on capabilities, contractual issues, value-for-money and industrial offsets. On foreign deployments, parliaments may have the power to sanction participation in a mission and have input on areas such as its mandate, budget, duration, chain of command and the broad “rules of engagement.”

⁵⁷ Ibid p.76

Legislative Development and Post-Conflict Security Sector Oversight

If oversight of the security sector is a complex matter in an established democracy, it can be even more overwhelming in a post-conflict environment. Executive dominance, an absence of trust, institutional weakness and a lack of public confidence in the military and in parliament as a vehicle for peace building militate against effective oversight. In the case of armed forces and security agencies, the issue of professionalism comes to the fore. Using a military example, the officer corps may not accept the legitimacy of the state's monopoly on the use of force. They may not accept the very fundamental proposition of civilian control and they may have various political allegiances and agendas. Budgetary resources may be used for unintended purposes, civilians may be abused and intimidated and officers and enlisted personnel may use their position and the coercive capabilities at their disposal as a means of accumulating wealth. In effect, the military can become "a state within a state," it can place heavy demands on scarce resources and exert excessive political and economic influence. In a worst-case scenario, it simply removes a democratic government whose policies it opposes or which threatens its position and privileges.

Effective legislative oversight of the security sector in a post-conflict environment relies on the same basic conditions irrespective of whether or not conflict is a factor. These conditions include: clearly defined constitutional and legal powers, resources and expertise and, finally, political will. Successful democratic control of the security sector at the level of state institutions is very much contingent upon the power dynamic between parliament, the executive and security forces. The central focus of any initiative aimed at legislative oversight of the security sector in the aftermath of conflict must be to rebuild or in some cases create the conditions which will allow democratic control to exist.

A starting point for legislative development activities in many post-conflict situations could possibly entail the revision or amendment of an existing constitution or writing a new one if a working constitution does not already exist. The role of the constitution is pivotal since it provides the legal foundation for the powers of the executive, the legislature and judiciary. Most constitutions will typically include provisions which specify that the executive has responsibility for security forces, but that

the executive is also accountable to parliament. *Parliamentary Oversight of the Security Sector* notes that:

“As constitutional provisions have the highest juridical status it is important to inscribe parliamentary powers regarding the security sector in the constitution. Constitutions cannot be easily changed; any such reform generally requires a qualified majority in parliament. Therefore the constitution represents an effective way of protecting the power of parliament in that sensitive field.”⁵⁸

The constitution, of course, is not the sole guarantor or safeguard for the role of the legislature in security sector oversight. The role must be buttressed by specific legislation and the rules, procedures, norms and standing orders of a parliament.

Having resources and expertise available to legislators on defence and security matters to allow them to carry out their oversight responsibilities is a significant challenge in a post-conflict setting. As noted, these issues can be extremely complex and require expertise which is unfamiliar territory for most legislators. Importantly, in the hierarchy of priorities in war-torn countries where the emphasis is on food, shelter, medical assistance and other basic necessities, capacity building related to legislative oversight of the security sector is likely to rank well down the “to do” list of most countries emerging from war. Nevertheless, if one accepts the security-development nexus; that one flows from the other – then allocating resources geared toward strengthening the democratic control of the security sector takes on a new and important light. This is especially true when it is considered as part of an overall peace-building strategy aimed at preventing a costly relapse into conflict.

Building the political will among legislators and creating a consensus between the executive and the legislature to “democratize” security sector oversight functions in a post-conflict environment is perhaps the most critical component required for effective oversight. The two other conditions – clearly defined constitution and legal powers and resources and expertise – may exist, but without the political will to conduct effective oversight, little progress is likely. An important factor which weakens the required political will necessary to exert democratic control and proper oversight is the dominant role played by the executive in the aftermath of conflict. Other factors which

may play a role in undermining political will include party discipline and the reluctance of legislators to criticize the executive in a situation where security may be fragile as well as a penchant by legislators to involve themselves in issues where the political rewards may be greater. In a post-conflict environment, this is likely to be in the area of jobs, poverty reduction, education, health and other “bread and butter” issues.

Before a program of legislative development in the area of security sector reform could be initiated, considerable preparation based upon building trust, confidence and perhaps even personal relationships would be required. The complexity and sensitivity of security sector reform in a post-conflict scenario is such that great diplomacy and careful judgement must be exercised in broaching the subject with a prospective government and its legislature. Most states emerging from conflict would gratefully accept assistance to help train, equip and “professionalize” their military. However, it is quite another thing to propose to fundamentally change the power structures and political relationships that exist between a legislature and its executive in relation to “democratic” control over that country’s military or security apparatus.

In fact, probably the most prudent course of action would entail a go-slow approach that would involve a general program of legislative development and capacity building in non-security areas. Only when a significant degree of trust and confidence had been established on a parliamentarian to parliamentarian and legislature to legislature basis could security sector activities be contemplated and a specific program of activities undertaken.

General Legislative Development Program Activities:

Perhaps the best method of building trust and confidence is through an initial series of general legislative development program activities. There are various “entry points” which could be considered. For instance, programs could include activities in the area of constitutional reform which would strengthen the powers of the legislature and technical assistance in the area of drafting and amending laws. Another program possibility is that of capacity-building for Members of Parliament and their staffs relating to roles, responsibilities and professional skills. Institutional development which would

⁵⁸ Ibid. p.75

improve the internal administrative organization of the parliament, its rules and procedures as well as its support for MP's in terms of research and information is another possibility.

As noted above, one area of profound importance in a post-conflict setting relates to the design of transitional assemblies and more permanent electoral systems. If properly designed, an electoral system can produce a critical "buy in" to peace agreements and be an important nation-building and conflict prevention tool. But achieving the right balance between interests of constituency and party, choosing between a "first past the post" or proportional representation system, ensuring that minority interests have adequate representation, putting the legal framework for a new electoral system into place and understanding what sort of impact on the political system will result are never easy tasks. There are also significant challenges and indeed program possibilities attached to strengthening political parties, their internal structures and processes in addition to fundraising, organization and policy development both within the party itself and in parliamentary caucuses.

Another potential approach for program activities is to take the focus off the parliament or legislature as an institution and put it on a particular issue.⁵⁹ The objective would be to work with parliamentarians in the candidate country to design a program of legislative activities aimed at raising the profile of an important social or economic issue and, working with other groups in society, to formulate recommendations for a solution. It could mean creating a committee system within a parliament or empowering existing committees to tackle major social issues. Program activities could also focus on establishing rules and procedures for committee travel, holding public hearings, workshops and study tours and producing reports. Other efforts could involve the creation of a dialogue between the legislature and civil society, interest groups and the media in a manner that raises the profile of the institution as a representative body with relevance to the daily lives of citizens and the process of governance. Again, it is a matter of translating those private troubles alluded to by Mills earlier into public issues.

Poverty Reduction

Conflict causes death and destruction, shatters economies, breaks up families, generates refugees and generally exacerbates the problems of the poor. In a post-conflict setting, the first step toward a substantive program of legislative development activities aimed at poverty reduction could involve capacity building in terms of improving the methods by which legislators collect and process information concerning the poor. Ultimately, however, citizens affected by poverty will be seeking more than just a voice. They will want a strategy that will address their problems in a way that will tangibly improve their lives.

A legislative development strategy to pursue poverty reduction could be based upon four questions.⁶⁰ The first question involves whether or not conditions exist which would empower the poor. In this respect, promoting public participation is a critical component in poverty reduction and involves formal structures at both the national and local level. This bears directly on whether the poor have the ability to influence broad policy decisions, budget measures and programs designed to alleviate their condition. It also entails whether they have access to elected office on a fair and equitable basis.

A second question legislators could address involves whether or not conditions exist to enhance the capability of the poor by improving basic services. Amongst the many issues which could be raised in this area are those concerning public administration and whether the government is “pro-poor” in its orientation and whether or not health, education or infrastructure programs for instance are being delivered throughout the country especially in remote rural areas with consistent quality. In this respect, education audits related to cost per pupil and enrolment rates could prove useful. This touches on constitutional matters and the principle of subsidiarity; that is whether or not the level of government best able to deliver a service actually has responsibility for it. Of vital importance also is the quality and professionalism of the public service and the extent to which it is committed to executing a government’s anti-poverty policies.

⁵⁹ Parliamentary Development, Policy Note, UNDP, September 2002, p.9

⁶⁰ M. Holmes, S. Knack, N. Manning, R. Messick and J. Rinne, Governance and Poverty Reduction, World Bank, 2000. p.4

A third question legislators could investigate is whether the poor are provided with economic opportunities through increased access to markets. Corruption and bureaucratic processes can act to deter small business and reduce the number of businesses operating within the law. A weak legal system may also make it difficult for the poor to have access to credit if contracts cannot be enforced. Credit may also be difficult to obtain for the poor if they have insecure rights to property. Unpredictable business regulation and weak competition laws can also inflict harm on small businesses especially if they don't have influence on policymaking.

Finally, legislators could focus on providing security from economic shocks, corruption, crime and violence. A country's poor macroeconomic performance has implications for all citizens but it is especially harmful to the poor when inflation – a form of regressive taxation - results from bad policy decisions. The shock of unemployment or the violation of property rights are also not uncommon occurrences made more difficult if there is no social safety net to provide protection. The vulnerability of the poor to crime, corruption and violence also means that legislators have to concentrate on methods that will give them better police protection and access to justice which is swifter and less costly than traditional courts.

Gender Equality

The re-thinking and re-engineering of institutions during a post-conflict period, the establishment of democratic governance and the possible redistribution of power within a society present significant opportunities for the promotion of gender equality. Part of any longer term goal of post-conflict reconstruction involving legislative development must be to ensure that women become part of, or at least have non-discriminatory access to, the political process. For its part, a legislature could examine its own gender balance from a representational standpoint and take steps either through constitutional amendments, laws or internal party rules to guarantee women a certain level of representation. In effect, this would combine an institution-oriented approach with an issue-oriented approach. While gender equality in legislatures is important for all women, it is especially important for young women. It is they who need to be drawn into

the political process and who need to learn that the nature of the politics practiced will have a profound effect on their future and that of their children.

Although women are often among the most unfortunate victims of violent conflict and insecurity, they also have an important role as potential peacemakers. In the past, women's organizations everywhere have initiated dialogue and reconciliation but, too frequently, militarization during a pre-conflict period marginalizes women from real political involvement. Consequently, it is clear that women need to be represented at every stage of the decision making process. For instance, it is very important that conflict prevention policies emanating from either the executive or the legislature have the benefit of relevant gender perspectives. In 2001, donor nations committed themselves to a variety of efforts dealing with gender equality including supporting women's organizations, improving women's access to resources during reconstruction, rehabilitation and reconciliation, improving their access to education and legal mechanisms. Still, more remains to be done.

Once legislatures are functioning and steps toward good democratic governance have been taken, it is very important to encourage capacity building for women in public life. This could involve exchanges, workshops and seminars geared toward providing women with the tools necessary to expand their influence on the political process. From a legislative perspective, one area that could be pursued is that of gender-based analysis (GBA); that is to evaluate all new laws with regard to their potential differential effect on women and men. The idea is to ensure that legislation does not disproportionately discriminate against men or women.

This is an area where Canadian NGO's and academics could become effective facilitators. They could bring together both GBA experts and bureaucrats from various departments who could then offer advice to and share their experiences with members of a new legislature and their respective administrative authorities. Issues like property rights, pension legislation and rules governing inheritance, survivor rights and benefits are very important to women. If legislation in these areas is drafted in a manner that overly favours the male population, then any progress toward gender equality will be seriously impeded.

Public Information

If politicians are to build trust and ownership in government processes amongst their citizens, they will need a strategic plan for communicating with those citizens on a wide range of issues. This communications challenge is one which could be a very fruitful area of possible legislative development. In establishing legislative outreach, parliamentarians can access a variety of techniques. Informative publications, websites and newsletters and opening up the parliament and its committee to public visits are an obvious starting point. Here, an effective parliamentary information office can prove helpful. Apart from general information about the institution, there is also the need to keep the public and particularly the media informed on a day to day basis of the various activities of the legislature and its committees when they are in session. This daily engagement is extremely important if average citizens are going to “connect” their political institutions to the issues that affect their lives.

If legislatures are going to be successful in making this “connection,” it is important that there be mechanisms in place for two-way communications. Committee hearings to gather testimony and town hall meetings to probe public sentiment and report to government are a very valuable tool for engagement. They expand the knowledge base of parliamentarians and provide valuable information for the consideration of policy makers. Individual parliamentarians can bring the concerns of their constituents to the attention of the public and decision makers through debates, petitions and public statements. Policy discussions within political parties which solicit public input may heighten public awareness and focus debate leading to more responsive party platforms and better decision-making. If the public comes to believe that their representatives cannot affect change in major areas of importance, then they will become cynical about politics and disengage themselves from public debate. Legislative development initiatives aimed at creating a solid bond between the people and their parliament are vital if the institutions of the state are going to fully enjoy the consent of the governed.

Engaging Our Parliament –Assessment Missions and Legislative Development

For the Canadian Government to embark upon a program of governance involving legislatures and post-conflict nation-building, a first step might be a discussion between senior officials in key government departments (CIDA, Foreign Affairs, Defence and the House of Commons) with representatives from the Parliamentary Centre, a well-known Canadian NGO involved in legislative and democratic development. The principal topic of discussion could be how to give effect to the commitments contained in the Throne Speech relating to democratic governance with a view to bringing a “whole of government” or “joined-up government” approach to the issue. In fact, the proposed Human Security/Governance Secretariat would be the natural place for this type of discussion to start to ensure a high level of co-ordination, consistency and policy coherence in our approach to post-conflict nation-building. In fact, with the legislative arm of government involved, one could argue that this is a “3D + G” approach with the “G” representing governance. If the Canadian Government wished to move forward with a program of post-conflict nation-building involving legislative development, the first step would be to conduct assessment missions to a candidate country.

These assessment missions could be conducted by the Parliamentary Centre which could have overall management responsibility for all program activities. Having an NGO responsible for the execution of a legislative development program is important from the perspective of both partners. For the “recipient” country, it means that a generally neutral, non-partisan external actor engaged by the Parliament of Canada (as opposed to the Government of Canada) is delivering the program. For Canada as a partner country, it means that our Parliament is not directly involved in the delivery of development assistance (with the management layers that entails). It also means that any problems or difficulties with program activities that arise are dealt with by the Parliamentary Centre which has the expertise and experience to problem-solve.

The United Nations Development Program (UNDP) has conducted significant work in the area of legislative development assessment missions and has

identified two types.⁶¹ The first is a “general” needs assessment which would examine the overall requirements of the legislature with particular reference to its representational, law-making and oversight functions. The second is a “specific” needs assessment which would focus on a more narrow area of legislative development activity such as member/constituent relations, the structure and procedures of committees or the role of the legislature in security sector reform.

Preceding both a general and specific needs assessment, however, is an initial assessment, the object of which is simply to establish whether a program of activities is feasible and desirable and whether the candidate country has the absorptive capacity. An initial assessment is not exhaustive, but should point to strategic areas which may need attention. Determining whether the appropriate “environmental factors” exist from a political standpoint is imperative. Recently, the UNDP and the Chr. Michelsen Institute have identified some important cross-cutting issues on governance in post-conflict situations which are worth bearing in mind within the context of an initial assessment mission. Included are issues such as the pace, sequencing and portfolio mix of governance interventions, trust and reconciliation, ownership, coordination, the role of international organizations and the security environment.⁶² The security situation in some “post-conflict” environments where acts of violence such as kidnappings, bombings, assassinations and other acts of terror are common occurrences would clearly preclude the possibility of any programming activities.

An initial assessment team should be small and consist of no more than three or four personnel. This team could be organized by the Parliamentary Centre and also include a serving or former parliamentarian and a representative from CIDA and/or Foreign Affairs. A small initial assessment team working in a candidate country under the presumption that a program of parliamentary development “might be possible,” is far preferable to undertaking a more comprehensive general assessment with a larger group and creating expectations which may not be realized. The UNDP has observed that:

⁶¹ How to Conduct a Legislative Needs Assessment, UNDP Management Development and Governance Division, October, 1999 p.2

⁶² UNDP, Background Paper, Governance in Post Conflict Situations, with Chr. Michelsen Institute, Bergin Seminar Series, May 2004, p.5

“While there are no standard means by which to conduct a parliamentary needs assessment or strict criteria for the kinds of personnel required, independent assessors with parliamentary experience have proven to be versatile and competent in engaging parliamentary leadership.”⁶³

Certainly one of the goals of an assessment should be to identify and interview “key players” in the host country with a good understanding of the legislature and the national political environment. These “players” are both inside and outside the institution. They would include the Speaker of the Parliament and other senior officers such as the Clerk and or Chief Administrator. Political party leaders both inside and outside the parliament and prominent “reform-minded” MP’s should also form part of the dialogue. Members of the executive including the President or Prime Minister could undoubtedly offer some very helpful observations, and in fact, their “political buy-in” to a program of legislative development could determine its success or failure. The views of informed observers such as academics, journalists and think tank personnel should also be sought in addition to leaders of business and civil society organizations such as unions, women’s groups and neighbourhood associations.

If an initial assessment indicates that the ground is fertile for a program of activities, steps can then be taken to conduct a more comprehensive general assessment. The period of decision-making time between these two assessment periods needs to be kept to a minimum since the very nature of post-conflict situations often require immediate assistance and flexible responses. The government must act quickly to assess the need for moving to the next stage of support to ensure that expectations on the part of partners are met and that the crucial relationships developed during the assessment period are maintained and used to strengthen a possible program. This is why a mechanism that combines the forces of various departments with a focus on governance support for failed and failing states, with proper funding incentives is needed. Otherwise, the bureaucratic turf-wars slow the process to such a degree that Canada’s response is too late, lessening or removing any potential impact and undermining important relationships of established trust.

⁶³ Parliamentary Development, Policy Note, UNDP, September 2002, p.12

The general assessment, which could also be organized by the Parliamentary Centre, should provide decision makers with sufficient information to initiate a meaningful program of parliamentary development activities. In the design and implementation of program activities, it is vital that interlocutors from both countries be very actively involved. It cannot be emphasized strongly enough that ongoing joint ownership and joint responsibility for the program is a precondition for success. This requires broad-based, multi-partisan support among both politicians and staff to ensure that program activities can survive any major changes in the political landscape. One way to help promote continuity and stability would be to encourage the candidate country to establish a multi-partisan reform or modernization committee to help steer or manage the program.⁶⁴

A general assessment mission should also involve a larger number of players with varied experience who would be capable of both identifying and engaging in legislative development activities. In fact, if an initial assessment was done with a view to recommending some preliminary program activities, these could be executed as part of the general assessment mission. It is clear that parliamentarians either retired or serving bring a special credibility to program activities when dealing with their counterparts in other countries. Nevertheless, other parliamentary staff (again, either retired or serving) involved in committees, procedure, legislative drafting and research could also provide very valuable expertise and program ideas.

The advantage of serving parliamentarians is that they bring electoral legitimacy and/or credibility to the task along with current knowledge and practices. Their disadvantage, of course, is that they are severely time-constrained. A general needs assessment delegation could consist of parliamentarians representing all parties in the House of Commons, with parliamentary staff (in both cases, serving or retired), representatives of the Parliamentary Centre and perhaps an academic or someone from a Canadian NGO involved in community development, education, human rights or press freedom. The latter could be important from the standpoint of program activities

⁶⁴ UNDP, Background Paper, Governance in Post Conflict Situations, with Chr. Michelsen Institute, Bergin Seminar Series, May 2004, p.45

concerning civic education and how a parliament relates to its citizens. Getting the gender balance right for the overall delegation would also be essential.

Importantly, the UNDP has developed a series of six questions that can be used as diagnostic tools for the purposes of a general assessment. Understanding that all countries are at different stages of development, these questions provide a good general basis for determining specific legislative needs. While different players within the system would likely have different answers to these questions which reflect their own agendas, the challenging task of obtaining an accurate analysis is a pre-condition for a program of legislative development. The questions are:

1. How much power do the laws grant to the legislature?
2. How much political space does the system allow the legislature?
3. How much do legislators want to do to advance the institution as a significant actor in the political system?
4. How well does the legislature interact with society?
5. How well does the legislature perform its lawmaking/oversight functions?
6. How well do systems of legislative management and infrastructure help the legislature perform its representation, lawmaking and oversight functions?⁶⁵

Within each of these six areas, of course, there is much information that needs to be elicited to establish a comprehensive picture and to conduct a proper assessment. On “How much power do the laws grant to the legislature?” for instance, additional questions might include: How much authority is granted under the constitution in terms of its lawmaking powers? Is there an executive veto? What are the legislature’s budgetary and taxing powers? What legislative oversight of the executive exists? Can the legislature compel the executive to produce information and can it remove executive officials?

The second question concerning “How much political space does the system provide?” gets at the seminal issue that more power to legislators may mean less for someone else. Questions about who the other power-holders are in the system and whether or not they would be prepared to cede power to allow the legislature to develop are crucial. For instance, other power-holders may see it as being in their interests to stymie any efforts at legislative development.

The third question “How much do the legislators want to do?” seeks to gauge the extent to which there is support amongst the legislators themselves for an expanded role for their institution. Here it is important to ask whether the political will exists for change and whether legislative leaders have taken any measures aimed at strengthening the institution. As the UNDP has noted, “Legislatures whose members – and especially whose leaders – desire to increase the effectiveness of their institution will generally be a more attractive target for investment than will legislatures whose members display no such interest.”⁶⁶

The last three questions address the matter of legislative performance. The fourth question, “How well does the legislature interact with society?” evaluates the legislature’s role as a representative institution. Again, as the UNDP, has noted, “An efficient legislature that does not relate well to constituents and to the nation is not an effective legislature.”⁶⁷ The quality and quantity of interactions between legislators and citizens is tremendously important. Here, questions might focus on such very basic issues as to whether citizens can observe the legislature in operation, whether legislators hold public hearings and press conferences, do they have offices in their electoral districts, do they meet one-on-one with constituents and are they open and accessible to interest groups.

Questions five and six concerns how effectively the legislature performs its lawmaking and oversight functions and how well the systems of legislative management and infrastructure help it perform its various functions. The former seeks to

⁶⁵ How to Conduct a Legislative Needs Assessment, UNDP Management Development and Governance Division, October, 1999, p.5

⁶⁶ Ibid. p.7

⁶⁷ Ibid. p.7

understand the extent to which the legislature utilizes the powers it possesses to introduce and amend bills and whether it is active in formulating and approving the budgetary requirements of the government. The latter touches upon whether the rules and procedures of the legislature help or hinder it in its work, whether there are policies in place for the management of the legislature, whether they keep accurate records which are publicly available and the extent to which there are infrastructure needs such as staff, equipment and facilities. Although the immediate preoccupation in post-conflict societies may be on infrastructure, the central focus of an assessment must be on determining the legislature's potential for contributing to good governance.

Presuming a functioning constitution, a modicum of resources and a sufficient political will, a program of legislative capacity-building activities could be initiated. Since the Parliamentary Centre would be responsible for all aspects of programming, an office would have to be established in the candidate country with a person who has or is able to develop ties with all of the principal political actors. This person would also have to be able to operate in a highly charged political environment and be capable of anticipating changes in the political landscape. Program activities could involve a range of programs dealing with everything from setting up a functioning committee system and public information office through to specific issue oriented activities aimed at poverty reduction or gender equality. Under such a program, MP's, parliamentary staff or representatives from other NGO's could apply (or be invited) to participate by a representative of the Parliamentary Centre. The Parliamentary Centre would be expected to form a small steering committee to address planning and delivery of program activities. This would mirror a "multi-partisan reform or modernization committee" in the partner country. It would certainly be preferable to have serving parliamentarians, parliamentary staff and academics involved as much as possible. However, using retirees from these fields has some definite advantages in terms of fewer time constraints and perhaps greater levels of knowledge and experience.

While knowledge and experience are critical components of a program such as this, so too are energy and idealism. Younger Canadians with backgrounds in the fields of political science, law, sociology, public administration and history could provide

continued on-the-ground support for program activities working with legislators, staff, students and civil society in the candidate country. They could also be expected to inject a great deal of enthusiasm and passion into their work and program activities. While parliamentary development is clearly the primary goal, having young Canadians working in another country, another culture and another system of government would afford all concerned a tremendously rich educational experience. If the government is looking for an opportunity to launch the governance component of the Canada Corps, perhaps a program of this nature would be an ideal starting point.

The success of a program of general legislative development would be predicated on the skills, energy, enthusiasm, experience and dedication of those people involved. Also critical are the joint ownership and joint responsibility of program activities, good ongoing analysis based on a reliable needs assessment and careful measurement and review of the impact of programming activities and lessons learned. Reciprocity is also important. In keeping with the educational aspects of program activities, delegations from the partner country could visit Canada and have the opportunity to comment and report upon their impressions of our parliamentary system. Importantly, all participants should be encouraged to think critically about their own parliamentary system as well as that of their partner country.

Legislative Development and Security Sector Oversight - A Canadian Approach

Once an appropriate level of trust and confidence had been established through a program of general legislative development activities, the more delicate issue of security sector oversight could be broached. A program of legislative capacity-building involving post-conflict security sector reform could begin with a focus on ensuring the existence of the three conditions for legislative oversight of the security sector mentioned above. A possible starting point would be the creation of a defence and security committee if one did not already exist. It is important to note that while a defence committee may be a focal point of security sector oversight, it is not the only player within a legislature. Other committees such as those dealing with foreign affairs, finance, industry and the interior also have important roles to play. Nevertheless, a capacity

building program for a defence committee is vitally important and could focus on four general areas of activity: expenditures, legislation, security policy and administration.⁶⁸

Capacity-building in the area of expenditures could concentrate on improving a committee's capability to examine and report on the main and supplementary estimates as well as the annual expenditures of the armed forces and security agencies. This could involve workshops to help legislators understand the budget cycle. In fact, it could encompass everything from planning processes related to personnel, equipment, infrastructure, training and capital acquisitions through to how the budget itself is presented and the audit requirements related to the previous budget year's expenditures.

Establishing a legislative role for a defence committee is another essential component contributing to effective parliamentary oversight. Capacity building in this area could focus on enhancing a committee's ability to do the necessary research to allow it to play a substantive role in drafting and amending legislation. Encouraging individual Members of Parliament to translate their personal concerns related to the security sector and those of their constituents into legislation, motions or petitions is an important vehicle for raising the profile of defence and security issues in the public mind.

On defence and security policy, while it is reasonable to expect the executive to take the lead in this area, legislators must be encouraged on behalf of the citizens they represent to scrutinize, understand and comment upon existing and future government policy directions. Enhancing capacity in this area could involve a "how to" approach to formulating a defence and security policy. This could entail every aspect of defence and security policy starting with threat analysis and the strategic environment, through to areas such as force size and structure, resource requirements, capabilities planning and the timetables for future defence and security policy reviews.

From an administrative standpoint, a legislative committee must also be encouraged to act as a watchdog for the expenditure of public monies. Again, this touches every aspect of administration ranging from whether or not troops are being paid on time, to whether or not military equipment and infrastructure is being properly maintained. Encouraging parliamentary inquires and special studies on issues of concern are

⁶⁸ Ibid. p.89

important vehicles for ferreting out information on problems and providing the executive with recommendations upon which to take action. In order for a committee to be able to discharge its responsibilities in this regard, it needs not only trained and qualified staff, but also procedures to allow it to obtain documents and call witnesses. Indeed, there are few more salutary exercises in democratic accountability than to have a Minister and his or her senior officials in front of a parliamentary committee. Also, in the absence of an ombudsman, the committee could also examine complaints from rank and file members of the armed forces, police and border guards. Capacity building in this area could engage in committee staff training, the provision of equipment (such as computers), resource material as well as exchanges.

This type of legislative development aimed at oversight of the security sector would benefit by having a wide range of important players from the Parliament and Government of Canada as well as NGO's. Parliamentary participants might include members of the standing committees on National Defence and Veterans Affairs, Foreign Affairs and Justice as well as committee research and procedural staff. As mentioned above, retired MP's and parliamentary and staff should also be considered. Government of Canada personnel from various departments such as DND, Public Security, FAC, CIDA CSIS, Justice, the Correctional Service and the Canada Border Services Agency could make a very valuable contribution to program activities. It would also be important to reach out to other donor country aid agencies such as DFID and USAID as well as UN agencies such as UNDP to compare notes and methodologies.

The role of NGO's is also extremely important because of the range and depth of expertise provided. In addition to the Parliamentary Centre, other national NGO's such as the Canadian Bar Association, the Canadian Police Association, Partnership Africa Canada, Rights and Democracy, the Forum of Federations and the Canadian Red Cross to name just a few could provide valuable contributions. International parliamentary organizations such as the Commonwealth Parliamentary Association and the Inter-parliamentary Union could provide excellent support and advice since they have vast experience in the area of legislative development. The same applies to organizations such as the National Democratic Institute in the United States as well as the International Institute for Democracy and Electoral Assistance in Sweden.

Other organizations such as Amnesty International, Human Rights Watch, the International Committee of the Red Cross and the Federation of Red Cross and Red Crescent Societies could provide focused assistance in the areas ranging from human rights, international humanitarian law and disaster preparedness.

Involving a wide spectrum of players in a multi-sectoral approach to security sector reform and legislative development could operationalize in a significant way the whole of government, whole of Canada, “joined-up” approach. Working with national and international donors and partners, a program of this nature could allow Canada to play a more substantive role as part of a more unified, coherent and strategic international effort in post-conflict nation-building. Most importantly, it could have a substantial and positive impact on the societies we are helping to rebuild.

Where to Start

The choice of a venue for Canada to launch a program of legislative development activities generally and activities geared toward legislative oversight of the security sector specifically is one which should be made with great care and consideration. Legislative development efforts, especially those involving countries in a post-conflict scenario, take place in a highly complex socio-political context. Thorough analysis is clearly required in terms of assessment missions, but beyond that there is a need for both in-depth understanding of the political context and on-going analysis to properly gauge the risks and opportunities. It is also important to take a go-slow approach which emphasizes building relationships and lessons learned. Two jurisdictions, both of which could generally be described as being in post-conflict phases, could provide a beginning for a program of legislative development activities of the sort contemplated above. The first is Sierra Leone, the second, the Palestinian Authority.

Sierra Leone

Although Sierra Leone has never been a focal point for significant Canadian assistance and was not one of the examples listed in the International Policy Statement, there are substantial connections through the Commonwealth with this West African country as well as several existing post-conflict programs within which Canada is playing an active

and substantial role. The Commonwealth link is important since, as a former British colony, Sierra Leone shares a common language with Canada and institutions of government at the local and national level that bear the imprint of a colonial past. There are also a variety of Canadian NGO's and academic institutions which have established ties between the two countries over the years. If our approach to post-conflict nation building through legislative development activities is one which emphasizes "realistic pragmatism," then Sierra Leone, while not without its risks, could provide us with a modest beginning from which to build a body of knowledge that could be applied to other post-conflict situations.

From a security perspective, the conflict in Sierra Leone was officially declared over in January of 2002. Some 45,000 combatants were successfully disarmed and free and fair elections were held in May of 2002. While there are still weapons that escaped collection during the disarmament process circulating in the country and higher than desired levels of criminal activity, the security situation in Sierra Leone is much improved from a few years ago. In fact, it probably constitutes a much safer environment than many other countries emerging from conflict. For participants in a program of activities, ensuring that they are not exposed to unacceptable levels of risk and can travel freely is very important. In places such as Afghanistan, Iraq and Haiti, security requirements would make legislative development program activities extremely difficult.

Interestingly, existing and previous Canadian government assistance programs conducted in Sierra Leone have had a significant connection to the issue of security sector reform. The International Military Advisory Training Team (IMATT) was started in 1999 by the British Government in order to train the new Sierra Leone Armed Forces. Commenting on the IMATT, Ann Fitz-Gerald has noted:

"It is critical to remember that, in many cases, the initial focus on military rebuilding and re-training must embrace 'military professionalism' in its widest sense. Rebuilding the armed forces of a country must extend to the rebuilding of a transparent and accountable defence ministry that provides an acceptable level of civilian oversight to the activity of those in uniform."⁶⁹

⁶⁹ Ann M. Fitz-Gerald, Security Sector Reform in Sierra Leone, Global Facilitation Network for Security Sector Reform, p. 12

That is precisely what the British have undertaken and it would appear as though they are committed for the long term since their planning sees providing some form of IMATT component until 2010.

Canada made a commitment of ten personnel to IMATT in 2000 for one year under Op Sculpture and we are now in rotation seven. Our current contribution, which is likely to be renewed for one year, consists of four officers and four NCO's drawn from the Regular Force and the Reserves. The ultimate objective of the IMATT effort is to produce: "a self-sustaining democratically accountable and affordable armed force, capable of meeting Sierra Leone's defence missions and tasks."

Canada also has a substantial presence among personnel with the Special Court in Sierra Leone. The Special Court was set up jointly by the Government of Sierra Leone and the United Nations to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the country since 1996. Canada currently ranks third in terms of foreign personnel working in the Special Court after the United Kingdom and the United States. Not only is Canada well-represented at senior levels with Canadian Forces Brigadier General Pierre Boutet serving as one of three trial judges, Canadians also occupy important positions in the office of the prosecutor and in the investigation section. Canada is also one of the principal contributors financially to the Special Court and is a member of the Management Committee.

The Special Court has three years to conduct prosecutions against eleven individuals currently charged with violations of international humanitarian law. Following the prosecutions, buildings, equipment, a law library, a secure detention facility and accommodations for 300 staff will be turned over to the Government of Sierra Leone. With continued international support, perhaps a more important legacy will be the re-establishment of the rule of law and important initiatives having been taken in the area of security sector reform. Legal professionals and administrative staff have been trained as well as correctional officers and an internship program for graduates has been established.

Canada has also made its presence felt with officers serving in the civilian police contingent of the United Nations Mission in Sierra Leone (UNAMSIL) which was

established in October of 1999 to support the Lome Peace Agreement and to assist with the disarmament program. The Canadian Government also contributed officers to the UK led Commonwealth Task Force which undertook to train and equip the Sierra Leone Police. In fact, the Commonwealth Task Force was credited with creating a police force which enjoys considerable public support.

Since the end of the conflict in Sierra Leone in 2002, the country has been through a series of important security sector reform initiatives largely with the assistance of the United Kingdom. These have included:

- the disarmament, demobilization and re-integration (DDR) program
- wider governance and security sector reform activities such as the appointment of a National Security Advisor and the establishment of a National Security Strategy
- police reform through the CTF, military reform through IMATT and judicial reform
- small arms and light weapons programs

The purpose of these efforts, as Ann Fitz-Gerald has stated is to “ensure these security agents function according to higher national planning priorities, democratic policies and principles, sound legislative frameworks, adequate capacities and resources and an acceptable degree of civilian oversight.”⁷⁰

While Canada’s contribution to security sector reform initiatives in Sierra Leone has been important, it suffers from the lack of an over-arching strategy which would knit the various program components together to provide for a more coherent and strategic national contribution. In fact, from the perspective of legislative development initiatives aimed at providing oversight of the security sector, no country appears to have done any significant amount of work in Sierra Leone. Because the pacing and sequencing of both legislative development and security sector reform programs are important, a strong argument could be made for the view that Sierra Leone is ready for a more substantive program of legislative development. Such a program would be a significant complement to the tremendous efforts that have been made by the Government of the United Kingdom in a wide range of development assistance areas. It would also allow us

⁷⁰ Ibid. p.6

to test and experiment with some new approaches that would support a more activist and governance-oriented foreign policy.

The Palestinian Authority

The flurry of democratic developments in the Middle East in the months since Yasser Arafat's death has ignited a renewed round of optimistic speculation about the prospect of more political freedom in the region and better relations between Israelis and Palestinians. In an area where good news is a rare commodity, anything that resembles progress captures the imagination and spurs on hope. The critical issue underlying the security, democracy and development triangle in the Middle East is, of course, the resolution of the Israeli-Palestinian conflict. This will require the creation of a viable, democratic, sovereign and contiguous Palestinian state committed to peaceful co-existence with Israel. It also involves a commitment from the Palestinians to prevent acts of violence and terror from being launched against Israel from within its borders. In the short term, it appears clear that the resolution of the Palestinian issue and democracy reform must be pursued in tandem.

If there is a jurisdiction in the Middle East which presents the best possibilities for democracy taking root in an orderly or evolutionary manner, then The West Bank and Gaza may very well be that place. The democratic cause took a major step forward with the election of Mahmoud Abbas as President of the Palestinian Authority on January 9, 2005. His victory seems to have set in motion a train of events which could mark the start of a long-awaited process of democratic and institutional reform within the Palestinian Authority. If successful, this process could improve the economic prospects of average Palestinians, address long-standing issues of corruption and security sector reform, significantly alter the dynamics of any future Israeli-Palestinian peace process and greatly enhance the security, stability and development of the entire region.

In the long run, however, the stability of the entire region rests on a successful transformation by Arab states to democracy and the marginalization of radical forces perpetrating acts of terrorism. Consequently, support for Palestinian democracy, security and development must be seen as a strategic imperative. How the Palestinian Authority

deals with the issues may have a profound influence on the rest of the Middle East. Fortunately, Palestine represents a circumstance that is somewhat unique in the Arab world. There is significant pressure throughout the society from Palestinian President Mahmoud Abbas on down for significant reform. And that pressure is being encouraged and supported by external players, most recently at the London Meeting on Supporting the Palestinian Authority. Chaired by British Prime Minister Tony Blair, the meeting afforded President Abbas the opportunity to outline to the international community his plans to build the institutions required to underpin a future Palestinian state. Also participating were members of the Quartet, World Bank, IMF, Arab League and twenty national delegations including Canada.

The principal objective of the London Meeting was to assist the Palestinian leadership strengthen the institutions of the Palestinian Authority. In so doing, the international community agreed also to work to support Palestinian efforts to prepare for the anticipated Israeli withdrawal from Gaza and portions of the West Bank. Of primary concern was the need for strong institutions of governance, a more effective security apparatus and renewed economic development to enable the Palestinian Authority to build on the opportunities created by these withdrawals and ensure they deliver real benefits to Palestinians.

Foreign Affairs Minister Pierre Pettigrew was present at the London meeting and delivered an important speech outlining Canadian support:

“Canada’s objective is clear: a return to the Roadmap leading to a permanent settlement to the conflict and the realization of the two-state vision. We want to work in close partnership with the parties - and the international community - to achieve this objective. We want to support the priorities and plans identified by the Palestinian Authority in the areas of security, governance and the economy.”⁷¹

Pettigrew committed Canada to working with the Palestinian Authority, the World Bank, the Ad Hoc Liaison Committee and the Task Force on Palestinian Reform and said the Canadian Government was devising a plan focused on the three priority areas identified in the background documents for the meeting. In governance, assistance would be

furnished through public sector capacity building in areas identified by the Palestinian Authority, such as judicial and municipal reforms. In economic development, help would be channeled to the private sector. And in security, a contribution would be made to reform civilian police and provide border management expertise to facilitate trade from the West Bank and Gaza. Support for the Palestinian legislative elections was also promised. In advance of a pledging conference to be held later this year, a mission of experts is to be sent to “determine the components of a suitable and rapid response.”⁷²

The Canadian Government has over the years provided a wide scope of assistance to the Palestinians. Canada, for instance, chairs the multilateral Refugee Working Group which is attempting to improve living conditions and find a comprehensive resolution for the more than 3.9 million registered Palestinian refugees in the Middle East. In recent years, CIDA has spent an average of \$13 million per year on sustainable development and technical assistance aimed at strengthening civil society and humanitarian assistance. CIDA works with many partners including multilateral organizations and international agencies, private Canadian organizations and NGO’s. Some of the Canadian initiatives in Palestine have been quite innovative from the standpoint of encouraging local ownership and building new strategic partnerships.

One such initiative involves strengthening municipal government. Since 1998, the Federation of Canadian Municipalities (FCM) has been working to reduce poverty and contribute to peace and security in the Middle East by building the capacity of local government. With a major program in the West Bank and Gaza as its anchor, FCM is currently developing a region-wide programming framework that includes Egypt, Jordan, Iraq and Lebanon. FCM’s work in the Middle East supports CIDA’s programming in the region which promotes basic human needs, health and education, peace-building, human rights, good governance and democracy. Gender equality and environmental protection are cross-cutting themes integrated into all of CIDA’s and FCM’s activities.

⁷¹ The Honourable Pierre Pettigrew, Minister of Foreign Affairs, Canada, Speech to the London Meeting on Supporting the Palestinian Authority, March 1, 2005

⁷² Ibid.

In West Bank and Gaza, the CIDA-funded Palestinian Municipal Management Project (PMMP) is now in Phase Two of implementation. Its goal is "to support development and peace initiatives that improve the quality of life of citizens and achieve sustainable development in the Palestinian municipalities." Through the project, the FCM is supporting the municipalities of Rafah and Khan Younis in identifying and implementing local economic development and poverty reduction initiatives and in increasing public participation especially by women in municipal affairs. Phase I involved putting together a strategic plan for its long-term development with input from a wide variety of local groups such as refugees, students, teachers, women, and youth. Among other things, the project helped establish a new Community Resource Centre, administered by female staff and build the municipal management capacity. This type of "bottom-up" activity is very important in making a difference at the local level on gender equality and governance. Indeed, this type of initiative is also helpful for building "constituencies for democracy" when combined with activities that have a more political nature.

Building on initiatives like the FCM's municipal "bottom-up" approach and flowing from the London meeting, Canada could play a critical role in legislative development support to the Palestinian Legislative Council (PLC). As noted above, the agreed steps for international support are in three core areas as identified by the Palestinian Authority: governance; security; and economic development. A program of advisory and capacity-building support to the PLC in discharging its oversight, representative and legislative functions offers a particularly effective means for Canada to support all three core areas identified in an integrated approach.

The Palestinian Authority has identified several policy areas that are particularly relevant to a program in legislative development support. In the area of civilian oversight of the security sector, successful political reform will require the establishment and implementation of effective mechanisms for civilian oversight of the security sector early on. Citizens of the West Bank and Gaza must have confidence that their security structures are competent and professional and that their legislators are addressing security issues as a core responsibility; ensuring transparency and clarity in civil-security sector relations.

It is clear that security is an issue of profound importance for President Abbas. Two years ago, he gave an impassioned speech to the PLC which, among other things, dealt with his thoughts on security. Abbas stated:

“The Government will concentrate on the question of security. The government endeavours to develop the security services according to law. It will allocate special attention to the professional qualifications of the leaders and members of such security services. It will tolerate no breach of discipline or violations of the law.... The unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed. There will be no other decision-making authority except for the Palestinian Authority. On this land and for this people, there is only one law, and one democratic and national decision that applies to us all.”⁷³

The Palestinian Authority has recognized an important need in the security sector and at the London meeting requested assistance from the international community in establishing a legal framework “to create empowered national security structures with clear reporting mechanisms to the civil authority, set out in a National Security Law.”⁷⁴ In this case, the civil authority will be the National Security Council, the executive body responsible for making policy and overseeing implementation of decisions consistent with Palestine’s national objectives and plans. While important powers will be afforded to this Council, parallel authorities need to be granted to Parliament in overseeing security structures.

As discussed above, the Parliamentary Centre is the principal Canadian NGO with the capacity to play a role in legislative development. In a Palestinian context, it could provide advice and support to Palestinian authorities in developing the National Security Law. It could also define a clear role for the legislature and codify specific legislative responsibilities in the area of security. Once laws and processes are established, longer-term capacity-building support for security and defence committees in carrying out their public consultation and oversight roles would ensure that security and defence structures contribute to national objectives. This would require it to play a key

⁷³ Speech by Prime Minister Mahmood Abbas before the PLC, April 29, 2003

⁷⁴ Conclusions of The London Meeting On Supporting the Palestinian Authority, March 1, 2005

role in monitoring and overseeing the budget allocation and government spending on defence and security. Capacity-building support for budget oversight of the security sector could also be provided to the PLC's finance committee in line with the Palestinian Authority's request for support in ensuring strict financial accountability of security service structures, "particularly on payroll and procurement".

Working with the Palestinian Authority, a US-led oversight committee on security will be formed as a coordinating group of those countries and organizations providing significant practical support to the Palestinians. The Parliamentary Centre could work closely with this committee on security and the PLC to help build effective working relationships and to ensure that the PLC plays a constructive role in building mechanisms and practices at an early juncture for civilian oversight of the security sector. Canada has already pledged to provide support to strengthening security services of the Palestinian Authority. Activities to support the legislature could therefore connect with and complement existing Canadian efforts.

In the transformation from conflict to peace, there is a need to engage Palestinian civil society in a "bottom-up" process to facilitate a meaningful contribution. The Palestinian Authority has indicated that a key requirement will be to "involve broader Palestinian civil society in shaping the reform agenda and monitoring its implementation through the National Reform Committee."⁷⁵ Strengthening the capacity of the PLC to ensure participation, transparency and accountability will help build national support and consensus for reform and help avoid a return to conflict by involving all elements of Palestinian society. The Parliamentary Centre could develop activities and dialogue to help ensure that constructive relationships of engagement and consultation are established between the PLC and civil society.

The Palestinians have also identified the need for support to "take further action to combat corruption, including increased transparency consistent with the fact that the PA has already signed on to the UN charter regarding corruption."⁷⁶ They have further indicated that support in the form of advice on a legal framework and systems to combat corruption are needed. In determining a new role for the legislature during the

⁷⁵ Ibid.

⁷⁶ Ibid.

transition period, advice could be provided to the PLC and its committees on the role legislatures can play as part of an overall system to fight corruption. This could be followed-up by capacity support for parliamentary oversight functions related to anti-corruption.

Following years of conflict and isolation, 60 percent of the population of the West Bank and the Gaza Strip live under \$2 US a day and the numbers are growing. The connections between poverty and conflict are well-established. With short-term and longer-term plans being developed by the executive for budget expenditures, it is of paramount importance that such plans are tied to goals of poverty reduction. The Palestinian Authority has indicated that they require support to ensure this happens. Specifically, the PA stated that they require assistance to “develop and implement further the Medium-Term Development Plan (MTDP) and ensure that its priorities are linked to budgetary objectives and poverty reduction.”⁷⁷ The development and implementation of such a plan could benefit from capacity-building support for legislators and committees on budget oversight and public consultation.

Finally, rebuilding and strengthening economic prospects will require the PA to “make further legislative amendments to establish the legal infrastructure for a stronger market economy” and “to design the judicial and security arrangement to create a more attractive investment environment”⁷⁸ The PLC would certainly play a role in the domain of legislative amendments to put in place the legal infrastructure. A program of assistance could draw on the experience of other parliaments in the region and internationally to support the capacity of the PLC in establishing and overseeing the basic building blocks for economic growth.

The London Meeting on Supporting the Palestinian Authority has opened up an opportunity for Canada to play an important role at an important time in the development of Palestinian democracy. Canada enjoys a good reputation on both sides of the Palestinian-Israeli divide, does not carry the political baggage of some European nations, nor do we face the type of issues that affect the Americans. It is important for us to be more actively engaged on one of the great issues of our era. And if we are prepared

⁷⁷ Ibid.

⁷⁸ Ibid.

to devote the required resources, be creative and innovative in areas like legislative development, we could find ourselves playing a more substantial role in the development of Palestinian democracy than we ever imagined. Never has the time been more propitious to create a democratic ethos and to foster democratic attitudes and aspirations in support of peace and development in the Palestinian territories and the Middle East generally.

CONCLUSION

It requires only a moment's reflection to realize that the challenge of good governance in post-conflict societies is immensely complicated and defies any simple solution. This exploratory working paper has tried to break down the problem of governance in post-conflict settings into some of its component parts to better understand the mix of issues involved and to be better able to propose possible solutions. The matter of how and when to intervene to try to save failed and failing states, the question of military professionalism and civil military relations, the state's monopoly on the use of force, the concept of human security and its even more muscular cousin, the responsibility to protect, are part of a larger discourse aimed at preventing and resolving conflict, saving lives and upholding human dignity. We should never lose sight of just how important these issues are for the people affected.

A British diplomat, only half joking, once said that Canadian foreign policy reminded him of Saskatchewan – “lots of blue sky and silos for as far as the eye could see.” The central thesis of the security–development nexus; the proposition that basic physical security – human security – remains an absolute pre-condition for development helps us understand why it is so important to jettison departmental rivalries – the silo mentality - to ensure that development professionals, diplomats and the military work together in common cause. Creating new tools such as a Minister of State for Democratic Development to encourage co-operation and co-ordination could help to move the agenda forward. Focused and effective interventions start with a common understanding of the problem. They eschew ad hoc solutions and stay engaged to effect comprehensive and strategic change. As reflected throughout the International Policy Statement, the whole-of-Government approach forms an integral part of Canada's

commitment to failed and failing states, and holds the promise of greater impact for Canada in global affairs.

In developing the programs, bureaucratic apparatus and relationships required to address the challenges of post-conflict societies, it is particularly important to build on experience and work closely with other governments and NGO's. Obviously, Canadians are not the only ones confronting these issues. Our allies and partners are grappling with similar problems and are facing the same sorts of tough decisions. To produce a critical mass for change, mechanisms must be in place to capture "corporate knowledge" and act upon lessons learned – our own and those of others. It is here where institutions like the Parliamentary Centre can provide a significant contribution.

The Parliamentary Centre could be an important intermediary between the various players engaged in legislative development by providing all involved with a better understanding of their respective roles and responsibilities. It is a natural coordinating agency for legislative exchange and education. It brings together parliamentarians from diverse jurisdictions to share experience and knowledge. With effort and adequate resources, it could well prove to be a clearing house for governance information and an institution to turn to for advice and analysis on program design and delivery. In large part, we should take advice on strategic choices from those who have experience on the ground. In turn, it is their responsibility to demonstrate that public funds spent at their behest are monies well spent.

Limited resources suggest that Canada focus on situations where there is a real need and where we can make a difference. However, it also means resisting the temptation to work the "easy files" where progress is expected and predictable and leave the tougher challenges to the more adventurous. Development assistance, especially in countries emerging from conflict, is by its very nature a risky proposition. It's all about embracing experimentation and new ideas and accepting a measure of risk. To the extent that officials try to eliminate risk to protect themselves and their ministers, they may be undermining useful experimentation that could furnish valuable approaches for the future. While success can never be guaranteed, pragmatism dictates that you partner with those that have a genuine interest in the betterment of their people. More than ever before, it suggests tying our development assistance to governance goals.

In the years since the end of the Cold War, there has also been a growing realization that democracy and good governance play a profoundly important role in successful development. This paper has argued that legislative development must be a central component of any strategy for good governance in post-conflict societies. Unfortunately, as has been noted above, donor governments spend considerable time and effort supporting the cause of free and fair elections and then promptly fail to support the institutions created by the electoral processes – as if somehow elections were an end in themselves. Democratic development is about more than just elections. Indeed, legislative capacity-building can connect citizens to their governments and governments to their citizens. It can reduce alienation and cynicism, produce a “democratic culture,” and reinforce the consent of the governed. It can facilitate a process, as C. Wright Mills wrote, which allows for the transformation of “personal troubles” into “public issues” – the first step toward a genuine public policy process that involves debate and the possible resolution of real problems.

Legislatures also have the potential to ease tensions in a post-conflict setting by providing a non-violent forum for the expression of ethnic, religious or tribal differences and by taking concrete action in areas such as poverty reduction to address the root causes of conflict. Ultimately, however, when public debate stops and violence starts, it is the state which must continue to hold a monopoly on the use of force and that monopoly must be legitimated by democratic processes. Of course, the absence of democratic legitimacy changes this political equation entirely. Nevertheless, if we understand and accept the critical role that professional armed forces, police and other security agencies play in relation to stability and development, legislative oversight of the security sector takes on a new and important prominence.

Just as states emerging from conflict must be responsive to the *vox populi*, so too must states wishing to spend public money in the cause of conflict prevention and development assistance. It may seem trite to say that if governments are going to maintain public support for long-term reconstruction and development goals, they will need to engage and inform their citizens – easy to say, but harder to do. And while the reasons for that are well beyond the scope of this discussion, suffice it to say that both politicians and journalists bear some responsibility for a less than adequate public debate

on foreign policy and development issues. The fact that our own democracy is far from perfect should, as this paper has also tried to argue, make us want to temper our enthusiasm with a degree of modesty. We, too, have much to learn.

Nevertheless, if the people accept that development assistance programs are there to meet “real needs” and that these efforts are in fact making a difference, chances are there will be public support. Citizens in developed countries become “donor weary” when they believe that aid expenditures have no real impact or are not properly targeted. They become cynical when they hear that aid money gets siphoned off into Swiss bank accounts by corrupt elites or when goods meant for humanitarian assistance end up on the black market or are simply bartered for advantage by those in positions of authority.

It is therefore no surprise that the public seeks accountability with regard to their tax monies spent on aid and development. If political decision makers and members of the wider NGO community cannot convince the general citizenry that our aid programs are well managed, soundly grounded and are producing results, then calls for increased aid expenditures will fall on deaf ears. And, the public, in its innate wisdom, will be right not to listen.

Encouragement, however, can be drawn from the fact that for all the cynicism that exists today the general public has lost neither its altruism nor its generosity when it comes to helping those in need. The tsunami disaster in South Asia has again shown that people are more than willing to assist and indeed sacrifice in times of crisis or great need. We have seen the generous outpourings of money from individuals in many countries. In some instances, public generosity outstripped that of governments. This only serves to demonstrate that, when people clearly understand the need for help, they are more than willing to contribute, both as individuals and collectively through their governments.

There will continue to be much debate over how best to help failed states and those emerging from conflict. The one thing we need remember is that states are like people – they are all unique with their own character, history and experience. While no single institutional arrangement or constitutional prescription can be counted on as a solution, the basis for lasting peace, human security and human development rests

squarely on a democratic foundation. We know what the fundamentals are - the rule of law, free elections, property rights and freedom of speech, assembly and religion. It seems quite self-evident that, as a critical part of the democratic process, legislatures have a profoundly important role to play in both security and development. The only remaining challenge is to get them engaged.

Appendix 1

OECD Policy Statement Security System Reform and Governance: Policy and Good Practice

Security is fundamental to people's livelihoods, reducing poverty and achieving the Millennium Development Goals. It relates to personal and state safety, access to social services and political processes. It is a core government responsibility, necessary for economic and social development and vital for the protection of human rights.

Security matters to the poor and other vulnerable groups, especially women and children, because bad policing, weak justice and penal systems and corrupt militaries mean they suffer disproportionately from crime, insecurity and fear. They are consequently less likely to be able to access government services, invest in improving their own futures and escape from poverty.

Security is important for improved governance. Inappropriate security structures and mechanisms can contribute to weak governance and to instability and violent conflict, which impact negatively on poverty reduction. As the UN Secretary General notes in his September 2003 report on the Millennium Declaration, "We must make even greater efforts to prevent the outbreak of violence well before the tensions and conflicts have eroded polities and economies to the point of collapse.

OECD governments and their development actors aim to help partner countries establish appropriate structures and mechanisms to manage change and resolve disputes through democratic and peaceful means. Support for security system reform (SSR) forms part of this assistance. It seeks to increase the ability of partner countries to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance and the rule of law. Given restrictions on Official Development Assistance (ODA), interested OECD governments may need to draw on non-ODA sources to assist activities in this area.

SSR is a key component of the broader "human security" agenda, developed with leadership from the United Nations Development Programme (UNDP) and described in *Human Security Now*, the report of the UN Commission on Human Security. The human security agenda includes, for example, issues of livelihoods and social organization of the poor that go beyond those covered here. SSR itself also extends well beyond the narrower focus of more traditional security assistance on defence, intelligence services and similar bodies, judicial and penal institutions, as well as the elected and duly appointed civil authorities responsible for control and oversight (e.g. Parliament, the Executive, and the Defence Ministry).

With this policy statement and paper, DAC donors intend to help their own governments/organizations, developing countries and international organizations to

reinforce work on SSR. This requires strategic planning for improved policies, practices and partnerships amongst all actors. The DAC also reaffirms its commitment to work on the security and development nexus agreed in the DAC Guidelines and policy statement: *Helping Prevent Violent Conflict*.

To support SSR work with partner countries and other actors, DAC donors confirm commitment to the following basic working principles. SSR should be:

- People-centred, locally owned and based on democratic rights principles and the rule of law, seeking to provide freedom from fear.
- Seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations through more integrated development and security policies and through greater civilian involvement and oversight.
- Founded on activities with multi-sectoral strategies, based on a broad assessment of the range of security needs of the people and the state.
- Developed adhering to basic principles underlying public sector reform such as transparency and accountability.
- Implemented through clear processes and policies that aim to enhance the institutional and human capacity needed for security policy to function effectively.

Against this background, the DAC agrees to the following ten recommendations for action in order to:

Promote peace and security as fundamental pillars of development and poverty reduction

Clearly demonstrating how peace, security and development are mutually reinforcing is vital to building the commitment and resources needed to establish sustainable security systems that contribute positively to development goals. Developing a shared international understanding of SSR concepts, issues and approaches will lay the ground for effective policy frameworks and assistance programmes, integrated, and less contradictory international approaches to SSR. Therefore, DAC donors plan to:

- 1. Work together in partner countries to ensure that the rationale, principles and objectives of SSR work are clearly communicated.** Both external and local stakeholders need to **establish a shared vision**, and consider how any particular SSR-related activity fits into the broad spectrum of SSR and development needs in the country. This can be assisted through an assessment-such as a national security system review- of the country's security needs and context for reform; carried out by or in collaboration with, relevant actors.

Take whole-of-government approaches to SSR and consider making necessary institutional changes.

In establishing development and security policy as integrated areas of public action through overarching approaches to SSR and democratic governance, DAC donors, working within their governments and organizations and with the international community should:

2. **Improve policy coherence by taking whole-of-government approach to SSR:** foster inter-ministerial dialogue, implement institutional change, and **mainstream security** as a public policy and governance issue in donor and partner country governments. The absence of a whole-of-government approach may mean that actions by government departments compound rather than mitigate security problems. Mainstreaming the SSR concept across the whole-of-government is also important in view of the increased emphasis on counter-terrorism in some OECD security assistance programmes. (The DAC has issued a policy statement and reference paper, *A Development Co-operation Lens on Terrorism Prevention: Key Entry Points for Action (2003)*, on issues relating to terrorism and development). The DAC has also recently clarified definition of what counts as ODA in a manner that takes account of the need to safeguard the integrity and credibility of DAC statistics. Whole-of-government approaches would facilitate the provision of needed assistance that would combine financing from ODA and other relevant budget sources.

3. **Develop greater co-ordination, harmonisation and effective division of labour among development and other actors working in a partner country.** Effective donor support to existing mechanisms at the country level is essential. It is particularly important given the varying legal limitations and operational capacities of development agencies to work across the range of security system reforms. In dividing responsibilities, each actor should be able to pursue its comparative advantage without undermining the common effect.

4. **Recognize the role the OECD governments should play in addressing security-related issues** such as: international corruption; money laundering; organized crime; perpetuation of militia-linked private security forces, including through support from multinational enterprises; human trafficking; the proliferation of weapons of mass destruction; terrorism prevention; and illicit trade in small arms, light weapons.

Facilitate partner country-owned and led reform efforts

Experience shows that reform processes will not succeed in the absence of commitment and ownership on the part of those undertaking reforms. Assistance should be designed to support partner government and stakeholders as they move down the path of reform, rather than determining that path and leading them down it.

A major problem in the area of security system reform in some regions, particularly in Africa, has been a lack of local input to and ownership of the emerging reform agenda. This issue is most significant in “difficulty partnership” countries.

DAC donors are committed to facilitating partner country-owned and led reform through efforts to:

5. **Recognize that needs, priorities and circumstances governing SSR differ substantially by country.** Magnitudes, objectives, perceptions and approaches vary greatly. A country specific approach is important. Flexibility in donor policy frameworks and programming is therefore essential. This should be underpinned by the understanding and analysis of differing capacities, willingness and ownership to embrace SSR.
6. **Provide assistance in ways that enhance domestic ownership of reform processes and strengthen institutional frameworks and human capacity** for managing the security system in a manner consistent with sound democratic governance practices and transparent financial governance. Help to create local demand and vision for change by supporting activities that help:
 - Increase dialogue among the security forces, actors in the wider security system, civil society organizations such as women’s groups and ethnic minority groups and the general public and bring an appropriate mix of expertise.
 - Demonstrate how to integrate the security system into government planning; a public sector management, expenditure and budgeting processes; and anti-corruption efforts.
 - Support regional dialogue and confidence-building mechanisms.
7. In this context, **make it a priority to encourage governments to develop workable multi-sectoral strategies, and to help stakeholders determine what will work best for them.** Challenges include how to maximize the use of scarce resources and find ways to build incentives into their systems to promote change. This often requires innovative approaches to broaden the discussion, since needs and priorities governing SSR, such as incentives for reform, differ.
8. **Support civil society efforts to create a pro-reform environment for democratic governance of the security system.** In particular in countries with a lack of government commitment and weak capacity, it is important to prepare the political and policy terrain. This requires supporting dialogue through civil society and regional networks and providing information and examples about how other countries address SSR challenges.

- 9. Identify entry-points and develop methods of working through local actors, and seek to build on existing initiatives** to avoid imposing organizational structures and modes of operation on partner country governments.

- 10. Adopt a regional perspective even when assistance is provided in support of a national reform programme**, and support and work through regional or sub-regional organizations involved in security-related activities, where feasible. Regional and cross-border dynamics can have major positive or negative impacts on national development and security system reform processes. Internationally supported regional confidence-building measures can help to reduce suspicions and tensions that may lead to militarization and increased risk of violent confrontation between neighbours.

Next Steps

DAC donors thus agree to use this policy statement and paper to the fullest and call on the DAC Network on Conflict, Peace and Development Co-operation to assist or sponsor regional workshops with partner countries to deepen understanding of these concepts and consider concrete ways to stimulate policy making and institutional change. Other areas the CPDC should consider are good practice on: administrative and funding mechanisms to promote policy coherence in SSR, and encouraging positive incentives for SSR in-country.

Bibliography

Books

Crick, Bernard, In Defense of Politics, Penguin Books, 1973

Huntington, Samuel P., The Soldier and the State, Massachusetts, Harvard University Press, 1957

Reports of International Organizations and Government Documents

Arab Human Development Report 2003, UNDP Arab Fund for Economic and Social Development

“Charter to Reform the Arab Stand” published in Asharq Al-Awsat newspaper on 13 January, 2003. Translated by Arab News

“Conclusions of The London Meeting On Supporting the Palestinian Authority,” Government of the United Kingdom, March 1, 2005

“Creating Opportunities for Future Generations,” The Arab Human Development Report – 2002, Regional Bureau for Arab States, UNDP, Arab Fund for Economic and Social Development

“Enhancing the role of Parliaments in Conflict/Post Conflict Settings,” Summary of Discussion, Working Meeting, Geneva, March 24, 2004, sponsored by the Inter-Parliamentary Union and the UNDP

“Essentials-Legislatures,” UNDP Evaluation Office

“Governance for Sustainable Human Development,” A UNDP Policy Document, January, 1997

“Governance in Post Conflict Situations,” UNDP, Background Paper, with Chr. Michelsen Institute, Bergin Seminar Series, May 2004

“How to Conduct a Legislative Needs Assessment,” UNDP Management and Governance Division, October, 1999

“Human Development Report,” UNDP, 2002

“Middle East and North Africa Briefing,” International Crisis Group, June 7, 2004

“Parliamentary Oversight of the Security Sector, Principles, Mechanisms and Practices,” IPU and DCAF, 2003

“Parliamentary Development,” Policy Note, UNDP, September 2002

“Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa,” Sea Island Summit - Georgia, Summit Documents, June 9, 2004

“Security System Reform and Governance: Policy and Good Practice”, OECD, 2004

“The Responsibility to Protect,” Report of the International Commission on Intervention and State Sovereignty, December, 2001

“United Kingdom, Defence Diplomacy,” Ministry of Defence Policy Paper No.1

“US National Security Policy,” September 17, 2002

“US Working Paper for G-8 Sherpas,” Greater Middle East Partnership, Al-Hayat, February 13, 2004

“Voices of the Poor, Volume Two, Crying out for Change,” The World Bank Group

Academic and Media Articles

“Failed and Collapsed States in the International System,” A Report prepared by: The African Studies Centre, Leiden; the Transnational Institute, Amsterdam; The Centre of Social Studies, Coimbra and the Peace Research Group – CIP-FUHEM, Madrid, December, 2003

Banfield, Robin, “Defence Diplomacy and Beyond,” The Source: Management Journal, January 14, 2002

Baroudi, Sami E., “The 2002 Arab Human Development Report: Implications for Democracy,” Middle East Policy, Vol. XI, No. 1, Spring, 2004.

Dyer, Gwynne, War Without Casualties, London, April 1, 1999

Fergany, Nader, “Critique of the Greater Middle East Project,” Al-Hayat, February 19, 2004 as quoted in Middle East and North Africa Briefing, International Crisis Group, June 7, 2004

Fitz-Gerald, Ann M., “Addressing the Security-Development Nexus, Implications of Joined Up Government,” Institute for Research on Public Policy

Fitz-Gerald, Ann, M., “Security Sector Reform in Sierra Leone”, Global Facilitation Network for Security Sector Reform

German Marshall Fund, “Democracy and Human Development in the Broader Middle East: A Transatlantic Strategy for Partnership,” Istanbul Paper #1

Holmes, M., S. Knack, N. Manning, R. Messick and J Rinne, “Governance and Poverty Reduction”, World Bank, 2000

Ignatieff, Michael, “Peace, Order and good Government: A Foreign Policy Agenda for Canada”, Department of Foreign Affairs and international Trade, 2004, Canada

Indyk, Martin, “Back to the Bazaar”, Foreign Affairs, January/February 2002

Lake, Tony, “Confronting Backlash States,” Foreign Affairs, March/April 1994

Ottaway, Marina, “Democracies and Constituencies in the Arab World,” Carnegie Papers, Middle East Series, Carnegie Endowment for International Peace, July, 2004

Ottaway, Marina and Thomas Carothers, “The Greater Middle East Initiative: Off to a False Start,” Middle East Series, Carnegie Endowment for International Peace, March 2004

Ottaway, Marina and Stefan Mair, “States at Risk and Failed States: Putting Security First”, Policy Outlook, September, 2004

Siegle, Joseph, T., Michael M. Weinstein and Morton H. Halperin, “Why Democracies Excel”, Foreign Affairs, September/October

Smillie, Ian, “Hubris, Humility and Human Resources: Notes on the Proposed Canada Corps” (paper prepared for the Canadian Council on International Cooperation), October, 2004

Stairs, Denis, “Challenges and Opportunities for Canadian Foreign Policy in the Paul Martin Era” International Journal, Autumn, 2001

Wittes, Tamara Cofman and Sarah E. Yerkes, “The Middle East Partnership Initiative: Progress, Problems and Prospects,” Saban Centre for Middle East Policy, Brookings Institution, Memo #5, November 29, 2004

Richard Youngs, “Europe’s Uncertain Pursuit of Middle East Reform,” Carnegie Papers, Middle East Series, Carnegie Endowment for International Peace, June, 2004

Speeches

Prime Minister Mahmood Abbas, Speech before the Palestinian Legislative Council, April 29, 2003

The Honourable Pierre Pettigrew, Minister of Foreign Affairs, Canada, Speech to the London Meeting on Supporting the Palestinian Authority, March 1, 2005

“Speech from the Throne,” October 5, 2004, First Session, 38th Parliament

Web Sites

Arab NGO Network for Development Website

UNDP, Mark Malloch Brown, quoted from web-site

World Bank Group, “Conflict Prevention and Reconstruction”