Peacebuilding Commission
Working Group on Lessons Learned

Initial Findings of the Chair on "Security Sector Reform and Rule of Law for Peacebuilding"

I. Introduction

1. Security Sector Reform (SSR) and Rule of Law (RoL) have been identified as peacebuilding priorities for most countries on the agenda of the Peacebuilding Commission (PBC). The Working Group on Lessons Learned (WGLL) in October 2008 discussed on *Comparative Lessons Learned from the United Nations Rule of Law Assistance*. Subsequent well-known reports on the subject include the Secretary-General's 2009 report *Peacebuilding in the Immediate Aftermath of Conflict*, the *World Development Report 2011 on Conflict, Security and Development*, and the *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group* also released in 2011.

2. A WGLL meeting on security sector reform and rule of law was organised on 26 October 2011. In order to add value to efforts in the field, participants to the meeting discussed specific areas of security sector reform and rule of law, namely improving linkages between security sector reform and rule of law, civilian oversight in security sector reform and capacity building in rule of law efforts. Based on prior findings, which were put together in the Concept Note and the Chairperson's Summary of the meeting, this paper aims to outline the main findings of the discussion, identify lessons learned in the area of SSR and RoL and make recommendations to the PBC.

II. Improving linkages between security sector reform and rule of law

Major obstacles:

There continues to be a lack of coordination among security institutions and legal institutions at the policy level despite security sector reform and rule of law being viewed as mutually reinforcing and closely linked. Linkages between security sector reform and rule of law need to be reflected in relevant strategic frameworks to guide efforts. In addition, technical assistance in security sector reform and rule of law is often not well coordinated on the ground.

Main Findings/Lessons learned:

- Security sector reform and rule of law need to be simultaneously addressed at a policy level in order to achieve better results. For example, the Ugandan Poverty Eradication Action Plan (PEAP) emphasised the inclusion of security sector reform priorities in development frameworks and enhanced the justice, law and order sector (JLOS) to improve security for individuals and property, law enforcement, and access to justice.

- Better coordination of technical assistance to security institutions and rule of law institutions on the ground needs to be achieved. It is also necessary to improve information sharing on the ground. This requires the involvement of all relevant national stakeholders. For example, when developing a strategic framework for security sector reform, the legislature and parliamentarians need to be engaged.

- To address certain security problems, for example sexual violence, corruption and impunity, rule of law capacities need to be strengthened. This is one area where the security sector reform and rule of law can be approached simultaneously in post-conflict settings.

III. Security sector reform and civilian oversight

Major obstacles:

For security sector reform to be successful, the two pillars of the security sector, namely, efficiency and civilian oversight of security institutions need to be simultaneously addressed. However, many partners to security sector reform tend to focus their efforts on capacity building and efficiency and they neglect civilian oversight. Finally, when security forces are large in size, it is critical to make sure there is sufficient oversight so that the forces are used for the benefit of society.

Main Finding/Lessons Learned:

- Conduct a national dialogue after conflict and conduct reviews of the security sector. This will increase legitimacy, transparency and clarity of responsibility in the security sector. It is also critical to build the public's trust in security and

rule of law institutions which the public often views with distrust because of the history of abuse of power by these institutions.

- Encourage financial transparency and long term planning for the security sector's sustainable funding. Public expenditure reviews can be a useful tool to exert civilian control of state security institutions, as well as better understand the fiscal space available, the level of expenditure that the government can feasibly undertake and help authorities plan accordingly.

- Utilise parliamentary capacity to enhance oversight. The Liberian experience suggests that parliament can be a useful tool to promote civilian oversight. Three determinant factors in the success of this process are ability, authority and attitude of the parliament.

- Promote decentralised security governance. Utilise traditional systems and networks and explore ways to involve communities in enhancing security sector oversight. This could include promoting parliamentary public hearings in rural areas, undertaking local perception surveys through low-cost technology and working with local populations to build partnership among relevant initiatives.

- Some countries' experience suggests the importance of women being involved in civilian control, especially at the start of the process.

IV. Rule of law and capacity building

Major obstacles:

The history of rule of law in post-conflict countries is usually weak, and there is a tendency to revert back to old practices. Rule of law efforts in these countries suffer from a shortfall in funding. International assistance programs are often poorly coordinated and are not mutually supportive. There lacks a coordination mechanism at both the macro (strategic) and micro (management) levels. Sudden shifting of priorities by donors are often done without consulting host governments and creates distrust towards donors. Weak management capacity and administrative systems are usually the greatest barriers to ensuring the sustainability of rule of law institutions. Technical advisors, sometimes, find their roles not clearly defined and this reduces the efficiency of their work.

Main Findings/Lessons learned:

- Encourage national ownership and support national governments and relevant stakeholders to better identify human and material resources needed to improve management capacity.

- International partners, including the United Nations agencies need to carefully map human resources and organizational systems in the countries concerned, and support the strengthening of those resources and systems before introducing new initiatives.

- The international community should be careful not to overload rule of law institutions with too much financial resources too quickly without the management and administrative capacity for post-conflict countries to absorb this assistance. It is important to have a patient, progressive, sequential and durable response.

- There is a need to take a sector wide approach which would facilitate coordination among donors and division of labor in support of rule of law institutions in order to avoid duplication of effort and promote efficiency.

V. Recommended roles of the PBC and the PBF

Recommended roles of the PBC include:

- Promote national ownership and encourage national leadership to take a holistic approach of security sector reform through the political leverage of the Peacebuilding Commission.

- Place more emphasis on addressing the obstacles facing coherence and coordination in the areas of security sector reform and rule of law efforts in the field, and raise international awareness, including ways to enhance strategic planning and management capacity.

- Assist national actors to clarify short, medium and long-term goals in security sector and rule of law reform.

- Emphasise the importance of civilian oversight and promote efforts and programs for oversight.

- Elaborate on the principles governing the terms such as “security sector reform”, “rule of law” and “capacity building” to better guide support to peacebuilding. Identify evaluation schemes and indicators to evaluate the performance of actors engaged in these areas.

- Facilitate information sharing among Country Specific Configurations at a sub regional level, and promote the role/participation of regional and sub-regional organisations.

- Promote coherence of efforts in capacity building with the ongoing Civilian Capacity Review Report.

Recommended roles of the PBF include:

- Improve knowledge and capacity for civilian oversight of the security sector and conduct reforms to synergise more funding in this area.

- Ensure that short term interventions of security sector reform and rule of law are part of the long term strategies to have a sustainable impact on countries

- Ensure that the results generated by PBF projects will encourage additional donors so to reduce the current financing gaps for some countries on the PBC agenda.

- Continue to improve coordination with other actors and local government in strategy formulation, implementation and evaluation

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