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Security Sector Reform and  
UN Integrated Missions

Experience from Burundi, the Democratic Republic  
of Congo, Haiti, and Kosovo

Geneva Centre for the  
Democratic Control of Armed Forces  
(DCAF)

LIT

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# Preface

Although the United Nations (UN) has only recently taken initial steps in developing a common approach to security sector reform (SSR), it has been involved for many years in supporting SSR processes in member states. An increasing number of UN departments, offices, funds, programmes and agencies are assisting national authorities in restoring and reforming their security sectors, although these support activities have not necessarily been labelled as SSR. This activity cuts across a wide range of UN policy areas from peace and security, to poverty reduction, economic and social development, human rights, rule of law and democratisation. SSR support is provided by the UN system in different contexts around the world, ranging from crisis prevention to early recovery, post-conflict peacebuilding and long-term development, with UN peace operations playing an increasingly important role in supporting post-conflict SSR.

Against this backdrop, in September 2006, the UN Department for Peacekeeping Operations (DPKO) and the United Nations Development Programme (UNDP) initiated a project entitled “The UN Approach to Security Sector/System Reform (SSR) in Post-Conflict Peacebuilding: Review of Recent Experience of UN Integrated Missions in SSR Activities”. The project was implemented by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) with funding support from the Department of Foreign Affairs and International Trade (DFAIT) of Canada, provided through its Human Security Programme (project no. HSP06-142). The purpose of this project was not to capture the UN involvement in SSR across the entire peacebuilding spectrum but rather to contribute to the development of a common UN approach to SSR by looking at the role and experience of UN integrated missions in post-conflict SSR.

The project consisted of three main phases: (i) a desk review of existing UN approaches, mandates and capacities for SSR in post-conflict countries; (ii) case studies of SSR-related UN experience in four contexts of integrated missions, namely Burundi, the Democratic Republic of Congo (DRC), Haiti, and Kosovo, mainly based on field missions carried out in the period between November 2006 and February 2007; (iii) development of recommendations for future UN engagement in post-conflict SSR including the implications of a common UN approach for the mandates, planning,

structure and activities of UN integrated missions. The three phases of this project are by and large reflected in the three parts of this volume.

The project was monitored by a Steering Committee, composed of representatives of a number of UN entities involved in SSR activities such as DPKO, OHCHR, UNDP, UNICEF, UNIFEM and UNODC, and co-chaired by DPKO and UNDP. At the request of the co-chairs, the UN Inter-Agency Working Group on SSR, succeeded by the UN SSR Task Force (represented by Renata Dwan, Francis James, Jared Rigg and Caroline Smit on behalf of DPKO and UNDP), agreed to provide advice and support to this project. The UN Steering Committee and the project's Advisory Panel established by DCAF (Megan Bastick, Yves Bouchard, Alan Bryden, Timothy Donais, Mark Downes, Adedeji Ebo, Anja Kaspersen, David Law, Gregor Zore), reviewed the various drafts of the case study reports and of the final report on which the chapters of this volume are based.

The editors would like to extend their gratitude to all those who have contributed to this project. The views expressed in this volume are those of the authors alone and do not in any way represent the views of either the institutions or their representatives involved in this project.

The Editors  
Geneva, 15 December 2007



## List of Acronyms

ADF-NALU	Allied Democratic Forces/National Army for the Liberation of Uganda
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre (rebel movement which brought Laurent Kabila to power in the First Congo War)
ALC	Armée de Libération du Congo
AMIB	African Mission in Burundi
AUS	Advisory Unit on Security
BCPR	Bureau for Crisis Prevention and Recovery (UNDP)
BINUB	United Nations Integrated Office in Burundi
CAR	Central African Republic
CBRs	Centres de Brassage et Recyclage (Integration and Training Centres)
CDCs	Community Development Committees
CIAT	Comité International d'Accompagnement de la Transition
CIDA	Canadian International Development Agency
CLJAU	Criminal Justice and Judicial Advisory Unit
CNDD/FDD	Conseil National pour la Défense de la Démocratie / Forces de Défense de la Démocratie
COC	Centre des Operations Conjointes
CONADER	Commission Nationale de la Demobilization et Reinsertion
CPVDs	Committees for the Prevention of Violence and for Development
DAC	Development Assistance Committee of the OECD
DAP	Direction de l'Administration Pénitentiaire
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDA	Department for Disarmament Affairs (UN)
DDR	Disarmament, Demobilisation and Reintegration of ex-combatants
DDRRR	Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement
DFAIT	Department of Foreign Affairs and International Trade (Canada)
DFID	United Kingdom Department for International Development
DoJ	Department of Justice
DPA	Department of Political Affairs (UN)

DPKO	Department of Peacekeeping Operations (UN)
DRC	Democratic Republic of Congo
DSRSG	Deputy Special Representative of the Secretary-General
EC	European Commission
ES/NCDDR	Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration
EU	European Union
EUPOL	European Union police mission, “EUPOL-Kinshasa”
EUSEC	European Union Security Sector Reform Mission in the DRC
FAB	Forces Armées Burundaises
FAC	Forces Armees Congolaise
FAd’H	Forces Armees d’Haiti
FAO	Food and Agriculture Organization
FARDC	Forces Armées de la Republic Democratic du Congo
FDD	Forces de Défense de la Démocratie
FDLR	Forces Democratiques de Liberation du Rwanda
FDN	Forces de Défense Nationale
FL	Famni Lavalas
FNL	Forces Nationales pour la Libération
FPU	Formed Police Units
FRAPH	Le Front pour l’Avancement et Progres d’Haiti
GMRRP	Groupe de Réflexion Mixte sur la Réforme et la Réorganisation de la PNC
GSSP	Garde Spéciale de Sécurité Présidentielle (of Joseph Kabila)
GTZ	Gesellschaft für Technische Zusammenarbeit
HC	Humanitarian Coordinator
HQ	UN Headquarters
ICF	Interim Cooperation Framework
ICG	International Coordination Group
IEC	Independent Electoral Commission
IMF	International Monetary Fund
IMTF	Integrated Mission Task Force
ISSR	Internal Security Sector Review
JCC	Joint Ceasefire Commission
JIU	Judicial Inspection Unit
JSSR	Justice and Security Sector Reform
KCPSD	Kosovo Centre for Public Safety Education and Development
KCS	Kosovo Corrections Service

KFOR	NATO-led Kosovo Force
KJC	Kosovo Judicial Council
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corp
KPS	Kosovo Police Service
LRA	Lord's Resistance Army
MDRP	Multi-Country Demobilisation and Reintegration Programme
MICAH	International Civilian Support Mission in Haiti
MICIVIH	UN-OAS International Civilian Mission in Haiti
MIF	Multinational Interim Force
MINUSTAH	United Nations Stabilisation Mission in Haiti
MIPONUH	Mission de Police de Organisation des Nations Unies au Haiti
MLC	Mouvement de liberation du Congo
MNF	Multinational Force
MoIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
MOJPS	Ministry of Justice and Public Security
MONUC	United Nations Mission in the Democratic Republic of Congo
NCD	National Disarmament Commission
NCSC	National Center for State Courts
NGO	Non-Governmental Organisation
ODA	Official Development Assistance (OECD)
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIF	Organisation of La Francophonie
OLA	Office of Legal Affairs (UN)
ONUB	United Nations Mission in Burundi
OPL	Organizasyon Politik Lavalas
OSCE	Organization for Security and Co-operation in Europe
PBSO	Peacebuilding Support Office
PDSRSG	Principal Deputy Special Representative of the Secretary-General
PISG	Kosovo Provisional Institutions of Government
PMD	Prison Management Division
PNC	Police Nationale Congolaise
PNH	Police Nationale d'Haïti

PPRD	Parti du Peuple pour la Reconstruction et le Démocratie
PRSP	Poverty Reduction Strategy Paper
PSU	Professional Standards Unit
QIPs	Quick Impact Projects
RBB	Results Based Budgeting
RC	Resident Coordinator
RCD	Rassemblement Congolais pour la Démocratie
ROL WG	Rule of Law Working Group
SADAIT	South African Detachment Assisting with Integration and Training
SADC	Southern African Development Community
SALW	Small Arms and Light Weapons
SCR	Security Council Resolution
SMI	Structure Militaire d'integration
SRS	Special Representative of the Secretary-General
SSR	Security Sector Reform
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMSIL	United Nations Mission in Sierra Leone
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHQ	United Nations Headquarters
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNIOSIL	United Nations Integrated Office for Sierra Leone
UNLIREC	United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean
UNMIH	UN Mission in Haiti
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIN	United Nations Mission in Nepal
UNMIS	United Nations Mission in the Sudan
UNMISSET	United Nations Mission of Support in East Timor
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOB	United Nations Office in Burundi

UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOCI	United Nations Operation in Côte d'Ivoire
UNODC	United Nations Office on Drugs and Crime
UNOGBIS	UN Peacebuilding Support Office in Guinea-Bissau
UNOPS	United Nations Office for Project Services
UNOTIL	United Nations Office in Timor-Leste
UNPOL	United Nations Police
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSMIH	UN Support Mission in Haiti
UNTAET	United Nations Transitional Administration in East Timor
UNTMIH	UN Transition Mission in Haiti
UNV	United Nations Volunteer
UPI	Integrated Police Unit
USAID	United States Agency for International Development
USG	Under-Secretary-General
WFP	World Food Programme
WHO	World Health Programme



# PART I

## INTRODUCTION





## Chapter 1

# Recent Experience of UN Integrated Missions in Security Sector Reform

*Heiner Hänggi and Vincenza Scherrer*

Security Sector Reform (SSR) – or security system reform as it is often referred to by developmental actors – is a concept that has gained increasing recognition from the international community. In assisting countries make the transition from conflict to sustainable development the United Nations (UN) engages in a wide range of SSR activities. Although the UN is only one of a number of international actors involved in this effort, by virtue of its mandate, legitimacy, early presence on the ground and experience, the UN has a crucial role to play in supporting SSR across the whole peacebuilding spectrum. This is particularly true in cases where UN peacekeeping operations are deployed as part of a comprehensive, multidimensional assistance effort that includes political, security, humanitarian, development, rule of law and human rights components and which seeks to bring together all UN actors on the ground within a common approach. These multidimensional peacekeeping operations with specific authority structure and command arrangements – UN integrated missions – have mandates which routinely include broad tasks such as police and defence reform, restructuring, training and operational support; assistance in the restoration and reform of judicial and prison systems; support for the restoration of state authority and administrative capacities at central and local levels; good governance; support for civil society; and assistance to constitutional processes. All of these tasks are necessary elements of an effective SSR assistance strategy.

Until now, a common, comprehensive and coherent UN approach to SSR in post-conflict environments has been lacking. This in turn hampers the ability of the UN system to assist national authorities in restoring and reforming their security sectors; the foundation for the successful termination of UN peacekeeping operations and the transition to longer-term peacebuilding and development. There is increasing interest within the UN,

and strong calls from the field, for a more coherent and coordinated approach to post-conflict SSR which would set out shared principles, objectives and guidelines for the development and implementation of UN assistance to SSR, and provide clarity on roles and responsibilities across the UN system. UN member states have also expressed interest in the development of a comprehensive UN policy framework for SSR, as evidenced by the Security Council's February 2007 open debate on SSR<sup>1</sup> and the 2007 annual meeting of the General Assembly's Special Committee on Peacekeeping Operations, which requested the Secretary-General to prepare a comprehensive report on UN approaches to SSR.<sup>2</sup> With the establishment of the Peacebuilding Commission and its support office, the launch of an inter-agency process based on the UN SSR Task Force, and the Secretary-General's forthcoming report on SSR, there is currently a window of opportunity to develop a common, comprehensive and coherent approach to SSR within the United Nations, which would provide integrated missions with much needed strategic guidance on SSR.

This volume explores four cases of integrated missions which have provided support to national SSR processes: the United Nations Mission in Burundi (ONUB), the United Nations Mission in the Democratic Republic of Congo (MONUC), the United Nations Stabilisation Mission in Haiti (MINUSTAH), and the United Nations Interim Administration Mission in Kosovo (UNMIK). Its aim is to examine the role and experience of UN integrated missions in SSR with a view to developing recommendations for future UN engagement in post-conflict SSR. This opening chapter briefly introduces the two key concepts used in this study, namely SSR and "integrated mission", and provides an overview of the involvement in SSR of UN integrated missions in terms of mandates, activities and capacities.

### **Security Sector Reform (SSR)**

Security sector reform is driven by the understanding that an affordable, effective and efficient security apparatus (i.e., one that is able to provide security and justice to the state and its people within a framework of civilian oversight and democratic accountability) is needed to ensure sustainable development, democracy, peace and security. There is, however, no generally accepted definition of the security sector or what SSR entails, with different actors embracing broader or narrower understandings of this relatively new concept. The same holds true within the UN system, with different entities using different terms and definitions, and having distinct perspectives on what activities SSR should encompass. UNDP's Bureau for

Crisis Prevention and Recovery (BCPR) has developed the concept of *justice and security sector reform (JSSR)*, in order to emphasise that the justice and the security sectors are inextricably linked. Other UN entities such as the Department of Peacekeeping Operations (DPKO) normally employ the term *security sector reform* to refer to police, defence and intelligence reform, and will use the term *rule of law* when referring to activities related to judicial and penal systems, police and other law enforcement agencies. In the context of peace operations explicitly mandated to conduct SSR activities, the Security Council and the Secretary-General would refer to *security sector reform*, however, without using the term in a consistent way, with its scope ranging from very narrow to quite broad understandings of SSR (see below).

This volume uses the definitions set out in the relevant guidelines of the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD). The DAC's broad interpretation of *security system reform*<sup>3</sup> has the advantage of providing an analytical framework within which are located all narrower understandings of SSR used within and outside the UN system. Accordingly, the security system is defined as comprising all the state institutions and other entities with a role in ensuring the security of the state and its people, including (i) core security actors; (ii) management and oversight bodies; (iii) justice and rule of law; and (iv) non-statutory security forces. SSR means – again according to the DAC definition – transforming the security system, which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is consistent with democratic norms and sound principles of good governance and thus contributing to a well-functioning security framework. As articulated by the DAC, SSR covers three interrelated challenges facing all states: (i) developing a clear institutional framework for the provision of security that integrates security and development policy and includes all relevant actors; (ii) strengthening the governance of security institutions; and (iii) building capable and professional security forces that are accountable to civil authorities.<sup>4</sup>

A broad understanding of SSR is particularly relevant in post-conflict contexts, favouring a holistic approach that well reflects the complex and fragmented nature of security governance. This emphasises the need to integrate partial reforms such as defence, intelligence, police and judicial reform which in the past were generally seen and conducted as separate efforts. It also links measures aimed at increasing the efficiency and effectiveness of security forces to overriding concerns of democratic governance.<sup>5</sup> And finally, adhering to a broad – governance-oriented – understanding of SSR recognises the reality that non-state actors, whether

non-statutory security forces or civil society actors, are highly relevant for security sector reform. This points to the need to move away from piecemeal approaches to SSR and to follow a holistic approach instead. At the same time, taking into account concerns about the broad scope of the concept, SSR programmes on the ground do not have to encompass all actors and dimensions of the security sector. They do, however, need to be designed and implemented in full awareness of the complex interdependencies that characterise such processes.<sup>6</sup> This means that SSR activities should take into consideration, and ideally be coordinated with, activities in other sectors. For example, the success of police reform is often seen to be dependent on related progress in the area of judicial reform.

**Box 1: Excerpt from the Statement by the President of the Security Council at the 5632<sup>nd</sup> meeting of the Security Council, held on 20 February 2007 (S/PRST/2007/3\*)**

“The Security Council recalls the Statement by its President of 12 July 2005, in which it emphasizes that security sector reform is an essential element of any stabilization and reconstruction process in post-conflict environments.

“The Security Council stresses that reforming the security sector in post-conflict environments is critical to the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, to extending legitimate state authority, and preventing countries from relapsing into conflict. In that regard, professional, effective and accountable security sector, and an accessible and impartial law-enforcement and justice sectors are equally necessary to laying the foundations for peace and sustainable development.

“The Security Council underlines that it is the sovereign right and the primary responsibility of the country concerned to determine the national approach and priorities of security sector reform. It should be a nationally-owned process that is rooted in the particular needs and conditions of the country in question. The Security Council acknowledges that strong support and assistance of the international community are important to build national capacities thereby reinforcing national ownership, which is crucial for the sustainability of the whole process. (...)

“The Security Council underlines that security sector reform can be a long-term process that continues well beyond the duration of a peacekeeping operation. (...)

“The Security Council emphasises that security sector reform must be context-driven and that the needs will vary from situation to situation. The Security Council encourages states to formulate their security sector reform programmes in a holistic way that encompasses strategic planning, institutional structures, resource management, operational capacity, civilian oversight and good governance. The Security Council emphasises the need for a balanced realisation of all aspects of security sector reform, including institutional capacity, affordability, and sustainability of its programs. The Security Council recognises the inter-linkages between security sector reform and other important factors of stabilisation and reconstruction, such as transitional justice, disarmament, demobilisation, repatriation, reintegration and rehabilitation of former combatants, small arms and light weapons control, as well as gender equality, children and armed conflict and human rights issues. (...)”

**Box 2: Excerpt from the Concept paper prepared by the Slovak Presidency for the UN Security Council Open Debate on 20 February 2007 (S/2007/72)**

“(…) 4. Security Sector Reform (SSR) is driven by the understanding that an ineffective and poorly governed security sector represents a decisive obstacle to peace, stability, poverty reduction, sustainable development, rule of law, good governance and the respect for human rights. The **security sector** – or the security system as it is referred to by developmental actors – is defined as including all those institutions, groups, organisations and individuals – both state and non-state – that have a stake in security and justice provision:

- *Core security actors including law enforcement institutions:* armed forces, police, gendarmeries, paramilitary forces, presidential guards, intelligence and security services, coastguards, border guards, customs authorities and reserve and local security units.
- *Security management and oversight bodies:* parliament/legislature and its relevant legislative committees; government/the executive, including ministries of defence, internal affairs and foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies; and civil society actors, including the media, academia and NGOs.
- *Justice institutions:* justice ministries; prisons; criminal investigation and prosecution services; the judiciary (courts and tribunals); implementation justice services (bailiffs and ushers), other customary and traditional justice systems; human rights commissions and ombudsmen; etc.
- *Non-statutory security forces:* liberation armies; guerrilla armies; private bodyguard units; private security companies; political party militias.

5. The security sector shares many of the characteristics of other service delivery systems (although it has unique characteristics as a result of the central role that the use of force plays in this sector). As the United Nations Secretary-General noted in 1999, the security sector “should be subject to the same standards of efficiency, equity and accountability as any other public service”. Thus, the **overarching objective of SSR** is to ensure that the security institutions perform their statutory functions – to deliver security and justice to the state and its people – efficiently and effectively in an environment consistent with democratic norms and the principles of good governance and the rule of law, thereby promoting human security.

6. SSR depends on **national ownership** because reform of the most sensitive sector of the state must be shaped and driven by local actors and supported, if necessary, by external actors. This may be extremely difficult in some countries, particularly those in post-conflict environments, but it is a pragmatic imperative as well as a matter of respect. SSR that is not locally shaped and driven is not sustainable.

7. SSR is **holistic** because (1) it provides a framework for military and defence reform as well as reforms in non-military parts of the security sector such as the police and judicial institutions; (2) it links measures aimed at increasing the efficiency and effectiveness of the security and justice institutions to overriding concerns of good governance, rule of law and democratic accountability; and (3) it aims at building state capacity to deliver security and justice and simultaneously engaging non-state actors relevant for security sector governance.

8. SSR is **context-specific** because each country engaged in SSR constitutes a special case and hence a different reform context. Consequently, the way SSR is approached and implemented very much depends on whether a country finds itself in a long-term democratisation process, in transition from war to peace or in a post-conflict setting. Another important contextual factor is the regional security environment which may be amenable or not to national SSR. Thus, SSR cannot be undertaken in a mechanical fashion and there is no one-size-fits-all.

9. SSR is a **long-term** endeavour that takes place over several years if not decades, and requires substantial resources. A host of security needs might be urgent but there is never a quick-fix solution. Short-term targets lead to dysfunctional and unsustainable outcomes. Institutional capacity, affordability and sustainability of programmes, sequencing, timing and flexibility are all aspects of SSR which need to be balanced against each other. (…)”

External actors supporting SSR processes are expected to follow a number of principles and good practices. In addition to the emphasis on a holistic approach, these principles and good practices include the need for SSR to be nationally-owned, supported rather than imposed by international actors; to be context-specific given that needs will vary from situation to situation; to be a long-term endeavour that continues well beyond the duration of a peacekeeping operation; to be closely linked with other stabilisation and reconstruction priorities such as transitional justice, disarmament, demobilisation and reintegration (DDR) of former combatants, small arms and light weapons (SALW) control, as well as gender equality, children and armed conflict and human rights issues (also known as SSR-related or cross-cutting issues). At its February 2007 open debate on the UN's role in SSR, the Security Council endorsed these fundamental principles and good practices of SSR support (see Boxes 1 and 2).

### **UN Integrated Missions**

Another key concept used in this study is the term “integrated mission”. According to the revised Note of Guidance on Integrated Missions of 17 January 2006, drafted by DPKO at the request of the Secretary-General, integration is the guiding principle for the design and implementation of complex UN operations in post-conflict situations and for linking the different dimensions (political, development, humanitarian, human rights, rule of law, social and security aspects) into a coherent support strategy. Through this integrated process, the UN system seeks to maximise its contribution to supporting countries emerging from conflict by engaging its different capabilities in a coherent and mutually supportive manner.<sup>7</sup>

Although still an evolving concept, a UN integrated mission is generally understood as a multidimensional peacekeeping operation, led by a Special Representative of the Secretary-General (SRSG). Integration is viewed as a means to improve the management and impact of a peacekeeping operation.<sup>8</sup> Although it has been recognised that “form must follow function”,<sup>9</sup> hierarchy is an important aspect within integrated missions, as it implies a clear chain of command and central decision-making authority from which all UN country-activities can be coordinated and managed. In this regard, the function of the Deputy Special Representative of the Secretary-General (DSRSG) is a crucial element. Through the function of the DSRSG who is also the Humanitarian Coordinator (HC) and Resident Coordinator (RC), thus responsible for the UN entities already present on the ground, both the mission components and

the UN Country Team of specialised agencies are included under the leadership of the SRSG.

This definition underlines the importance of a plurality of actors and approaches within a single coherent framework as characteristic features of an integrated mission. It also suggests that there are varying degrees of integration, acknowledging that full integration is an ideal type rather than a reality on the ground. The degree to which integration is implemented and respected at different levels, ranging from the strategic and policy level to the organisational level, may make a difference in terms of the success of an integrated mission.

**Table 1.1: Peacekeeping Operations**

Acronym	Location	Established - Completed	Explicit SSR mandate	Implicit SSR mandate	SSR Unit
<b>UNMIK</b>	Serbia (Kosovo)	June 1999 (SCR 1244)	-	SCR 1244 (June 1999)	-
<b>*UNAMSIL</b>	Sierra Leone	1999–2005 (SCR 1270)	-	SCR 1436 (Sept. 2002)	-
<b>*UNTAET</b>	Timor-Leste	1999–2002 (SCR 1272)	-	SCR 1338 (Jan. 2001)	-
<b>MONUC</b>	DRC	November 1999 (SCR 1279)	SCR 1565 (Oct. 2004)	SCR 1493 (Aug. 2003)	X
<b>*UNMISSET</b>	Timor Leste	2002–2005 (SCR 1410)	-	SCR 1410 (May 2002)	-
<b>UNMIL</b>	Liberia	September 2003 (SCR 1509)	SCR 1509 (Sept. 2003)	-	-
<b>UNOCI</b>	Côte d'Ivoire	April 2004 (SCR 1528)	SCR 1721 (Nov. 2006)	SCR 1528 (Feb. 2004)	-
<b>MINUSTAH</b>	Haiti	June 2004 (SCR 1542)	-	SCR 1542 (April 2004)	-
<b>*ONUB</b>	Burundi	2004–2006 (SCR 1545)	-	SCR 1545 (May 2004)	X
<b>UNMIS</b>	Sudan	March 2005 (SCR 1590)	-	SCR 1590 (March 2005)	-
<b>UNMIT</b>	Timor Leste	August 2006 (SCR 1704)	SCR 1704 (Aug. 2006)	-	X
* Completed missions					

Seven current and four recently completed UN peacekeeping operations mandated to conduct SSR activities are covered by this definition – keeping in mind that the degree of integration may vary significantly from mission to mission (see Table 1.1). These are MINUSTAH, MONUC, UNMIK, the United Nations Mission in Liberia (UNMIL), the United Nations Mission in the Sudan (UNMIS), the United Nations Integrated Mission in Timor-Leste (UNMIT) and the United Nations Operation in Côte d’Ivoire (UNOCI), and, among the missions completed in the last five years, ONUB, the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Mission of Support in East Timor (UNMISSET) and United Nations Transitional Administration in East Timor (UNTAET).

DPKO-led special political and (civilian) peacebuilding missions are also mandated to support SSR activities (see Table 1.2), such as the United Nations Integrated Office in Burundi (BINUB), the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Integrated Office for Sierra Leone (UNIOSIL). These missions may take the form of an Integrated Office<sup>10</sup> (BINUB, UNIOSIL) or benefit from an Integrated Mission Task Force<sup>11</sup> (UNAMA). Although not included under the category of integrated (peacekeeping) missions, the SSR experience of special political and/or peacebuilding missions will also be considered in the following sections when appropriate, particularly in the context of Security Council mandates.<sup>12</sup>

**Table 1.2: Special Political and/or Peacebuilding Missions (DPKO-led)**

Acronym	Location	Established - Completed	Explicit SSR mandate	Implicit SSR mandate	SSR Unit
<b>UNAMA</b>	Afghanistan	March 2002 (SCR 1401)	SCR 1623 (Sept. 2005)	SCR 1536 (2004)	-
<b>*UNOTIL</b>	Timor-Leste	2005–2006 (SCR 1599)	-	SCR 1599 (April 2005)	-
<b>UNIOSIL</b>	Sierra Leone	January 2006 (SCR 1620)	SCR 1620 (Aug. 2005)	-	-
<b>BINUB</b>	Burundi	January 2007 (SCR 1719)	SCR 1719 (Oct. 2006)	-	X
* Completed mission					



## **SSR in Integrated Mission Mandates**

Not all peace operations are mandated to address SSR-related activities. The mandates of multidimensional missions, however, have routinely and increasingly included tasks related to the reform or rebuilding of functioning security sectors in post-conflict environments. While references to police, armed forces and judicial reform can be found in earlier mission mandates (e.g. UNMIK, UNAMSIL, UNTAET, UNMISSET), the notion of “security sector” was first mentioned in 2002 in the context of UNAMSIL with the Security Council urging the government of Sierra Leone “to strengthen the operational effectiveness of the security sector” (SCR 1436). Early references to the need for UN missions to assist national governments in reforming the security sector can be found as early as 2003 in Security Council resolutions concerning MONUC – “reform of the security forces” (SCR 1493) – and UNMIL – “support for security reform” (SCR 1509). It is only with the later mandate of MONUC in October 2004 that the term “security sector reform” is explicitly mentioned by the Security Council as an umbrella concept for defence and police reform as well as DDR (SCR 1565). Since then, most mission mandates have contained explicit SSR-related terminology such as “security sector reform” (e.g. UNAMA, UNOCI, MONUC), or “reform of the security sector” (e.g. BINUB, UNOCI), “strengthening the security sector” (e.g. UNIOSIL), “review of the security sector” (e.g. UNMIT), and “restructuring of the security sector” (e.g. UNMIL) (see Table 1.3).

While SSR-related terminology can increasingly be found in mission mandates, it is not used consistently, even in the context of the same mission (e.g. MONUC, UNAMA). Indeed, the scope of SSR varies significantly in the different Security Council resolutions and related reports by the Secretary-General. In many cases, the Security Council adopts a narrow interpretation of SSR in defining it to include police reform and defence reform only (e.g. BINUB, ONUB, UNAMSIL, UNIOSIL, UNMIL, UNMIT, UNOCI). In a few instances, intelligence reform is considered by the Secretary-General as being a component part of SSR (e.g. ONUB, UNOCI). In some cases, DDR – together with defence reform and police reform – is seen as an element of SSR (e.g. ONUB, MONUC, UNOCI, UNAMA). Generally, reform of the judicial and prison systems is listed as a separate component of a mission mandate rather than part of SSR. Most recent mandates, however, all adopted by the Security Council in early 2007, explicitly include judicial and prison reform under SSR (e.g. MONUC, MINUSTAH, UNAMA).

**Table 1.3: SSR Terminology in Integrated Mission Mandates**

<b>Mission</b>	<b>Mandate</b>	<b>SSR Terminology Used in Mission Mandate</b>
<b>UNAMSIL</b>	SCR 1436 (Sept. 2002)	“To strengthen the operational effectiveness of the security sector”
<b>MONUC</b>	SCR 1493 (Aug. 2003)	“Reform of security forces”
<b>UNMIL</b>	SCR 1509 (Sept. 2003)	“Support for security reform”
<b>MINUSTAH</b>	SCR 1542 (April 2004)	“To assist the Government in monitoring, restructuring and reforming the National Police, consistent with democratic policing standards”
<b>ONUB</b>	SCR 1545 (May 2004)	“Provide advice and assistance to the Government to contribute to their efforts to carry out institutional reforms as well as the constitution of the integrated national defence and internal security forces”; “to complete implementation of the reform of the judiciary and corrections system”
<b>MONUC</b>	SCR 1565 (Oct. 2004)	Assist with “[s]ecurity sector reform, including the integration of national defence and internal security forces together with disarmament, demobilization and reintegration and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms”
<b>UNIOSIL</b>	SCR 1620 (Aug. 2005)	“Strengthening the Sierra Leonean security sector”; “to liaise with the Sierra Leonean security sector and other partners”
<b>UNAMA</b>	SCR 1623 Sept. 2005)	“Stressing the importance of (...) security sector reform including the reconstitution of the Afghan National Army and Police, (...)”
<b>UNMIT</b>	SCR 1704 (Aug. 2006)	To assist “in conducting a comprehensive review of the future role and needs of the security sector”
<b>BINUB</b>	SCR 1719 Oct. 2006)	“Support for the development of a national plan for reform of the security sector”
<b>UNOCI</b>	SCR 1721 (Nov. 2006)	“seminars on security sector reform”
<b>MINUSTAH</b>	SCR 1743 (Feb. 2007)	“To maintain momentum behind security sector reform”
<b>UNAMA</b>	SCR 1746 (March 2007)	“Need for further progress on security sector reform”; “increase functionality, professionalism, and accountability of the security sector”
<b>MONUC</b>	SCR 1756 (May 2007)	“Importance of urgently carrying out security sector reform”

It is premature to judge whether the Security Council is tending towards a broad interpretation of SSR. What is clear though is the scarcity of references in mission mandates to the civilian oversight and good governance dimensions of security sector reform. Such references may take the form of calls for the application of the “principles of civilian control” of the security forces (ONUB, UNOCI), for a “legitimate and democratically accountable role” of security institutions (MONUC), for the development of “related oversight mechanisms”, including the Parliament (UNMIT), or for initiating “good-governance reform ... in security sector reform” (MONUC). In mission mandates, references to such a holistic understanding of SSR are still rather the exception than the rule.

The UN often inherits its involvement in post-conflict situations from peace agreements. In the case of eight current missions, the UN’s involvement in SSR is defined in a peace agreement. None of these agreements refer to SSR explicitly, nor do they address SSR in a holistic way. But all of them mention implicitly SSR-related tasks such as DDR, integration of armed forces and police reform. Agreements for Afghanistan (2001 Bonn Agreement), Côte d’Ivoire (2003 Linas-Marcoussi Agreement), DRC (1999 Lusaka Ceasefire Agreement, 2002 Pretoria Agreement) and Sierra Leone (1999 Lomé Peace Agreement) contain general references to SSR-related tasks. More specific and often very detailed provisions for SSR-related tasks are made in the agreements for Burundi (2000 Arusha Agreement; 2003 Pretoria Protocol; 2006 Comprehensive Ceasefire Agreement), Kosovo (1999 Interim Agreement), Liberia (2003 Accra Comprehensive Peace Agreement) and Sudan (2004 Comprehensive Peace Agreement).<sup>13</sup> These provisions shape the SSR-relevant parts of mission mandates as evidenced by the usage of similar terminology, most notably in the cases of Burundi (BINUB, ONUB) and Côte d’Ivoire (UNOCI), and the numerous references to relevant peace agreements contained in Security Council resolutions and related Secretary-General reports (e.g. MONUC, ONUB, UNMIS, UNOCI).

There are currently seven UN missions explicitly mandated by the Security Council to conduct SSR activities: four peacekeeping operations (MONUC, UNMIT, UNMIL, UNOCI), and three DPKO-led political and peacebuilding missions (BINUB, UNAMA, UNIOSIL). SSR mandated tasks include: assisting national governments in conducting comprehensive reviews of the security sector (e.g. UNMIT); formulating a plan on or overall framework for the restructuring of the security forces/sector (e.g. BINUB, ONUB, UNOCI); developing a national security policy and architecture (e.g. UNMIL, UNOCI); restructuring national defence, particularly through the identification of relevant bilateral partners and the provision of training

support with emphasis on human rights, international humanitarian law, child protection and gender issues (e.g. BINUB, MONUC, UNMIL, UNOCI); restructuring of police and other internal security forces, particularly through training and technical advice in specialised areas such as cross-border policing, airport security, criminal intelligence, juvenile justice, etc. (e.g. BINUB, MONUC, UNIOSIL, UNMIL, UNMIT, UNOCI); strengthening the capacity of judicial and prison systems, again through training and technical advice (e.g. MONUC, UNMIL); support for democratic policing (e.g. MINUSTAH, ONUB); developing and reforming civilian management bodies such as the Ministry of Defence and the Interior, and related oversight mechanisms such as the Parliament, human rights office, inspector-general, etc (e.g. UNMIT).

The lack of SSR language in some mission mandates does not mean to say that these missions are not mandated to conduct SSR-related activities. On the contrary, three additional missions are implicitly mandated – without explicit reference to SSR – to conduct SSR-related activities (MINUSTAH, UNMIK, UNMIS). This also applies to five recently completed missions (ONUB, UNAMSIL, UNMISSET, UNOTIL, UNTAET). These tasks include: to assist national government in preparing a plan for the restructuring of the defence and security forces, including the armed forces, gendarmerie, police and intelligence services (e.g. UNOCI); establishing integrated national defence and internal security forces (e.g. ONUB); transferring skills and knowledge from the mission's military component to members of the national armed forces (e.g. UNMISSET); developing, reforming and restructuring national law enforcement agencies, particularly the police and gendarmerie, through mentoring, training, vetting and institutional capacity-building (e.g. MINUSTAH, ONUB, UNAMSIL, UNMIK, UNMIS, UNMISSET, UNOCI, UNOTIL); establishing, restructuring, reforming and strengthening judicial and correctional systems (e.g. MINUSTAH, ONUB, UNAMA, UNIOSIL, UNMIK, UNMIL, UNOCI); support for democratic policing (e.g. MINUSTAH, ONUB); supporting parliamentarians and civil society in oversight of the security sector (e.g. UNMIK, UNMIS).

In sum, although not all peace operations are mandated to support SSR, the mandates of such missions have routinely and increasingly included tasks related to security sector reform in post-conflict environments. To date, the majority of peace operations are only implicitly mandated to carry out SSR activities such as police reform or justice reform. However, explicit SSR-related terminology can increasingly be found in mission mandates, although it is not used consistently, even in the context of the same mission. The scope of SSR as defined in mission mandates varies

significantly, oscillating between quite narrow and more broader understandings of SSR.

### SSR Support Activities of Integrated Missions

On the ground, all missions under study carry out SSR-related activities, whether this is through policy and legal advice, technical assistance, providing mentoring or training support to national authorities, security institutions and, albeit rarely, to civil society. SSR activities conducted by missions can range from facilitation, coordination or outsourcing to direct implementation. The translation of SSR-relevant provisions in mission mandates results in a wide range of SSR-related activities on the ground, covering almost all dimensions of SSR. This includes (1) overarching activities such as security sector reviews as well as development of SSR strategies and national security policies; (2) activities aimed at rebuilding, restructuring and reforming national defence, police and other law enforcement agencies as well as judicial and prison systems; (3) activities aimed at strengthening civilian management and democratic oversight of security and justice institutions; (4) activities closely related to SSR in post-conflict settings such as DDR, SALW control, mine action and transitional justice; (5) activities related to cross-cutting concerns such as gender issues, child protection, etc.

**Table 1.4: SSR and Related Activities of UN Integrated Missions**

<b>(1) Overarching activities</b> (e.g. security sector reviews, needs assessments, development of SSR strategies and national security policies)		
<b>(2) Activities related to security and justice providing institutions</b>	<b>(3) Activities related to civilian management and democratic oversight</b>	<b>(4) SSR-related activities in post-conflict contexts</b>
<ul style="list-style-type: none"> <li>• Defence reform</li> <li>• Intelligence reform</li> <li>• Border security reform</li> <li>• Police reform</li> <li>• Justice reform</li> <li>• Prison reform</li> <li>• Other activities</li> </ul>	<ul style="list-style-type: none"> <li>• Executive management and control</li> <li>• Parliamentary oversight</li> <li>• Judicial review</li> <li>• Oversight by independent bodies</li> <li>• Civil society oversight</li> </ul>	<ul style="list-style-type: none"> <li>• DDR</li> <li>• SALW control</li> <li>• Mine action</li> <li>• Transitional justice</li> <li>• Other activities</li> </ul>
<b>(5) Cross-cutting activities</b> (e.g. gender equality, child protection)		

Activities such as assisting national authorities in the conduct of security sector reviews (e.g. UNMIK, UNMIT), the development of SSR strategies (e.g. BINUB, MONUC, ONUB) and the drafting of national security policies (e.g. UNMIL) are both new and the exception rather than the rule. The Internal Security Sector Review (ISSR) in Kosovo, initiated in 2005, was the first such undertaking by an integrated mission. Since then, a number of similar, comprehensive SSR review and strategy development exercises have been initiated by integrated missions (e.g. UNMIT). The recent involvement of UN missions in this kind of overarching SSR activity reflects an increasing appreciation by international and local stakeholders of the need for a holistic and strategic approach to SSR. It also indicates an area of SSR activity where the UN could develop a comparative advantage in the framework of its evolving common approach to SSR.

Activities aimed at rebuilding, restructuring and reforming national defence, police and other law enforcement agencies as well as judicial and prison systems account for by far the largest share of UN integrated missions' support for SSR. All of the missions explicitly or implicitly mandated to carry out SSR are active in this core area, with strong emphasis on police reform, followed by judicial reform, prison reform and, less so, defence and intelligence reform. Mandates in defence reform are few (e.g. ONUB, MONUC), and related support activities hardly go beyond the facilitation of policy dialogue (e.g. ONUB), assisting the Ministry of Defence to draft its sectoral reform policy (e.g. ONUB), the provision of training modules or actual training with emphasis on human rights and international humanitarian law (e.g. MONUC). There is at least one case where an integrated mission was marginally involved in intelligence reform by coordinating human rights training provided to intelligence officers (ONUB). Although externally-assisted defence and in particular intelligence reform still tends to be dominated by bilateral donors (under the rubriques of military cooperation or defence diplomacy rather than SSR), UN missions are increasingly mandated to assist host countries in defence reform, and it can therefore be expected that this area of SSR will gain in importance in missions' activities on the ground with resulting demands for specialised defence reform capacity at UN HQ.

Police reform constitutes the most substantive SSR-related activity assisted by UN integrated missions. Reforming or restructuring the police is one of the most consistent roles attributed to the UN, present in all peace operations which are implicitly or explicitly mandated to carry out SSR-related activities. This is reflected by the substantial headquarters (DPKO Police Division) and field (UNPOL) resources and capacity available for UN support to police reform, unmatched in any other SSR area the UN is

engaged in. The main form of UN support for police reform, provided by UNPOL, at times in cooperation with UNDP and the United Nations Office on Drugs and Crime (UNODC), is training for members of the national police force, by the provision of modules, curriculum development and different types of courses both at academies and as part of “in-service” training. Police training covers a wide range of topics such as human rights, gender, democratic policing, proportionate use of force, criminal investigation, public order policing, patrol procedures, road traffic control and specialised training for judicial police and border police. Beyond training, UNPOL support to police reform includes a variety of tasks such as assisting the government in drawing up a sectoral reform plan, advising senior police management on the reorganisation of police structures, the development of standard operating procedures, vetting and certification of personnel, monitoring and mentoring police officers, and supplying police equipment through UNDP-administrated funds. Finally, in some missions (e.g. MINUSTAH, UNMIK), UN police capacity may be co-located with the national police so as to encourage a steady transfer of knowledge, although this practice is sometimes constrained by the lack of UNPOL officers (e.g. MINUSTAH), or the proportionately low number of UNPOL officers when compared to the size of the host country (e.g. MONUC).

Judicial reform is an area that the UN is often engaged in, but that is particularly difficult to support due to the unwillingness of some host governments to address the issue, or to the multitude of tasks and actors involved. Nonetheless, all countries under study have engaged in judicial reform, mostly in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNDOC, UNDP or the UN peacekeeping mission on the ground. The mission’s support to justice reform takes a variety of forms, including technical assistance to ministries to draw up a justice system reform plan (e.g. MINUSTAH), to review existing or draft new legislation such as a penal code (e.g. MONUC, ONUB); training of judges and other national justice sector officials (e.g. MONUC, and to a limited extent, MINUSTAH); facilitation of the deployment of judges (e.g. MONUC, UNMIK); and mentoring across the justice sector (e.g. MINUSTAH, MONUC). Although prison reform is often mentioned in tandem with justice reform in mission mandates (e.g. MINUSTAH, MONUC), it is an area that has tended to receive less attention than judicial reform. Where integrated missions were active in prison reform, they focused on their mentoring role in the prison sector (e.g. MONUC) and the provision of technical assistance to the relevant agencies in drafting strategic reform plans for that sector (e.g. MINUSTAH). In the case of Kosovo, UN

support for prison development has been one of UNMIK's most successful SSR programmes.

Few mission mandates make specific mention of governance-related SSR activities that are aimed at strengthening the capacity for civilian control and democratic accountability. At most, mandates make broad references to assisting the reform of the police "consistent with democratic principles" (MINUSTAH) or "while ensuring that they are democratic and fully respect human rights and fundamental freedoms" (MINUSTAH, ONUB). Or, mandates generally call for the fostering of principles of democratic governance, although without specific reference to the security sector or its component parts (e.g. MINUSTAH). The fact that issues of security sector governance are rarely reflected in mandates implies that the missions can hardly be expected to undertake this as a priority. Moreover, even when support for civilian management and democratic oversight is implicitly mandated, it is questionable to what extent the activity will be implemented in the field when funding is lacking for core capacity-building activities. This is further aggravated by a general lack of understanding amongst both national stakeholders and UN staff of civilian management and democratic oversight and its key role in the SSR process. Consequently, supporting management and oversight bodies has often been approached by missions on an *ad hoc* basis and therefore not linked to the goals of the broader SSR concept. For example, some missions supported the establishment or strengthening of oversight bodies within ministries or security forces, such as general inspectorates for the police (e.g. MINUSTAH, ONUB). In all missions under study, negligible attention was granted to the development of parliamentary or civil society oversight mechanisms for the security sector. Support to strengthening the capacity of legislatures or civil society actors such as media and NGOs is generally provided by UNDP, albeit rarely with specific focus on the security sector.

All UN integrated missions examined undertake some form of SSR-related activity aimed at addressing the legacies of conflict such as support for DDR, SALW control, mine action or transitional justice. This does not come as a surprise given that integrated missions operate in post-conflict settings. The SSR-related activity that is most supported by UN peacekeeping missions is DDR; however, the extent of the UN's involvement in DDR varies according to the country context – variations ranging from missions playing a direct role in administering parts of a DDR programme (e.g. MINUSTAH), or coordinating between its military component and other, national or international, key actors (e.g. ONUB). UN support for DDR programmes is mostly closely linked with SSR initiatives, as evidenced by the integration of SSR capacity in the DDR component of a



mission (e.g. MONUC until 2006, ONUB). Other SSR-related activities that are regularly supported by UN integrated missions, albeit not under an overarching SSR umbrella, include SALW initiatives such as arms collection (e.g. UNMIK), monitoring cross-border arms trafficking (e.g. ONUB), mine action (e.g. MONUC, UNMIK) and transitional justice initiatives (e.g. ONUB). The most active agency within the UN family is UNDP when it comes to SSR-related activities such as DDR, small arms control, mine action and transitional justice, with the peacekeeping mission's relevant units and other UN entities – such as OHCHR in the area of transitional justice, the United Nations Children's Fund (UNICEF) in the areas of DDR and mine action, and the United Nations Mine Action Service (UNMAS) – playing a secondary role.

As stated by UN Security Council Resolution 1325 (2000), gender mainstreaming is a key cross-cutting activity. This also applies to SSR. Although mission mandates do not explicitly link gender concerns with SSR tasks, the extent to which gender issues are mainstreamed into SSR activities on the ground still largely depends on the level of cooperation between the gender section and the various entities of the mission involved in such activities. This cooperation tends to be greater with those entities that work on more established SSR and SSR-related activities, police reform and DDR in particular. Indeed, the type of SSR support activities with a strong gender component include general gender training for police (e.g. MINUSTAH, MONUC, UNMIL), specific training for police staff handling victims of sexual violence (e.g. ONUB), the deployment of UNPOL gender focal points in police stations to check that women are fairly treated (e.g. MINUSTAH), awareness-raising for the proper treatment of female combatants (e.g. ONUB), designing gender material to be distributed to former combatants (e.g. MONUC).

In sum, the UN's SSR assistance in the framework of integrated missions covers the whole range of SSR support tasks, with activities aimed at rebuilding, restructuring and reforming police and other law enforcement agencies accounting for the lion's share. Justice and, less so, prison reform is also regularly addressed but rarely in the context of SSR. Partly due to the short term mandates provided by the Security Council, there is a tendency for integrated missions to concentrate on the short-term need for a rapid capacity build-up for security and justice institutions to dominate over security sector governance concerns, leaving important oversight and control issues under-addressed. This is, and although the integrated mission concept is set to improve this, breaking away from a short term focus is proving to be difficult. Among the SSR-related activities in post-conflict settings, DDR is the one most closely linked to the SSR support provided by integrated

missions, while cross-cutting activities such as gender mainstreaming are still rarely part of, or at least linked to, integrated missions SSR programmes.

### **United Nations' SSR Support Capacities**

According to the 2006 Inventory of UN Capacity in Peacebuilding,<sup>14</sup> the overall capacity of the United Nations in supporting SSR in Member States remains limited and in the case of specialised defence reform capacity is practically non-existent. More substantive capacity is available in the area of transitional justice, judicial and legal reform and prison reform although even in this area human resources capacity was found to be modest, especially at headquarters. Where SSR and related capacity exists, however, the mapping exercise concluded that it remains highly fragmented, dispersed and poorly coordinated.

At the Headquarters level, a number of UN organs, departments, programmes, funds and specialised agencies address a variety of SSR issues. The 12 entities identified by the Inventory as having some capacity in the broad area of security and justice reform are the Department of Political Affairs (DPA), DPKO, OHCHR, the Office of Legal Affairs (OLA), the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNDP, the United Nations Population Fund (UNFPA), the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC), UNICEF, the UN Development Fund for Women (UNIFEM), UNODC, and the UN Office for Project Services (UNOPS). Other entities such as UNHCR or the PBSO may also be included in this list. Although these entities are considered to be active in the field of SSR, their respective capacities are limited as none is competent over the full spectrum of SSR activities. Moreover, the SSR-related capacity of most is rather marginal. The bulk of SSR support is provided by DPKO, particularly its Police Division, and UNDP both at headquarters level and in the field.

The increasing focus on the security and justice system as a locus of UN endeavours in post-conflict contexts and, more specifically, the growing number of requests from the field for guidance and support from headquarters have recently resulted in a number of initiatives within UN entities as well as at the inter-agency level. This includes the creation of specifically dedicated units at headquarters, including DPKO's Criminal Justice and Judicial Advisory Unit (CLJAU), UNDP/BCPR's Justice and Security Sector Reform (JSSR) Unit, OHCHR's Rule of Law and Democracy Unit, and, most recently, the integration of DPKO's police, judicial, corrections, DDR, mine action and fledgling SSR capacity under the

Office of Rule of Law and Security Institutions. In the area of the rule of law, there is also a small Rule of Law Assistance Unit which was created to support the Rule of Law Coordination and Resource Group, and reports directly to the Office of the Deputy Secretary-General.

At the inter-agency level, a DPKO-led inter-agency working group on SSR was established in late 2006 to submit options to the Secretary-General and his Policy Committee in early 2007 for a common UN approach to SSR. This resulted in the recommendation by the Policy Committee to establish an inter-agency SSR support unit, administratively based in DPKO to serve as a system-wide focal point and technical resource.<sup>15</sup> An inter-agency SSR Task Force was created to manage the support unit. This Task Force is co-chaired by DPKO and UNDP, and aside from having been given a coordinating role, is mandated to draft the Secretary-General's report on UN approaches to SSR requested by the General Assembly's Special Committee on Peacekeeping Operations in 2007. Despite such focus and attempts to enhance UN-wide arrangements for supporting SSR capacity, a common UN approach to SSR is yet to be articulated while coordination at both headquarters and mission levels remains informal and ad hoc.

On the ground, there is a lack of dedicated SSR capacities. Only three current missions have a SSR or joint DDR/SSR section or unit (BINUB, MONUC, UNMIT) and in all three cases these are of very recent origin; the SSR entities of both MONUC and UNMIT were established in August 2006, and BINUB's in January 2007. Apart from these three current missions, one completed mission had a similar structure in the form of a joint DDR/SSR section (ONUB). In most missions, however, there has been no dedicated section, unit or focal point for SSR, but rather support for SSR and related activities has been compartmentalised across the different components and sections – often placed under separate DSRSGs – dealing with police, DDR, justice, human rights, gender issues or political affairs. The case of MINUSTAH serves as an illustration because the Justice Section, UNPOL and Human Rights are under the Office of the Principal DSRSG whereas DDR, the Gender Unit and Child Protection are placed under the Office of the DSRSG (RC/HC) responsible for humanitarian and development issues. The situation was very similar within ONUB where the DDR/SSR unit was under the office of the Principal DSRSG, whilst the human rights section and the gender unit were under the DSRSG (RC/HC). Even in the few cases where dedicated SSR structures exist, other mission components such as UNPOL (e.g. MONUC, ONUB), the rule of law unit (e.g. MONUC), the DDR section (e.g. MONUC), human rights and gender sections (e.g. ONUB) would carry out additional SSR and related activities separately. UNMIT constitutes an albeit partial but notable exception to the

rule in the sense that the DSRSG for Security Sector and Rule of Law is responsible for (almost) all mission components involved in SSR and related activities: security sector support, human rights and transitional justice, administration of justice support, police and military.

The paucity of dedicated SSR capacities on the ground is also illustrated by the very small minority of all staff located in field missions that are actually dedicated to SSR. A number of SSR-specific posts have been budgeted in missions with a dedicated SSR unit, for example, ONUB (seven posts) and UNMIT (eight posts). On the other hand, in missions which lack a dedicated SSR structure, a significant number of staff from different components and sections are involved in SSR-related activities. This holds particularly true for UNPOL personnel engaged in the mentoring and training of national law enforcement agencies. Civilian experts involved in judicial and prison reform or human rights training for security forces would also fall into this category. At the same time, UN peacekeeping missions are often understaffed in this key area of post-conflict peacebuilding. Moreover, the human resources capacity in place for conducting SSR does not always correspond to the necessary skills required, particularly concerning training, management or language expertise. This, however, is also a weakness of personnel-contributing Member States as much as of the UN itself. Even when the adequate number of staff are in place, the short duration for which they serve (usually not more than 11 months) and the consequent loss of institutional memory is another limitation of missions' SSR support capacity.

In terms of financial resources, peacekeeping missions rely on assessed contributions which only provide for human resources within the mission. This means that they have difficulty funding SSR support projects which are not covered by the assessed budget. One way to circumvent this under current frameworks – other than through the trust funds through which assistance can be provided<sup>16</sup> – is through Quick Impact Projects (QIPs) designed to be small-scale, low-cost projects with a discernable impact on urgent community needs. However, SSR activities often do not qualify for QIPs given the requirement to demonstrate direct benefits for the local population.<sup>17</sup> In contrast to peacekeeping operations, UN programmes, funds and specialised agencies are able to fundraise for their projects. This holds particularly true for UNDP which can mobilise donor funds for SSR in the field. On the other hand, UNDP too faces constraints in supporting SSR and related activities as it is responsible to development donors, who are often cautious about providing support to certain aspects of SSR, especially rebuilding and restructuring of armed forces which is considered a politically sensitive topic, particularly from an ODA perspective.

In sum, the UN's overall SSR capacity remains limited and is practically non-existent in certain areas of SSR such as defence reform. Where SSR capacity exists, it remains highly fragmented, dispersed and poorly coordinated although, not least as a result of demand from the field, a number of initiatives to improve the UN system's SSR capacity have recently been launched at the headquarters level. DPKO, particularly its Police Division, and UNDP are those two entities with the largest capacity to support SSR and related reform activities in the field. Both entities also play a key role in the recently launched inter-agency process to elaborate a common UN approach to SSR. At field level, most missions lack a dedicated unit or focal point for SSR; support for SSR and related activities tends to be compartmentalised across the different components and sections – often placed under separate DSRSGs.

### **The Case Studies: Burundi, the DRC, Haiti and Kosovo**

In the evolution from traditional “first generation” peacekeeping to complex and multidimensional operations with immediate peacebuilding tasks included in their mandates, UN field missions have, in recent years, gained significant experience in supporting the rebuilding, restructuring and reform of the security sectors in host countries. This is illustrated by the growing number of cases where the Security Council includes references to SSR, explicitly or implicitly, in mission mandates. On the ground, missions are engaged in a widening array of support activities related to SSR. At the same time, the overall capacity of the United Nations in supporting SSR in Member States remains limited.

For the purpose of identifying key lessons and developing policy recommendations for future UN engagement in this area, the following part of this volume examines the experience of four integrated missions engaged in SSR in Burundi, the DRC, Haiti and Kosovo. These four missions were selected as case studies on the basis of a set of criteria which included the need for: (i) the mission to have an explicit or implicit mandate for SSR-related tasks; (ii) the mission to be ongoing in order to facilitate field research; (iii) substantive UN involvement in supporting SSR in the country concerned; and, (iv) a range of different challenges present on the ground in order to constitute a representative sample. The case studies are based on desk research and semi-structured interviews with approximately 300 people (see annexes of chapters 2-5). The interviews were conducted at both UN headquarters in New York and in the field during research missions to

Burundi, the DRC, Haiti and Kosovo in the period between November 2006 and February 2007.

These country-specific chapters follow the same structure in order to provide a comparative view of the UN's involvement in SSR through integrated missions. The chapters first introduce the context and status of SSR before presenting the history, mandate and overall experience of the mission under study in supporting SSR. Each case study chapter then identifies lessons and proposes recommendations for integrated missions' engagement in SSR in the areas of strategy, planning, capacities, cooperation, coordination and communication. The broader lessons drawn from these case studies, with related recommendations, are summarised in Chapter 6.

## Notes

- 1 UN Security Council open debate on "Maintenance of international peace and security: role of the Security Council in supporting security sector reform". See: Statement by the President of the Security Council, 21 February 2007, S/PRST/2007/3\*.
- 2 Report of the Special Committee on Peacekeeping Operations and its Working Group (C-34 Report), 23 May 2007, A/61/19, para. 145.
- 3 The DAC's reference to security *system* reform is meant to reflect the multi-sectoral nature of the security and justice system and, in particular, to underline the fact that the security system is not limited to the armed forces or the defence *sector* only.
- 4 Relevant OECD DAC documents such as *Security System Reform and Governance – DAC Guidelines* (2005) available at: [http://www.oecd.org/document/33/0,3343,en\\_2649\\_34567\\_33800289\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/33/0,3343,en_2649_34567_33800289_1_1_1_1,00.html).
- 5 It must be noted that reforms aimed solely at modernising and professionalising the security forces and thereby increasing their capacity without ensuring their democratic accountability are not consistent with the popular notion of the SSR concept.
- 6 The *OECD DAC Handbook on Security System Reform* (2007) includes a substantive chapter (pp. 112-234) on implementing SSR sector by sector, including, among others, defence reform, intelligence and security service reform, integrated border management, police reform, justice reform, and prison reform. Available at: [http://www.oecd.org/document/6/0,3343,en\\_2649\\_34567\\_37417926\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/6/0,3343,en_2649_34567_37417926_1_1_1_1,00.html).
- 7 UNDPKO, *Note of Guidance on Integrated Missions*, 17 January 2006. Available at: [http://altair.undp.org/documents/8039-SG\\_s\\_Note\\_of\\_Guidance\\_on\\_Integrated\\_Missions\\_Feb\\_2006.pdf](http://altair.undp.org/documents/8039-SG_s_Note_of_Guidance_on_Integrated_Missions_Feb_2006.pdf).
- 8 See: Susanna Campbell, Anja Kaspersen and Erin Weir, *Integrated Missions Revisited: Synthesis of Findings*, Background Note prepared for the High Level Conference on Multidimensional and Integrated Peace Operations, Oslo, 29-30 October 2007.
- 9 See: Espen Barth Eide, Anja Kaspersen, Randolph Kent and Karen Von Hippel, *Report on Integrated Mission: Practical Perspectives and Recommendations*, UN ECHA Report, May 2005.
- 10 An Integrated Office comprises the activities of the UN Country Team and is headed by an Executive Representative of the Secretary-General, acting as the United Nations

Resident Coordinator, Humanitarian Coordinator, UNDP Resident Representative and Designated Official for Security.

- 11 An Integrated Mission Task Force is a joint working group which facilitates mission planning and coordination amongst different UN entities at headquarters level.
- 12 Although the United Nations Mission in Nepal (UNMIN) is mandated to “monitor the management of arms and armed personnel of both sides, in line with the provisions of the Comprehensive Peace Agreement”, the mission has not been included in the sample of cases examined in this report. This is because at this early stage of the peacebuilding and recovery process, a formal platform for SSR programming has not yet been established in the country.
- 13 An electronic collection of peace agreements is available at:  
<http://www.usip.org/library/pa/>.
- 14 Executive Office of the Secretary-General, *Inventory: United Nations Peacebuilding Capacity*, United Nations, June 2006. Available at:  
[http://www.undp.org/cpr/iasc/content/docs/Oct\\_Links/doc\\_4.pdf](http://www.undp.org/cpr/iasc/content/docs/Oct_Links/doc_4.pdf).
- 15 The recommendation of the Secretary General’s Policy Committee still needs to be approved by the General Assembly.
- 16 For example, MONUC obtained US \$52 million for support for police reform in 2006.
- 17 A small exception to the rule was ONUB’s DDR/SSR unit which was able to access one QIP of a modest US \$25,000 in order to fund the preliminary infrastructure works for the training facility for the National Defence Force.





PART II  
CASE STUDIES



## Chapter 2

# ONUB and the Importance of Local Ownership: The Case of Burundi

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### **Introduction**\*

Burundi's impressive transition from a country torn apart by nearly a decade of conflict to a state having undergone democratic elections in 2005 has raised a great deal of optimism on the post-conflict future of the country. Nonetheless, although progress has been made to alleviate security concerns,<sup>1</sup> the political and human rights situation of the country remains fragile and the security situation tense. In this context, security sector reform (SSR) is considered to be of key importance for consolidating the gains achieved so far.

To this effect, several international actors have been involved in efforts to assist the government of Burundi in implementing SSR, including the United Nations (UN), the World Bank, bilateral donors, and several non-governmental organisations (NGOs). The sheer number of actors involved in SSR in Burundi, coupled with the inherent challenges the UN faces in its work in post-conflict situations, begs the question of to what extent the UN holds a comparative advantage in relation to the other actors engaged in SSR in the country – other than in terms of the legitimacy it is granted by a Security Council mandate. This chapter endeavours to answer this question by examining the role the UN has played in SSR to date, and suggests that one of the most important roles attributed to the UN in this case has resided in the coordination of SSR efforts within the country. When discussing the role of the UN, we intend to include the different entities of the UN system engaged in SSR on the ground. However, particular attention is given to the UN peacekeeping mission, *l'Opération des Nations Unies au Burundi* (ONUB) by virtue of its specific mandate to address SSR issues in conformity with the Arusha Accords of 2000.

This chapter is based on a collection of primary and secondary sources, and relies heavily on about 50 interviews carried out during a two-

week field mission to Burundi in December 2006.<sup>2</sup> Interviews were held with key representatives of the UN peacekeeping mission, UN country staff, representatives of civil society, the World Bank, bilateral donors, the Burundian Armed Forces and the National Police. Of particular importance were the interviews carried out with the Minister of Defence, the Minister of Interior, the President of the Defence and Security Commission of the National Assembly and with the Executive Secretary of the National DDR Commission.

This chapter will begin with a brief background to the current situation in Burundi, addressing socio-economic, political and security issues, and will then present an overview of the current status of SSR in the country. Then the role the UN has played in the SSR efforts in the country will be discussed. This is followed by an overall assessment of the UN's role in SSR in Burundi; it will be argued that despite the many commendable efforts of the UN, opportunities were lost to further the SSR agenda. Finally, a set of policy recommendations will be advanced addressing both more general and specific recommendations, directed both at UN headquarters and at field level.

## **Context for Security Sector Reform**

### *(Post-)Conflict Context*

Ethnic conflict between the Tutsi minority and the Hutu majority has marked a large part of Burundi's history. The post-colonial period of instability began with the overthrow of the monarchy in 1966 and the seizure of power by the Tutsi minority. This was the first step towards the emergence of severe ethnic rivalry that dominated the history of the country and resulted in multiple coups and massacres throughout the years. The recent conflict opened on 21 October 1993 with the murder of President Melchior Ndadaye during an attempted coup, plunging the country into another civil war that temporarily ended with a power-sharing agreement between Hutus and Tutsis signed in January 1994. A new spiral of violence emerged with the death of the Burundian President Cyprien Ntaryamira and the Rwandan President Juvénal Habyarimana in an air crash on 6 April 1994. The genocide that resulted in neighbouring Rwanda further exacerbated the intra-community tensions in Burundi and led to close to a decade of fighting.

The negotiations in Arusha organised by the Tanzanian president led to the Arusha Accords in August 2000 and opened a period of tense transition due to the political blockages over the designation of the president

and the ongoing military confrontations between rebel movements. The transition only really started in November 2001 following the adoption of the transitional constitution. Nonetheless, this period remained unstable due to the continued fighting between the *Forces Nationales pour la Libération* (FNL) and the *Forces de Défense de la Démocratie* (FDD), the two main Hutu rebel movements not yet integrated in the transitional process. The political landscape only improved with the signature on 8 October 2003, of a power-sharing agreement between the Government of Transition and the FDD. This agreement provided the foundations for the launch of a democratisation process which led to the adoption of a new constitution on 28 February 2005, parliamentary elections and the election of a new president. Following a large election victory for the *Conseil National pour la Défense de la Démocratie/Forces de Défense de la Démocratie* (CNDD/FDD), FDD leader Peter Nkurunziza took office as president on 26 August 2005.

Despite the success of the elections, the political climate in the country has remained tense, a testimony to the fragility of the new democratic institutions. This tense climate can be perceived through the political turmoil over an alleged coup plot by former senior government officials and senior army officers in June 2006 which contributed to strong distrust between the different political parties and the government. The same suspicion also prevails between the government and the media since numerous journalists were arrested and incarcerated for having leaked information questioning the authenticity of this coup plot, and repeated harassment of journalists by members of the national security forces has been reported. These incidents suggest that the situation remains fragile and that threats to the process of peace consolidation persist – particularly as the landslide victory of the CNDD/FDD gives the party full control of the country's institutions and the ability to interpret the constitution and provisions of the Arusha Accords.<sup>3</sup>

There have been encouraging developments in the course of 2006 such as the signing of a Comprehensive Ceasefire Agreement between the national government and the Hutu-dominated FNL rebels led by Agathon Rwasa on 7 September 2006. Implementation of the agreement has been delayed, however, which further aggravated the situation in terms of the risk of renewed fighting between the FNL and members of the national security forces as well as with a non-signatory FNL faction led by Jean Bosco Sindyigaya. The ceasefire with the FNL is obviously fragile and several months after the signature of the agreement the members of the rebel group have as yet not been demobilised. At the time of writing, there were also reports circulating in the national press that the political party in power had

been handing out weapons to civilians,<sup>4</sup> further aggravating the security situation in the country. In this context, the high rates of sexual violence in Burundi also reflect the breakdown in social norms, as well as the problems in the functioning of the law enforcement and judicial institutions.<sup>5</sup>

Apart from the fragile security situation, Burundi is characterised by extreme poverty. The latest Human Development Index figures rank Burundi 169<sup>th</sup> out of 177 countries,<sup>6</sup> placing it as one of the poorest countries in the world. Moreover, with a population of about 7.3 millions, more than 50 per cent of the population is under 18.<sup>7</sup> The problem of population density and scarcity of cultivable land is another potential cause of conflict, and will have an impact on the stabilisation and security of the country. In particular, the socio-economic context has been identified as a factor that has led to members of the security forces committing acts of banditry that provide them with temporary solutions for their everyday needs.<sup>8</sup> Another socio-economic problem – closely linked to SSR and to the reintegration aspect of Disarmament, Demobilisation and Reintegration (DDR) in particular – is the return of ex-combatants and refugees to insufficient land for their agricultural needs.

#### *Status of Security Sector Reform*

SSR in Burundi is linked to the specificity of the post-conflict situation, and in particular, to the power-sharing arrangements devised in the Arusha Agreements of 28 August 2000 which laid down the foundations for the reform of Burundi's security sector, and established the principles that were to govern the new Burundian National Defence and Security Forces, the National Police of Burundi and the General Intelligence Service. The agreement stipulated that not more than 50 per cent of the Defence and Security Forces and the police would be drawn from any one ethnic group. The Forces Technical Agreement of 16 November 2003 provided detailed arrangements, including the condition that the CNDD/FDD would make up 40 per cent of the senior officer corps, and that its share in the rank and file would be determined by the size of its forces once cantoned.<sup>9</sup>

Despite the signing of the Arusha agreements in the year 2000, the SSR process was delayed by widespread fighting and only really took off from November 2003 with the signing of the ceasefire agreement with the major rebel faction, the CNDD/FDD.<sup>10</sup> However, as in most countries emerging from years of conflict, several problems persist, particularly the lack of democratic oversight and accountability of the security and justice providers. The justice system remains weak and characterised by interference from the executive. Corruption, and lack of professionalism in

the army, the police, and the intelligence services has since been denounced by several international and local think tanks. In particular, the members of the various security agencies have been accused of contributing to the state of insecurity by violating human rights, committing acts of banditry, and the intelligence agencies have been accused of acting as the government's executioner. As late as June 2006, a UN Secretary-General report on ONUB stated that there had been only "limited progress in the area of security sector reform".<sup>11</sup>

The electoral process of 2005 provoked an upheaval of the political landscape as one party, the CNDD/FDD, was put in control of all the national institutions. Following its establishment, the newly-elected government had to face numerous challenges to strengthen its authority over the country, install the new administration, and draft and adopt key national legislation. In this context, the decisions linked to SSR were often considered of secondary importance compared to the serious financial difficulties faced in a country where economic activity had been devastated by years of war. During 2006, the government had granted priority to the social sphere, including health, education and other areas included in the poverty reduction plan.

Despite the fact that SSR got off to a slow start, by December 2006, progress had been made by the government in the implementation of the Arusha Accords. In particular, the army and the police had been largely integrated, and the DDR process was moving forward. On the whole, Burundi has succeeded in establishing functioning security forces, although it is questionable whether they can be considered viable security forces in the sense of a public service provider that provides equal access to all; and much the same can be said for the justice system. The Burundian authorities openly admit to their needs in terms of financial and logistical support (e.g. for building barracks, and for specialised training, particularly in the area of human resource management to improve overall management structures).

There are numerous international actors engaged in Burundi that provide support to SSR. For example, Belgium has provided technical and operational support for both the Burundian National Police and the National Defence Forces. France has also provided support for both institutions through the rehabilitation of the Superior Institute of the Police in Bujumbura (for which a technical adviser was deployed), the training of officers in French or African military schools, and the rehabilitation of the "Ecole des Metiers" in the province of Muyinga. The Netherlands has also provided direct support such as the delivery of equipment (trucks and communications assets), and the construction of training infrastructures and of 17 police stations. In addition to the work of the bilateral donors, several

specialised NGOs or international organisations have also been involved in the human rights and judicial domain, such as, Avocats sans Frontières, Réseau Citoyen Network, ICRC and Penal Reform International, to name only a few.

## **United Nations Operation in Burundi (ONUB)**

### *History*

The Global Ceasefire Agreement that was signed between the transitional government and the CNDD/FDD in late 2003 stated that the agreements of the peace process would be implemented by the African Mission in Burundi (AMIB), the Implementation Monitoring Committee and the Joint Ceasefire Commission (JCC)<sup>12</sup>. In February 2003, the African Union authorised the deployment of a 2,800-man force composed of South African, Ethiopian and Mozambican contingents with the following main tasks: (1) to ensure the liaison between the belligerents; (2) to verify the implementation of the agreement provisions; (3) to facilitate the activities of the JCC; (4) to facilitate the movements of the combatants to the assembly areas; and (5) to support DDR activities. The JCC was responsible for planning the cantonment and training of the *Forces de Défense Nationale* (FDN), and for the DDR process.

AMIB was successful in paving the way for the UN mission, as the parties to the agreements were committed to the process.<sup>13</sup> Consequently, in order to support the peace process, the UN Security Council authorised the deployment of a peacekeeping mission in May 2004, the *Operation des Nations Unies pour le Burundi* (ONUB), for an initial period of six months in order to assist Burundi in restoring lasting peace and achieving national reconciliation as outlined in the Arusha Accords.<sup>14</sup> This mission replaced the existing United Nations Office in Burundi (UNOB) which was established in 1993 to support peace and reconciliation. ONUB had an authorised strength of 5,650 military staff – including 2,600 members of the former AMIB – and 120 UN police officers. ONUB's mandate was regularly extended up until June 2006 when Resolution 1692 prolonged it to 31 December 2006.<sup>15</sup> Security Council Resolution 1719 of 25 October 2006 replaced ONUB with the United Nations Integrated Office in Burundi (*Bureau Intégré des Nations Unies au Burundi*/BINUB) which started on 1 January 2007. BINUB is a DPKO-led peacebuilding support mission and includes an integrated SSR and small arms and light weapons (SALW) section, composed of both DPKO and UNDP staff.



*Mandate*

On 21 May 2004, the UN Security Council adopted Resolution 1545 which authorised the deployment of a peacekeeping operation in Burundi.<sup>16</sup> Resolution 1545 granted ONUB a broad mandate which comprised a series of SSR-related activities, including (1) assistance to DDR, (2) monitoring of small arms trafficking, (3) assistance to the Transitional Government in carrying out “institutional reforms as well as the constitution of an integrated national defence and internal security forces and, in particular, the training and the monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms”, (4) assistance with judicial reform, and (5) support to the extension of state and police authority across the country. The Security Council subsequently extended this mandate in 2005 to also include support for a truth and reconciliation commission.<sup>17</sup>

In addition to the specific-SSR related tasks mandated in Resolution 1545, the Security Council requested the mission to support the relevant provisions of the Arusha Accords. This peace treaty sets out a governance-centred conception of SSR that spans multiple treaty texts. For instance, Protocol III of the Arusha Accords calls for the defence and security forces to be representative of the population, accountable, under parliamentary and civilian control, and to respect human rights.<sup>18</sup> The Pretoria Protocol on Political, Defence and Security Power Sharing, signed in October 2003, also sets out the repartition procedure for the new armed forces, fixing percentages of corps members for both the government and the opposition in the military, the police and the intelligence services.<sup>19</sup>

*Structure*

At the time of ONUB, the Burundi UN Country Team was comprised of representatives of the United Nations Development Programme (UNDP), the Food and Agriculture Organisation (FAO), the Office of the High Commissioner for Human Rights (OHCHR), the World Health Programme (WHO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Refugee Agency (UNHCR), the United Nations Children’s Fund (UNICEF), the World Food Programme (WFP), the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and the World Bank. The mission was headed by a Special Representative of the Secretary-General (SRSG), and was composed of a total of 12 sections, offices or divisions. The DDR/SSR section was placed under the office of

the Principal Deputy SRSG, alongside CIVPOL, Political Affairs Section, Communications and Public Information Section, Electoral Assistance Section, and Rule of Law and Civil Affairs Section. The Office of the Deputy SRSG (Resident Coordinator/Humanitarian Coordinator) headed the Child Protection Unit, the HIV/AIDS Unit, Gender Unit, Human Rights Section, Mine Action Service, QIPS Unit, OCHA, as well as the UN agencies, funds and programmes (see organigramme of February 2005 in Annex A). Consequently, the sections or offices directly involved in the SSR process were placed under two separate DSRSGs.

### *Vision for SSR*

ONUB derives its vision for SSR from Security Council Resolution 1545 which sets out the mission's mandate. SSR does not figure in the mission mandate as a coherent and holistic approach. The term 'SSR' was not used in the resolution, instead, the mandate only refers to "institutional reforms", "the constitution of the integrated national defence and internal security forces", or the "training and monitoring of the police".<sup>20</sup> In this sense, the UN Security Council has taken on a piecemeal approach to SSR, rather than a holistic one. Despite the vision set out in the mandate, the DDR/SSR unit of ONUB initially attempted to take a comprehensive approach to SSR that integrated police, defence and intelligence reform. This was subsequently re-oriented due to the concerns of the Burundian government.

DDR is also an activity that appears consistently throughout the mandate, and ONUB is mandated to carry out the disarmament and demobilisation portions of the national programme of DDR. This is reflected in the composition of the unit that was created within the mission to deal with SSR. Not surprisingly, the DDR/SSR section has focused its efforts on a rather narrow approach of the SSR process, often limited to the re-establishment of the military and police structures and capacities. Support to judicial reform or to the oversight and management of the security sector was not a part of the DDR/SSR unit's core vision for SSR.

The wording of the mandate suggests that ensuring the respect of the ceasefire agreements, and supporting the electoral process are two of the most prominent activities of the mission, although SSR gained a more prominent role in the context of the UN involvement in Burundi when it was recently identified by the Peacebuilding Commission as one of the three key priority areas for peacebuilding support to the country.<sup>21</sup>

## Experience of ONUB in SSR

The experience of the DDR/SSR unit in SSR was summarised by one staff member as mainly consisting of relationship-building with the Burundian police, army and intelligence services, relationship-building with the international community, and the coordination of the international community's assistance to security sector reform.<sup>22</sup> Indeed, the majority of SSR activities undertaken by the UN in Burundi fell under the category of facilitation, and in particular, policy advice or coordination of SSR activities. However, other functions such as training or logistical support were also provided. The following section examines the efforts the UN has made in the different areas of SSR, in particular, army reform, police reform, intelligence reform, justice reform, DDR, SALW, cross-cutting issues and oversight of the security sector.

### *Security and Justice Service Delivery*

#### Defence Reform

The reorganisation of the *Forces Armées Burundaises* (FAB) was determined by the provisions of the Arusha agreement and figures in the Constitution of the Republic of Burundi of 18 March 2005.<sup>23</sup> The Pretoria Protocol of 2003 outlines the composition of the Burundi National Defence Force (FDN), and calls for the integrated General Staff and the Officer Corps to be composed of 60 per cent from the government armed forces and 40 per cent from FDD rebels.<sup>24</sup> By May 2005, the FDN had become a fully integrated army (according to the provisions of Arusha) through direct integration whereby all ex-combatants respecting the necessary conditions were taken directly from cantonment sites to military units. At the end of 2006 the FDN had a strength of just over 27,000 persons (which is still to be reduced to 25,000) and is generally considered as an ethnically-balanced force. However, notable problems persist, including claims that several elements of the FDN carry out human rights violations, and lack professionalism. The latter is linked to an absence of common education and training amongst the lower ranks and officers, as well as problems such as low salaries and a lack of basic logistics. This has a negative impact on the perception of insecurity as the military is very visible in the streets of the capital and patrols in large groups which are intimidating to the local population. At times it is difficult to distinguish the army from the police, and cases have been reported where an officer wears the equivalent of a police uniform on the bottom and the army uniform on the top. This is

problematic given that the roles of each security force should be clearly defined and obvious to the population.

Within the UN, ONUB has contributed the most support to the creation of the FDN, by working through the Joint Ceasefire Commission to facilitate the implementation of the different provisions of the Arusha Agreement and by providing security and logistical support. The work of the DDR/SSR unit has mostly been limited to the facilitation of policy dialogue. For instance, the DDR/SSR unit supported the Ministry of Defence in the drafting of its sectoral policy, which culminated with the 'Politique Sectorielle du Ministère de la Défense Nationale et des Anciens Combattants 2006-2010', of June 2006. Furthermore, during 2005, the DDR/SSR unit helped the Burundian authorities to prepare for their work with the International Monetary Fund (IMF) and the World Bank on the budget envelopes for the Ministry of the Interior and Defence. This involved working with the International Financial Institutions on identifying opportunities for strengthening the governance aspects of defence reform. In particular, it entailed examining whether the payroll of the armed forces reflected the size of the actual force, as there were allegations of corruption linked to the fact that people on the payroll were said to be deceased.<sup>25</sup> The outcome of these efforts was that Burundi was entitled to preliminary debt relief under the initiative for Highly Indebted Poor Countries.

### Police Reform

Until 2004 there was no national police service per se in Burundi, but different policing services were in place with a total of approximately 2,500 personnel. These services included the prosecutorial judicial police (*Police Judiciaire des Parquets*) under the Ministry of Justice; the public security police (*Police Sécurité Publique*) under the Public Security Ministry; and the Police of the Air, Borders and Foreigners (*Police de l'Air, des Frontières et des Etrangers*) under the Public Security Ministry. Additionally, citizen security was assured by a gendarmerie force of approximately 5,000 personnel. The Arusha agreement and the subsequent ceasefire agreements stipulated that a national police should be created through the integration of former rebels, former members of the policing services, the former FAB and the gendarmerie, and that this force would fall under the Ministry of the Interior and Public Security. In spite of significant progress, the Burundian police remains far from the final objective of a civilian, accountable and transparent police service which serves the population. Currently the strength of the police force is estimated at 17,000 officers. However, due to the evident lack of homogeneity in terms of the skills and education of its

human resources, this force is assessed as less efficient, coherent and reliable than the FNB. The police lack core funds for uniforms and training centres, and rely on weapons recovered from the former FAB, thus contributing to its loss of credibility in the eyes of the population. The police force is also regularly accused by the local population and human rights organisations of perpetrating acts of torture and frequent human rights violations, and of being distinctly corrupt. Improved and continuous training has been called for by members of Burundian civil society so as to avoid deniability of their acts on the basis of a lack of knowledge of rules and procedures.<sup>26</sup>

Support to the creation of the national police (*Police Nationale du Burundi/PNB*) is where the international community – the UN included – is claimed to have made the biggest contribution to SSR in Burundi. In the context of the UN, it is UNPOL that has carried out a number of activities which were considered by representatives of the national police to have been of considerable importance.<sup>27</sup> One of the key successes of the police component of ONUB was the fact that the electoral process was adequately secured by the PNB. UNPOL also participated in the elaboration of the legal framework in close coordination with the Ministry of the Interior, and the Integrated Headquarters of the PNB. A total of five UN Police Officers were involved in this process for a period of six months. UN Police Officers also provided logistical support by assisting the deployment of 7,500 new policemen from the assembly areas to the police stations of the 17 provinces of the country. Moreover, five UN Police Officers were deployed to each province in order to provide technical assistance across the country.<sup>28</sup>

Another activity UN Police Officers carried out was the organisation and facilitation of training activities, including training for harmonisation, specialised training in road traffic control, border police and judicial police (in close cooperation with a Belgian NGO), and the training of trainers. The training for the harmonisation of the police was aimed at addressing the problems derived from police officers coming from different backgrounds with different education levels. National counterparts considered the training for harmonisation of the police to have been particularly successful because (1) the programme was elaborated in conjunction with Burundian counterparts; (2) national instructors played a role in the training; and (3) it lasted a total of three months.<sup>29</sup>

The training of trainers programme was considered less effective than the other forms of training supplied. This was partly because of the high disparities in the level of education the policemen possessed (a lot of the policemen had no secondary school education, and did not possess minimum training in policing). There were also communication problems as not all members of PNB speak French (many local policemen only speak Kirundi,

or Swahili as a second language), and this problem was further compounded by the majority of anglophone UN Police Officers who did not speak French. The lack of French, Kirundi and Swahili speakers amongst the UN Police Officers meant that local trainers had to be produced rapidly in order to reach the highest number possible – hence the need for short “training of trainers” courses. The training was of short duration (two weeks), and was provided by UN Police officers who were not always experienced trainers with experience in pedagogical skills. This problem of needing a pedagogical capacity to train (and not just experience as a policeman) was voiced by representatives of the national police, and was also recognised by representatives of the international community. In this respect, it was suggested that the UN should not conduct general training but only specialised training in specific areas of reform where it can provide added value. Finally, due to political sensitivities over who would receive training, no selection was made of the most competent officers, thus resulting in the provision of the same level of training both to policemen with no previous experience and to policemen who had already served in the previous gendarmerie. This was particularly problematic in the training of trainers, as following a two-week training session, a policeman with no previous experience was able to become an instructor.

A certain number of other support projects, such as training in planning or in human resource management, had to be abandoned due to the significant reduction of UNPOL capacity – from a staff of 120 to 15 – ordered by the government at the end of 2005. This decision was suspected by UNPOL to have been linked to the lack of financial support the section was capable of providing.<sup>30</sup> Indeed, projects aimed at enhancing security are rarely admissible as Quick Impact Projects (QIPs), and UNPOL was only able to access one QIP of \$7,500 (topped up by the Dutch to a total of \$20,000) which was used for the training on harmonisation.

### Justice Reform

The state of the justice system can be described as the area of SSR where the least progress has been made in Burundi. Indeed, the system is characterised by executive interference, excessively slow judicial decisions, and corruption.<sup>31</sup> Moreover, no significant advances have been made for the establishment of the Truth and Reconciliation Commission or the Special Tribunal as these are still under discussion and have not yet been properly addressed by the government. A recent report by the United Nations Development Programme (UNDP) identified the lack of human resources in the justice system (given the high number of cases pending) and the lack of

financial and material resources as two major problems affecting the functioning of the system.<sup>32</sup> There have also been calls for greater linkages between progress carried out within the police and within the justice system.

A multitude of actors within the UN have been involved in support to the justice system, including OHCHR, UNDP (composed of a human rights specialist) and ONUB (composed of a human rights section, a legal adviser and initially a rule of law section). It is worth noting that the Representative of the High Commissioner for Human Rights in Burundi was also Director of the Human Rights Division of ONUB. There was a strong division between SSR and judicial reform as the DDR/SSR unit was neither responsible for nor involved in the latter.

In spite of the efforts conducted by the UN, justice sector reform lacked significant (external) funding as well as commitment from the national counterparts. The closure of the Rule of Law unit was an indication of the government's lack of interest in working with DPKO on justice, and in turn hampered efforts to advance judicial reform. UNDP has tried to address the funding problem by making particular efforts to encourage donors to invest in judicial reform. The OHCHR has played the most prominent role in supporting justice reform, particularly through the organisation of and support to the drafting of a new penal code which also addressed genocide and acts of torture, and abolished the death penalty. The penal code was drafted by four Burundian experts selected by the government over a period of several months (and supported by a few international experts) and was to be approved by the Parliament in 2007. This initiative was also well received by Burundian civil society, thus reflecting broad local (not only governmental) ownership of the process. Another activity conducted by the OHCHR consisted of holding a series of meetings with civil society for two hours a week aimed at sensitising the local population, journalists, trades unions and also political parties on the issue of human rights, and thus contributing to raising awareness amongst civil society.

### Intelligence Reform

The area of intelligence reform is one where the majority of those interviewed amongst the Burundian authorities and the bilateral donors felt the UN should have no role to play, primarily due to the high sensitivity of the issues at stake. The DDR/SSR unit has undertaken limited action in this field, notably in the form of helping to coordinate the human rights training provided to members of the Burundian intelligence service in cooperation with the Human Rights Office of ONUB. The success of this training is

questionable as it only addressed a small number of staff of the intelligence services (those put forward by the Burundian authorities), and consisted of a few workshops that lasted an average of four days each. There have since been reports that intelligence officers that underwent this training dispensed by ONUB were then allegedly involved in human rights violations only a week after having received the training.<sup>33</sup> The time put into such training would need to be reconsidered, as it is doubtful to what extent a four-day training session is able to change practice and behaviour.<sup>34</sup>

### *Management and Oversight Bodies*

Democratic oversight of the security sector is one of the areas that has received the least attention from the government and the UN alike, despite the fact that ONUB – contrary to many other missions – did have a mandate that provided, implicitly at least, for a democratic oversight dimension of SSR.<sup>35</sup> Limited efforts, however, were made. For example, UNPOL addressed civilian management oversight by encouraging the establishment of a General Inspection for the Police. This was taken up and placed directly under the authority of the Ministry of the Interior, at the same level as the Director of the National Police. Nonetheless, the general lack of support for oversight is a recurring theme and several explanations for this can be advanced. First, there was a general lack of understanding amongst both the Burundian authorities and UN staff alike of what democratic oversight consisted of, and what role it deserved in the SSR process. Thus, for instance, several UN staff members interviewed voiced the opinion that the provision of human rights training amounted to support for democratic oversight, whilst this is clearly not the case. Moreover, one representative of the DDR/SSR section voiced the opinion that a peacekeeping mission should not become involved in democratic oversight as that was the job of more long-term programmes. Secondly, the unwillingness of the Burundian government to address this issue also accounts for the lack of engagement in democratic oversight and accountability. Indeed, the government claimed that it was not ready to extend too much influence to oversight bodies as it was newly elected and was still trying to put its structures in place. However, it is also plausible that the government simply had no interest in democratic oversight as this could have interfered in its ability to manage the security sector in its own interests. The lack of government interest in this issue hampered the UN's ability to encourage democratic oversight of the security sector. However, the UN could still have taken steps to encourage civil society oversight (if not other forms of oversight) by providing some minimum financial support to the local NGOs and media, or simply by



sensitising the members of these organisations on how they could exercise an efficient and targeted oversight, particularly by providing expertise and an alternative view to the public and its representatives, as well as through investigative reporting and monitoring.<sup>36</sup>

### *SSR-Related and Cross-cutting Activities*

#### DDR

The DDR programme in Burundi is conducted by the Executive Secretariat of the National Commission for Demobilisation, Reinsertion and Reintegration (ES/NCDRR) established in August 2003. Towards the end of 2006, approximately 21,650 ex-combatants were demobilised, including a total of 3,015 child soldiers and 494 female ex-combatants.<sup>37</sup> The Reintegration programme has faced numerous delays and was only launched towards the end of 2005. Nonetheless, it has already supported the reintegration of a number of ex-combatants. In particular, 18,642 ex-combatants have received reintegration benefits and the ES/NCDRR reports that 5,412 others are being assisted through socio-economic programmes, mainly in the area of income-generating activities. The one area of DDR where progress is hard to measure is for disarmament. This is partly related to the fact that international scrutiny or intervention in this aspect was precluded by the joint decision of the former army and rebels to proceed to integration within the FDN without going through the demobilisation centres (direct integration). It is thought that the great majority of the weapons held by armed political parties and movements were presented during this process, leaving few to be collected as part of the DDR process. However, it is reported that many weapons are still at large in Burundi and that more than 90 per cent of weapons currently distributed within the country are being handed out officially – mainly through the meetings of political parties.<sup>38</sup>

In terms of UN support to the DDR process, the UN has played a less significant role than the World Bank which has taken the lead in the area of DDR through the Multi-Country Demobilisation and Reintegration Programme (MDRP). By the time ONUB was established, the government of Burundi had already negotiated a national DDR programme with the World Bank. The MDRP has played an important role in DDR, for example supporting a special project for the Demobilisation, Reintegration and Recruitment Prevention of Child Ex-Combatants which was administered by UNICEF.<sup>39</sup> ONUB was a partner organisation of the MDRP and as such played an active role in the framework of the MDRP. ONUB supported the

programme's activities – for example by securing the demobilisation centres and providing the ES/NCDRR with logistical support – and played a mediating role that helped overcome a number of obstacles hindering the start of demobilisation.

As concerns the reintegration process, the role of the DDR/SSR unit during implementation of the DDR programme has been limited to facilitating and coordinating activities between ONUB's military component and the ES/NCDRR. ONUB's military component provided a secure environment for the different structures and authorities involved in the process and also logistical support to the movement of combatants between the assembly areas and the other locations. The dismantling of the civilian militias has been completed with around 28,300 men demobilised – 18,700 “gardiens de la paix” and 9,600 “militants combattants” – and they have all been sent back to their community with limited financial support.

#### SALW

Small Arms and Light Weapons (SALW) are an important problem in Burundi, and about 100,000 small arms and grenades are estimated to still be at large amongst the population.<sup>40</sup> Weapons such as AK-47s are very visible, and weapons possession is at the same time a cause and a consequence of insecurity, impacting upon the lack of confidence in the national security services. The need to undertake an efficient civilian disarmament programme (and to address the problem of mines and unexploded ordnance) will prove to be essential for the consolidation of peace in the country.

To this effect, both UNDP and ONUB's DDR/SSR unit have cooperated in their efforts to address the situation. The UNDP is clearly in the lead on civilian disarmament, and benefits from particularly good relations with the local counterparts in the area of SALW. The government has already approved the strategy for civilian disarmament, and institutional and legal frameworks have been developed with the support of UNDP to ensure conformity with the Nairobi Protocol.<sup>41</sup> UNDP has also developed a database on weapons stock management, and has supported the drafting of a study on SALW in Burundi.<sup>42</sup>

#### Cross-Cutting Issues

Work on gender issues provides an example of cooperation amongst the separate sections within ONUB. The gender unit has been systematically associated to the relevant activities of the DDR/SSR unit, and a regular exchange of information has been established between the sections.<sup>43</sup>

Consequently, some successful activities have been undertaken. For example, during the DDR process the gender unit organised, with the support of UNIFEM, a workshop on gender issues with the National DDR Commission to ensure that the women ex-combatants in the Assembly Areas were properly treated and provided with accommodation and equipment. Another activity organised was with the National Burundian Police whereby two specific units (*Unités de Protection de L'Enfant et des Mères*) were set up in Bujumbura with specialised staff trained for handling victims of sexual violence and other matters. However no gender activity has been organised for the National Defence Force as no initiative has been launched by either the gender unit or the DDR/SSR unit. The lack of financial means was stressed by the Gender Section as constituting a weakness and obstacle in their work.

In contrast to the successful initiatives undertaken within the area of gender, the situation pertaining to the related issue of child protection has not been followed up quite as closely during the DDR process, possibly due to the absence of a Child Protection Adviser within ONUB for several months.<sup>44</sup> The same observation can be made for the public information section which was not closely associated to the DDR/SSR process, other than to take the odd picture of weapons destruction operations conducted in the framework of the DDR process. The head of the section voiced his regret for not having been associated more closely with a process that could have benefited from the support of a public information campaign planned and targeted in cooperation with the DDR/SSR section. This lack of commitment to the essential function of public information is a matter that should be addressed in the future, as public information will be an essential tool for the success of the further disarmament of the civilian population, as well as to support civil society oversight of the security sector more broadly.

#### *Summary of UN support to SSR and related activities*

The UN's SSR activities in Burundi can be summed up by the phrase of one of the DDR/SSR unit's staff members that much of the work the unit undertook was "necessary but invisible".<sup>45</sup> Notable successes have been achieved by the UN, in particular, the joint programming of ONUB with the government of Burundi, the DDR/SSR unit's support to the ceasefire negotiations, the inclusion of SSR (including justice reform initiatives) in the Poverty Reduction Strategy Paper (PRSP) of Burundi, the support of the OHCHR to the penal code, police training by CIVPOL, and the technical support to the National Commission for disarmament of the civilian population by UNDP. Undoubtedly ONUB, as well as the UN agencies

active in Burundi, have played a role in supporting SSR. However, several of the lessons identified highlight opportunities to further the SSR agenda that were lost.

### **Lessons Identified**

The challenge to measure the success of the UN's SSR activities in Burundi is compounded by the lack of adequate performance indicators for SSR within the UN system. One person expressed the opinion, however, that the UN had been "too eager to produce Burundi as an example of a peacekeeping success".<sup>46</sup> Nonetheless, ONUB's mandate was ambitious, and the UN was able to translate the Security Council's mandate into concrete activities on the ground. Indeed, ONUB has contributed to the efforts to carry out institutional reforms and to constitute integrated national defence and internal security forces. ONUB has also assisted with the training and monitoring of the police, although it was not able to ensure that they were democratic and fully respected human rights and fundamental freedoms as it was mandated to.<sup>47</sup> It is questionable to what extent such social and organisational change can really take place within the short timeframes of peace operations. Nonetheless, the UN's action has been hampered by the lack of a comprehensive SSR concept and strategy, the limited human and financial resources available, as well as the inherent challenges of coordination – all of which will be examined in more detail in this section.

### *Strategy*

The absence of a shared institutional understanding of SSR was reflected in the inability to devise a strategy for what a peacekeeping mission can achieve in a highly politicised post-conflict environment. The UN as a whole had no coherent strategy for SSR in Burundi. Due to its specific mandate to deal with SSR, the DDR/SSR unit was the only UN actor on the ground that initially tried to establish a comprehensive approach to SSR – although even this was narrow in the sense that it did not include support to judicial reform or to the oversight of the security sector. This policy was based on an integrated approach to police reform, defence reform and intelligence reform, and constituted the baseline strategy for the DDR/SSR unit. This was subsequently reconsidered when it became evident that the national authorities would not agree to this integrated approach.

This strategy had to be adapted to fit the needs of the national authorities who preferred that each reform area (police, defence, intelligence) should be undertaken separately. Thus, although ONUB had supported the idea of holding a seminar with key representatives of the Burundian security sector in order to push for a comprehensive plan for SSR, the separate ministries did not accept this as they claimed that they needed to ensure proper control over their own ministries before establishing executive government control over the whole security sector. The DDR/SSR section adapted its approach so that national counterparts would not feel railroaded by a theoretical approach too distant from their immediate preoccupations.

The lack of guidelines emanating from HQ on how the DDR/SSR unit was to address SSR meant that the unit's first step involved the establishment of a mission-specific understanding of SSR. This was undertaken through consultations with relevant experts, like the Netherlands Institute of International Relations Clingendael and the UK Department for International Development (DFID), to ensure that the unit's understanding of SSR corresponded to that of other international stakeholders.<sup>48</sup> The lack of an SSR presence at HQ level to support strategic thinking, or at the minimum, a set of DPKO guidelines on SSR, was considered problematic by the staff of the DDR/SSR unit. The effects of the lack of such guidelines resonated in the different interviews conducted with the DDR/SSR unit staff; not all staff members defined SSR as including a move towards good governance and accountability, and only a minority considered SSR to include improving managerial skills, professionalism and affordability of the security sector as important factors to address.

At the field level, a coherent strategy towards SSR would imply that a broad and comprehensive approach to SSR was undertaken, which would include support to the democratic oversight of the security sector. This constituted a major shortcoming in the DDR/SSR unit's approach, as despite their claims that it was impossible to approach the subject matter due to government sensitivities, a first step would have been to address civil society oversight, which is also an important aspect of the system of democratic accountability. This is linked to the problem that mechanisms designed to establish democratic oversight and accountability were not considered by some mission staff to pertain to the domain of the peacekeeping mission, but rather to belong to the second phase of peacebuilding.

Especially in the sensitive area of the security sector, there is a need to lay the ground for oversight, and this should be done in parallel with the capacity-building stage. In this respect, much could have been done in the area of sensitisation as, for example, there was an apparent lack of information amongst the members of civil society about the DDR

programme. Civil society representatives also estimated that they were not well informed about the civilian disarmament programme and therefore not in a good position to support and relay the programme to the population. This lack of information was also observed by representatives of the media and local journalists, which reduced their capacity to serve as an intermediary that could explain the mechanisms of the programme to the local population. This was problematic as in the case of civilian disarmament the civilian population is both the objective and the motor of the programme.

### *Planning*

The general problem of lack of adequate planning attributed to a number of UN peacekeeping missions<sup>49</sup> was also present in the mission deployed to Burundi, and can be linked to the broad challenge of balancing a sense of urgency with the necessary anticipation in planning. For adequate strategic planning to occur, the UN needs to be involved in negotiations with all national and international stakeholders from the outset. This would necessitate an early UN peacekeeping presence on the ground. This was not the case in Burundi where due to the uncertainties and delays surrounding the peace process, ONUB arrived at “the last moment”, with less than five months remaining until the end of the Transition on 31 October 2004.<sup>50</sup> Consequently, planning was not well thought out, and one can find symmetries in what was concluded in the recent report on the rule of law in peacekeeping missions, where ONUB was considered to provide “an illuminating example” of “planning deficits”.<sup>51</sup> This has had repercussions on the conduct of SSR. For example, by the time the UN was deployed on the ground, the MDRP had already negotiated a DDR strategy in cooperation with local stakeholders, thus not leaving much room for manoeuvre for the UN.<sup>52</sup> On the whole, the shortcomings of the strategic planning for the mission had an impact on ONUB’s capacities for SSR.

### *Capacities/Resources*

#### Human Resources

The DDR/SSR unit was planned as a joint unit made up of DDR/SSR officers. This was considered problematic by staff members as the skills required for DDR officers do not necessarily correspond to those needed for SSR officers (short-term vs long-term vision). The composition of a SSR unit should be a matter of considerable importance when undertaking planning for peacekeeping missions, as the appropriate mixture of expertise

in each concrete reform area needs to be complemented by personnel with a broad understanding of SSR.<sup>53</sup>

The DDR/SSR unit was one of the smallest sections in ONUB in spite of SSR's key importance in the framework of Burundi's peace consolidation process. The section was composed of a total of seven international staff members and of two national staff members – a liaison officer and an administrative assistant. The unit was led by a head of section (D1 level) and a deputy head (P5), and was divided into different thematic areas, including DDR, SSR, disarmament of the civilian population and disarmament of foreign armed groups. According to a senior staff member of the section, additional P3 and P4 capability was needed, and this deficit was further compounded by several months of understaffing towards the end of 2006 that resulted from the inability to refill two existing positions as a consequence of the upcoming transition to BINUB.

In order to ensure flexibility, all officers were given the title of 'DDR/SSR officer' and the staff members were not appointed to specific areas within the SSR process.<sup>54</sup> These problems were compounded by the fact that the unit permanently suffered from a lack of an SSR counterpart at the UN HQ level and of a real planning capacity. In addition to these difficulties related to staffing, it is also noteworthy to point out that the linguistic capacity (only English-speaking) of a senior staff member posted to the DDR/SSR unit was raised by the Burundian counterparts as a serious problem.<sup>55</sup> It is essential for all senior-level staff to be in the position to exchange and negotiate with the national authorities in one of the official languages of the country, and in the particular Burundian context, the use of a UN interpreter recruited amongst the Burundian population was sensitive in terms of ethnic origin.<sup>56</sup> Thus, an important lesson learned is the need for the UN to find ways to recruit more French-speaking SSR expertise.

#### Financial Resources

As is the norm with such missions, only human expertise for immediate peacekeeping purposes was provided, so no assessed funds were allocated to SSR activities in the mission budget. This was considered by UN senior staff and national authorities alike to be a major obstacle both in terms of efficiency and in terms of credibility. A concrete example of this problem was the fact that the UNPOL officers deployed to support provincial police stations were unable to provide any of the basic material support required for the carrying out of their activities (e.g. paper, pencils). Similarly, UNPOL faced difficulties in convincing Burundian police officers to attend UN workshops when no per diem compensation could be offered by ONUB, and

at times the UN Police Officers themselves reportedly put money aside from their own salaries in order to contribute to these basic costs.<sup>57</sup>

This incapacity to provide basic logistical support had prejudicial consequences on local authorities' assessments of ONUB's ability to provide adequate support to the SSR process. A possible manner to address these financial gaps would have been through the mechanism of Quick Impact Projects (QIPS), which are designed to be small-scale, low-cost projects with a discernable impact on urgent community needs. However, as financing through this process is attributed to projects addressing the needs of the local population, most SSR projects that are linked to the overall security environment are difficult to finance through these procedures. Nonetheless, the DDR/SSR unit was able to tap one QIP of \$25,000 in order to fund the preliminary infrastructure works that were carried out before the Belgian cooperation could install a training facility for the National Defence Force. This QIP was perceived as a positive contribution; however it was not sufficient to bring about the necessary confidence-building between the UN system and the national authorities. This reflected a gap between the international community's long-term approach to SSR and the short-term and immediate national priorities in Burundi as ONUB was not capable of supporting the urgent concerns of the national stakeholders in the initial phases of the SSR process. In this respect, it is important to signal that in the case of BINUB there will be a limited amount of funding reserved for SSR through the Peacebuilding Fund, although there are concerns that these funds will still neither be sufficient nor match the priority list of the Burundian authorities.<sup>58</sup>

In this context, another problem was the fact that the priority funding areas of bilateral donors did not always correspond to the desires of the host governments or to the needs of the local population. For example, up to 50 local journalists were provided training on environmental issues as this corresponded to the priorities of the donor in question. However, this did not correspond to the needs of the journalists to receive training in areas such as justice, disarmament or good governance. Some representatives of the local media could not find adequate funds for a proposal to the ES/NCDDR which involved communicating to the local population the needs and challenges of the disarmament process. This is an important gap in the development of civil society oversight which the UN should have addressed. To some extent it is a problem of the mission's lack of funds, but again in this instance a very modest amount of funds (\$15,000 – \$30,000) could have made a significant contribution to the sensitisation of the population on this process.<sup>59</sup> In this respect, the UN may have a role to play in ensuring that the



activities proposed by the international actors correspond to those needed by the population.

### *Cooperation/Coordination/Communication*

#### Within the UN system

Cooperation and communication within the UN system consists of information-sharing and dialogue in order to assist the effective undertaking and coordination of SSR activities. Coordination requires strategic direction-setting with the purpose of minimising gaps and overlaps, and ideally should be based on joint planning and tasking of activities. Cooperation worked well amongst UN entities on the ground with regular meetings held among UNDP, UNHCHR, and the various sections of ONUB such as UNPOL. Coordination, on the other hand was often lacking as was highlighted in interviews with Burundian authorities; these were frequently obliged to repeat themselves in interactions with multiple UN interlocutors who did not coordinate amongst themselves. Furthermore, communication between the DDR/SSR unit and HQ was limited given the lack of a specialised SSR counterpart at HQ. Coordination with HQ was essentially reduced to the holding of informal discussions and phone calls, and to a weekly report of activities that was sent to the desk officer responsible for ONUB at HQ. Moreover, the fact that there were only two desk officers at DPKO HQ<sup>60</sup> – dealing with all areas of ONUB's work, ranging from human rights and political affairs to SSR and gender – was considered a problem.<sup>61</sup>

#### UN with international stakeholders

In 2006, several bilateral donors planned and/or started SSR-related programmes with the Burundian government. These bilateral partners often have more funding available than the UN and are active in several areas. For example, in addition to the French and Belgian embassies, several other bilateral donors provided support to the SSR process: the US for the destruction of weapons and the funding of activities linked to the SSR process; the UK for the development of a comprehensive SSR approach and training; Rwanda for technical and peacekeeping training; and others, such as Sudan, South Africa, Russia, Egypt, Japan and Nigeria are either planning or will resume their aid and support for the years to come. Most importantly, the Netherlands have deployed two technical advisers directly to the Minister of Defence and Minister of the Interior, thus providing day-to-day expert support and advice.<sup>62</sup>

Cooperation between the UN family in Burundi and the other international stakeholders was significant, and in most cases took the form of dialogue, consultations and exchange of information. For instance, regular meetings were held (twice a month) and newsletters were disseminated listing the current and future SSR support activities of the UN and other international actors on the ground. Since June 2004 – immediately after the deployment of ONUB – an International Coordination Group (ICG) for SSR was established by the SRSG Carolyn McAskie. The ICG included UN agencies, members of the donor community and representatives of the wider international community and the Burundian government. The initial aim of the group was to identify the major challenges concerning security reforms in view of the start of the demobilisation process.<sup>63</sup>

Coordination of international efforts in SSR was considered by bilateral donors – and, by UN staff itself – to have been the most important role the UN played. This was because cooperation went beyond simple cross-representation at meetings to the actual mapping of activities in order to minimise gaps and overlaps. It was mainly ONUB (the DDR/SSR unit) that was the principal coordinator of international efforts in SSR, and that aimed to keep the international counterparts constantly informed of the planned SSR activities. The DDR/SSR unit mapped the current and planned support to SSR of external actors. A similar effort was also undertaken by the police component and the DDR/SSR section in support of a cohesive approach by the PNB's external partners so that their assistance could be mutually reinforcing and duplications avoided.

Nonetheless, duplication of training, as well as the problem of inconsistent or contradictory training, has been acknowledged by many sources, national and international stakeholders alike. Some members of the international community interviewed felt that the UN should have played a greater role in addressing problems of coordination when different partners are committed in the same area of action. In this case, coordination would require the elaboration of a broad strategic plan with buy-in from both key international actors and key national stakeholders (including the government). The implementation of this plan, would have to be coordinated and would necessitate assigning tasks to actors, minimising gaps and overlaps, and ensuring consistency of approaches as well as adequate funding. However, the large number of international actors involved in SSR in Burundi raises the very question of whether a common, comprehensive and coherent approach to SSR is possible as well as whether all of the non-UN actors involved are willing to be coordinated.

Nonetheless, many bilateral donors stated that although they may have the funds, they often lack the capacity to address SSR comprehensively

as they generally possess a military attaché or a police attaché which constitutes a maximum of two people working on SSR from different standpoints and with a separate set of skills to those needed to address SSR in a coherent way. For this reason, the smaller bilateral missions were often relieved to let the UN coordinate these efforts. Finally, the UN has the moral authority and staying power (in the form of the UN Country Team) that NGOs or bilaterals do not necessarily have.

#### UN with local stakeholders

The relationship between ONUB (in particular the DDR/SSR unit) and the Burundian authorities was at times troubled, although efforts were made to foster a productive working relationship. Regular meetings were held twice a month to work towards different goals such as facilitation of the search for potential partners capable of filling gaps that the UN could not address in the SSR process. Some local stakeholders were also pleased with the work and relationship held with some sections of ONUB, such as UNPOL. However, on the whole, a majority of national stakeholders interviewed stated that communication was often lacking.

Several explanations for this may be advanced. First, local actors were not always present in the discussions about international support to SSR in Burundi. For instance, in a meeting of the International Coordination Group on 27 October, out of the 25 participants present at the conference, only one participant (a member of the Burundian National Police) was from Burundi. The second problem was that the needs of the Burundian authorities were not always understood or taken into account. For instance, whilst some representatives of ONUB perceived the excessive military presence in the streets as a sign of lack of professionalism of the army, the national counterparts saw it as the concrete result of the lack of funds to build barracks. There were also problems in the way ONUB handled the move from the transitional government to establishing a working relationship with the elected authorities. Several representatives of both the international donor community and the Burundian authorities voiced the opinion that ONUB had wanted to impose reforms without sufficient consultation with the authorised representatives of the government ministries. Thus the support proposed by ONUB was not necessarily that sought by the national counterparts. This is also linked to the fact that ONUB staff often underestimated the value of the highly-educated elite in senior-ranking positions within the government and defence structures.

There are several plausible explanations for these communication problems, ranging from the broad feeling of mistrust that arose from the fact

that the majority of local staff hired by ONUB was of Tutsi origin,<sup>64</sup> to the specific difficulty caused by the lack of ability of some ONUB staff members to communicate in the same language (French) with government officials; there was also the larger problem of ONUB's perceived delay in evaluating the changing political context and ignorance of how to adapt its relationship with the transitional government to that with the elected government on time. In this context, ONUB faced difficulties proposing SSR-related plans to the government, as the political will to address them was often not there.

#### *Summary of Lessons Identified*

Several lessons learned can be identified from the UN's approach to SSR in Burundi. First, the importance of securing core funds for SSR emerges as a key lesson, as without these resources it is hard to contribute to confidence-building with government authorities when rapid solutions to their urgent requirements cannot be brought forward. Lack of funding also had a bearing on the programmes undertaken as the UN at times catered for where there was money, but not always for where there were gaps to be addressed. Thus, some areas of SSR received more assistance than others from the international community, such as police reform. On the other hand, funds were lacking for basic logistical support for the armed forces to build barracks, housing and military hospitals. Second, the importance of not underestimating the inherent tension between external imposition and local ownership, is another key lesson. Managing the fundamental differences between how each actor conceives of SSR and perceives its core priorities is a fundamental challenge of the whole SSR process. The dilemma that emerges is whether when faced with a government which does not want to approach SSR holistically, should outsiders prioritise coherence or local ownership? A possible way forward is to recognise the need to develop a joint SSR strategy, in collaboration with the government, as a fundamental priority for strategic planning. There seems little point in first developing a coherent SSR plan if the local authorities do not want to be involved in it. In this sense, holding broad discussions with a transitional government but only working with elected authorities who have the legitimacy and authority to take decisions on SSR is another lesson learned,<sup>65</sup> although the practicality of this in each context is debatable. Finally, a positive lesson learned was the significant role the UN can play in the coordination of international efforts in SSR in order to minimise gaps and overlap of activities. In the case of Burundi, the DDR/SSR unit had a clear comparative advantage over other actors because it had the human resources necessary to undertake such

efforts. Moreover, the undertaking of a mapping exercise to support these efforts was a useful tool for coordination.

### **Conclusion and Policy Recommendations**

By definition, peacekeeping missions operate in difficult environments and face a number of challenges. The United Nations Mission to Burundi was no exception, and had to deal with the precarious security situation, fragile ceasefire agreements, and a difficult political terrain. Nonetheless, the United Nations was able to contribute substantially to the peace process in Burundi, notably through its support to the holding of democratic elections. In terms of SSR, ONUB played a significant role in facilitating and coordinating these efforts, and in providing technical training to the security forces.

Peacekeeping missions are becoming increasingly involved in peacebuilding activities which entail an investment in a more long-term process than simply monitoring the peace in the aftermath of a conflict. In the context of SSR, this means that it is important for the missions to also support the long-term need for democratic oversight and accountability of the security sector. This was not the case in Burundi, and this emerges as one of the issues that needs to be clarified at the policy level in order to be more comprehensively addressed in future peacekeeping missions.

In order to draw on the lessons learned in this case study, a set of recommendations is proposed in view of the provision of targeted support to the national authorities in the transformation of Burundi's security institutions and processes.

#### *Recommendations*<sup>66</sup>

- The creation of an SSR capacity at HQ level (within DPKO) will be an important first step in providing the necessary support and guidance to the field level. This SSR support capacity should: (i) define an SSR concept for common reference and understanding; (ii) develop general instructions and guidance on how an SSR unit should operate in the field, and in particular, what human resources and expertise is needed to staff such a structure; (iii) have a research capacity capable of collecting and processing the lessons learned from the different missions committed in a SSR process; (iv) provide concrete examples of best practice and case studies to feed discussions at field level; (v) facilitate contacts with other

practitioners, and facilitate mission staff participation in training sessions and workshops; (vi) set up specific performance indicators to assess performance in terms of SSR/DDR activities and results; (vii) facilitate coordination and the division of responsibilities for SSR activities.

- Human resources need to be adapted to the local technical and linguistic requirements. In this case, the UN should be encouraged to recruit French-speaking civilian staff for these missions. Furthermore, people with specific skills (e.g. for providing police training) should be recruited, rather than generalists.
- The UN should strengthen and facilitate the procedures for peacekeeping missions to have at least minimum funding capacities to implement and support limited SSR-related projects that respond to the immediate concerns of the national partners.
- Within the field, cooperation and communication need to be improved with national stakeholders and multinational partners. In order to encourage cooperation and coordination, the UN should: (i) create specific terms of reference for coordination structures. This should include defining the membership, chairmanship, responsibility and management of the structure, and the periodicity of the meetings; (ii) generate different levels of coordination, for example, separating the technical coordination level from the strategic/political coordination structure; (iii) ensure that a timeline and *modus operandi* for the handover of the coordination structures is prepared from the outset to encourage the management of these structures by the national authorities as soon as possible;<sup>67</sup> (iv) improve the tools for mapping SSR activities (introduced by the DDR/SSR unit) by including a category on oversight so that gaps in this area are recognised and addressed; introducing Justice reform activities as a separate category of the mapping tool; identifying different levels of implementation: what has been done and completed, what is ongoing, what is planned and when.
- The establishment should be encouraged of a senior-level post in the mission to act as a focal point on SSR questions to negotiate with national authorities, and to ensure that the UN speaks with a coherent voice on SSR issues on the ground.

- The UN should consider negotiating the deployment of liaison officers/teams within the main bodies involved in the SSR process (Headquarters of the army or national police, and ministries of justice, interior and defence) in order to facilitate assessments and confidence-building between the mission and the national stakeholders. These liaison officers/teams should be included within the structure of the SSR/DDR section.
- Public information campaigns should be used in support of the SSR process to sensitise the local population on the ongoing process and activities;
- As peacekeeping missions are becoming increasingly involved in peacebuilding activities, the role and importance of democratic oversight of the security sector in this process should be clarified in any guidelines DPKO may issue. Democratic oversight is an aspect of SSR that ideally should be built up simultaneously with the establishment of structures and capacities for SSR, and ought to be approached from the outset.

## Notes

- \* Many thanks go to all people interviewed for this study, and in particular to the staff members of ONUB's DDR/SSR unit. Special thanks also go to the members of the Project Advisory Board and of the UN SSR Task Force in New York, in particular Francis James (UNDP), Caroline Smit (UNDP), Renata Dwan (DPKO) and Jared Rigg (DPKO) for their insightful comments on earlier versions of this report.
- 1 For instance the signing of a comprehensive ceasefire agreement on 7 September 2006 at Dar-es-Salaam between the rebel faction *Forces Nationales pour la Libération* (FNL) of Agathon Rwaswa and the government of Burundi temporarily improved security.
  - 2 The case study takes into account events from the deployment of ONUB until the end of December 2006 when ONUB was replaced by BINUB.
  - 3 See ICG Africa Briefing, 25 August 2005, Page 14, available at <http://www.icg.org>.
  - 4 See Ninth Report of the Secretary-General on the United Nations Operation in Burundi, 18 December 2006.
  - 5 Nona Zicherman, Addressing sexual violence in post-conflict Burundi, Issue 27, *Forced Migration Review*, January 2007. See also, Ligue Burundaise des Droits de l'Homme (ITEKA), *Le défi d'asseoir la culture de la démocratie, la tolérance et la bonne gouvernance: Rapport annuel sur la situation des droits de l'homme, Burundi, May 2007*.
  - 6 Human Development Report 2006, Human Development Indicators, Country Fact Sheets, Burundi, available at : [http://hdr.undp.org/hdr2006/statistics/countries/country\\_fact\\_sheets/cty\\_fs\\_BDI.html](http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_BDI.html)

- 7 See Report of the Secretary-General on Children and Armed Conflict in Burundi, 27 October 2006.
- 8 This issue was raised in several interviews with representatives of civil society. Also, see Willy Nindorera and Kristiana Powell, *Delivering on the Responsibility to Protect: Reforming the Security Sector to Protect the Most Vulnerable in Burundi*, *ISS Paper*, October 2006, p.6.
- 9 A 50-50 ethnic balance was still to be maintained. It must be noted that the priority of the APPMs was to get as many of their members as possible integrated into the new defence and police forces, and those remaining were then demobilised on the basis of separate categories of people (handicapped, volunteers, those not meeting age requirements, etc...).
- 10 Willy Nindorera and Kristiana Powell, p. 3.
- 11 Seventh Report of the Secretary-General on the United Nations Operation in Burundi, 21 June 2006, p. 6. In this sense, the comment made by one national staff member of ONUB in an off-the-record interview (29 November 2006) that he is more scared of the armed forces now than ever, and that the justice system was in a worse state than before, is revealing.
- 12 Global Ceasefire Agreement between the Transitional Government of Burundi and the National Council for the Defence of the Democracy-Forces for the Defence of Democracy (CNDD/FDD), Dar-es-Salaam, 16 November 2003, Article 6.
- 13 Henri Boshoff and Waldemar Vrey, *Disarmament, Demobilisation and Reintegration During the Transition in Burundi: A technical Analysis*, p.31. [http://unddr.org/docs/DDR\\_during\\_the\\_transition.pdf](http://unddr.org/docs/DDR_during_the_transition.pdf)
- 14 UN Security Council Resolution 1545 of the 21st of May 2004.
- 15 However, according to the ceasefire agreement, one battalion of ONUB will remain longer in the country under the auspices of the African Union in order to support the DDR of the FNL.
- 16 UN Security Council Resolution 1545 (2004) of 21 May 2004.
- 17 UN Security Council Resolution 1606 (20 June 2005).
- 18 Articles 10 and 11, respectively. For the treaty texts see the Peace Agreement Digital Library of the United States Institute for Peace (USIP) at URL <[www.usip.org/library/pa/burundi/](http://www.usip.org/library/pa/burundi/)>.
- 19 Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, 8 October 2003,
- 20 Security Council Resolution 1545 (2004) of 21 May 2004.
- 21 Chairman Summary, Burundi Country-Specific Meeting, Peacebuilding Commission, 13 October 2006, <http://www.un.org/peace/peacebuilding/pdf/burundi-chair-13oct2006.pdf>
- 22 Interview with staff member of DDR/SSR Unit, ONUB, December 2006.
- 23 See Arusha Accords, Protocol III, and Constitution of Burundi, 18 March 2005, Article 257.
- 24 Pretoria Protocol on Political, Defence and Security Power Sharing in Burundi, Article 1.3.
- 25 Interview with staff member of DDR/SSR unit, December 2006..
- 26 Interview with representative of Ordre des avocats du Burundi, December 2006.
- 27 It must be noted that the DDR/SSR unit also contributed support to the National Police, in particular through the coordination of international efforts.
- 28 Interview with senior official of UNPOL, ONUB, December 2006.
- 29 Interview with Deputy Director of the National Police of Burundi, December 2006.



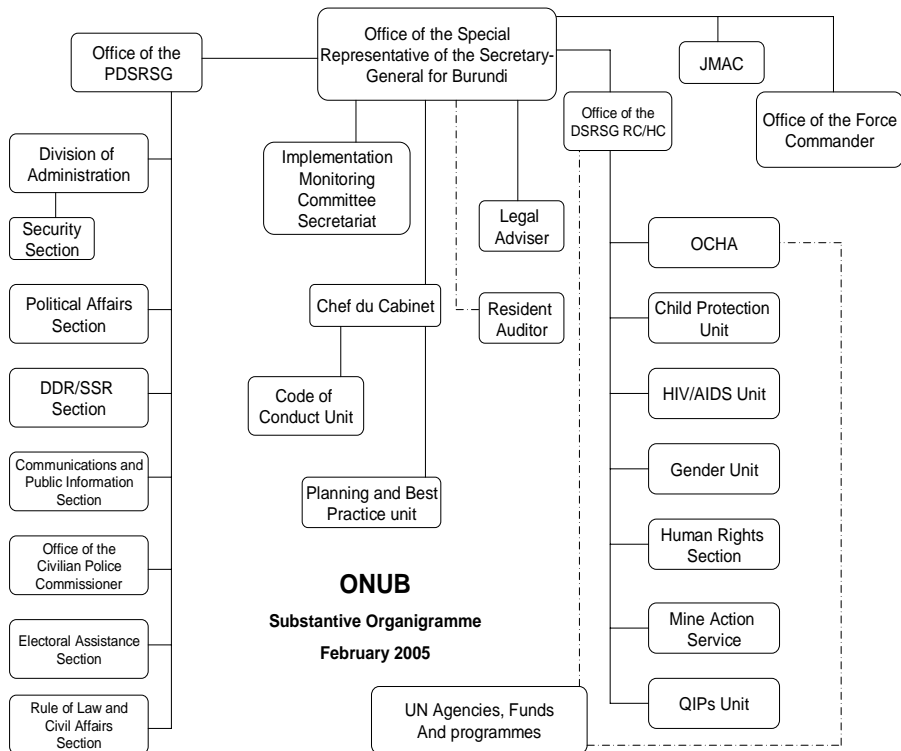
- 30 It must be noted that this decision also ties in more broadly with the general will of the government to see a downsizing of uniformed personnel in its efforts to establish its sovereignty.
- 31 This is a general theme treated in different sources, and was also very much apparent in all informal interviews with members of civil society, or representatives of the justice system.
- 32 UNDP and Ministère de la Planification du Développement et de la Reconstruction, Rapport National sur le Développement Humain 2005: consolidation de la Paix au Burundi, 2006, available at : <http://www.bi.undp.org/rndh2005/index.htm>
- 33 Confidential interview with representative of a human rights organisation, December 2006.
- 34 In this respect, it would be interesting to examine whether the intelligence officers that had received training were aware that they were violating human rights.
- 35 Security Council Resolution 1545 of the 21st of May 2004 authorised the deployment of ONUB in order to “support and help to implement the efforts undertaken by the Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement. Protocol III of the Arusha Accords states that “The maintenance of national security and of national defence shall be subject to Government authority and parliamentary oversight”.
- 36 This was reflected in numerous interviews with civil society representatives, who voiced their disappointment at not having been closely associated with the SSR process.
- 37 MDRP Burundi Activities at a Glance, MDRP 31 October 2006, available at: <http://www.mdrp.org/burundi.htm>
- 38 Interview with a senior representative of a collective organisation of civil society groups, December 2006.
- 39 Burundi Fact Sheet, MDRP, <http://www.mdrp.org/burundi.htm>
- 40 Small Arms Survey 2007, Guns and the City, Small Arms Survey, 2007, Geneva
- 41 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons, April 2004. The Nairobi Protocol is a legally binding regional agreement on small arms control in the Horn of Africa and Great Lakes region. Among other provisions, each party is to ensure that illicit trafficking, manufacturing and possession of small arms are criminal offences under its national law.
- 42 See Stéphanie Pézard and Nicolas Florquin, Small Arms in Burundi : Disarming the Civilian Population in Peacetime, Small Arms Survey and Ligue Iteka, August 2007.
- 43 Interviews with members of both the DDR/SSR unit and the gender unit of ONUB, December 2007.
- 44 The ONUB DDR/SSR unit did work closely with UNICEF on the issue of child soldiers.
- 45 Interview with staff member of DDR/SSR unit, December 2006.
- 46 Interview with staff of international civil society organisation, December 2006.
- 47 See ONUB’s mandate, UN Security Council Resolution 1545, May 2004. For example, there are still reports in the local media and by human rights organisations that members of the National Police Service commit human rights abuses. Also, see International Herald Tribune, “Burundian policeman hurls grenade at student party, killing 1 student”, 3 September 2007.
- 48 Interviews with members of the DDR/SSR unit, November 2006.
- 49 See, for example, Eide, Kaspersen, Kent and Von Hippel, *Report on Integrated Missions : Practical Perspectives and Recommendations*, UN ECHA Report, May 2005.
- 50 Stephen Jackson, the United Nations Operation in Burundi (ONUB) – Political and Strategic Lessons Learned, DPKO Peacekeeping Best Practice, July 2006.

- 51 Scott Carlson, *Legal and Judicial Rule of Law Work in Multi-Dimensional Peacekeeping Operations: Lessons Learned Study, Peacekeeping Best Practices*, March 2006, p.8.
- 52 ONUB has played an active role in the MDRP partnership, such as a political/brokering role that helped overcome a number of obstacles hindering the start of demobilisation.
- 53 This lesson appears to have been integrated into the planning for the new SSR and SALW unit of BINUB.
- 54 Telephone interview with DDR/SSR head of section on 13 January 2007.
- 55 This problem emerged when interviewing the Burundian authorities themselves, but was also an issue raised by donors and NGOs.
- 56 This was a problem that resonated through most interviews with Burundian authorities.
- 57 Interview with senior representative of CIVPOL, November 2006.
- 58 Interview with member of UN country team, December 2006.
- 59 Interview with representative of media, December 2006.
- 60 Other than in the Police Division.
- 61 Interviews with DDR/SSR unit staff, November and December 2006.
- 62 Interview with official of Dutch Embassy, December 2006. This approach of deploying single experts to address gaps within the ministries ought to be considered by the UN as it may contribute more to local ownership than the support provided by SSR units.
- 63 DDR/SSR International Coordination Group Meeting, *Weekly Newsletter of the United Nations Operation in Burundi*, No.7, October 2004.
- 64 This arose from interviews with civil society, and with UN staff members.
- 65 Interview with representative of DDR/SSR Unit, December 2006.
- 66 These recommendations emerge from the case study and are based on interviews with UN, embassy and national government officials, and most particularly on the interviews with members of ONUB's DDR/SSR unit.
- 67 The International Coordination Group needs to be more inclusive of Burundian stakeholders, and more support needs to be provided to the "Commission Nationale de Coordination des Aides".

# ANNEXES



## A. Organigramme of ONUB



Source: UN Department of Peacekeeping Operations

*Annex*

## **B. List of People Interviewed**

(Please note that only institutional affiliation is given when interviews were carried out under condition of anonymity. Additionally, short interviews were conducted with some National Police Officers and local youth.)

Mamadou Bah, Special Envoy of the African Union, Burundi

Sylvestre Barancira, Coordinator, Réseau Citoyen Network

Pierre Bardoux, Political Officer, ONUB

Heather Barr, Human Rights Specialist, UNDP, Burundi

Mody Berethe, Technical Adviser Small Arms and Armed Violence Reduction, UNDP, Burundi

Isidore Boutche, Head of Section, Gender unit, ONUB

Dee Brillenburg, Child Protection Adviser, ONUB

Maggy Bukuru, UNHCHR (and former Minister of Human Rights), Burundi

Maria Burnett, Researcher and Legal Representative, Human Rights Watch, Burundi

Burundian Journalists' Association, Bujumbura

Burundian League for Human Rights (ITEKA), Bujumbura

Centre d'Alerte et de Prévention des Conflits (CENAP)

Alain Darthenucq, Representative, European Commission, Burundi

Ibrahima Diallo, CIVPOL Commissioner, ONUB

Ismaël Diallo, Director, Human Rights Division of ONUB and Representative of the High Commissioner for Human Rights in Burundi

Aboubakrin Dieye, Chief, ISS, ONUB

Madijor Dingamadji, Senior DDR Specialist, MDRP Secretariat, Burundi

Dominique Elias-Wouters, Senior Special Assistant to the ASRSG, ONUB

Colonel Mbaye Faye, Head of section, DDR /SSR, ONUB

Wilton Fonseca, Director, Communications and Public Information Section, ONUB

Lieutenant Colonel Froger, Military Attaché, French Embassy, Burundi

Major-General Samuel Gahiro, Chief of Staff, National Defense Forces, Ministry of National Defence and Former Combatants

Léonidas Hatungimana, Président of the Defense and Security Commission of the National Assembly

Francis James, Justice and Security Sector Advisor, UNDP, New York

Stephan Jean, Policy and Legal Affairs Officer, Police Division, DPKO, New York

Julien Juma, National Liaison Assistant, DDR/SSR unit, ONUB

Marco Kalbusch, Human Rights Officer, Office of the High Commissioner for Human Rights, Burundi

Boubacar Kane, Senior Political Affairs Officer, ONUB

Mr Sylvestre Kibeceri, President of the Technical Commission for Disarmament of the Civilian Population, Burundi

Falmata Liman, Political Adviser, African Union, Burundi

Joel Louvet, French Ambassador, French Embassy, Burundi

Youssef Mahmoud, Deputy Special Representative to the Secretary-General, ONUB

Maison de la Presse, Bujumbura

Natacha Meden, DDR/SSR unit, ONUB

Dominique Mercier, Police Expert, French Embassy

Amin Mohsen, Political Affairs Officer, Africa Division, DPKO, New York

Ambassador Adolphe Nahayo, Adviser on International Cooperation, Ministry of External Relations and International Cooperation

Brigadier-General Evariste Ndayishimiye, Minister of Interior and Public Security

Major Fabien Ndayishimiye, Deputy Director General of the Burundian National Police (PNB)

Cyrus Nersy, Chef du Service de Coopération et d'Action Culturelle, French Embassy

Colonel Léonidas Nijimbere, Director (Demobilisation and Reinsertion), National Commission for Demobilisation, Reinsertion, and Reintegration

Major General Germain Niyoyankana, Minister of Defense

Brigadier General Silas Ntigurirwa, Executive Secretary, National Commission for Demobilisation, Reinsertion, and Reintegration

Observatoire de l'Action Gouvernementale, Bujumbura

Ordre des Avocats, Bujumbura

Kristiana Powell, Researcher, The North- South Institute

Lieutenant Colonel Joaquim Santana, Military Planning Service, DPKO,  
New York

Gordon WW Schofield, Regional Manager, KK Security (private security  
company)

Lieutenant Colonel Luc Vanderlinden, Military Attaché, Belgian Embassy,  
Burundi

Natasha van Rijn, DDR/SSR Unit, ONUB

Pieter van Vliet, First Secretary, Political and Development Affairs Officer,  
Royal Netherlands Embassy, Burundi

Waldemar Vrey, DDR/SSR Unit, ONUB



## Chapter 3

# MONUC and the Relevance of Coherent Mandates: The Case of the DRC

*Nicola Dahrendorf*

### **Introduction\***

The effectiveness of security structures can be measured by three cornerstones: the ability to protect national territory against aggression and internal threats, adherence to the rule of law, and the ability of security services to protect and respect citizens' rights. The Democratic Republic of Congo's (DRC) security forces and its institutions are seriously deficient in all these aspects. Indeed they pose a security threat themselves. However, security sector reform (SSR) in the DRC must be viewed in the context of the complex legacy inherited by Congo's malfunctioning institutions. This chapter takes the position that the security sector is an essential cornerstone of governance and the future stability of Congo. It has also been a neglected aspect of UN and donor involvement and is, and has been historically, the most vulnerable to corruption and graft. The '*problematique*' consists of the entangled history of a factionalised army, with major access to and control of vast natural resources, the lack of division of powers between police and army, and the political control exerted over the judiciary. Regulatory bodies such as courts, parliament, and anti-corruption and auditing institutions remain ineffective and are themselves prone to corruption.

This chapter focuses initially on the context for security sector reform in the DRC (Section 2), looking at the specific post-conflict context and within that defines the key elements and obstacles for SSR. It then provides a brief overview of the United Nations Mission in the Democratic Republic of Congo (*Mission des Nations Unies en République Démocratique du Congo*/MONUC), its history, mandate and structure (Section 3) and its involvement in SSR activities (Section 4). The focus of the UN integrated mission in SSR is on an examination of the army, police and judicial institutions. Finally, key lessons are extrapolated from the DRC experience

(Section 5), leading to both operational and policy recommendations for the Security Council, the mission, donors and UN Headquarters (Section 6).

The limitations of the study are that it is based primarily on a desk review and that it is timebound. For logistical and security reasons, a brief, albeit intense, field visit was all that could be conducted, from 9 to 22 February 2007, at a time when the new DRC government had just been sworn in. This case study is based on a collection of primary and secondary sources and relies heavily on 40 interviews carried out during that two-week field mission to the DRC and an additional 12 telephone interviews with respective UN and NGO staff and analysts. During the field mission, interviews were held with key representatives of MONUC, UN country staff, representatives of civil society, the World Bank, bilateral donors, the Congolese Armed Forces, the Congolese National Police (Ituri), the presidents of the *Commission Nationale de Désarmement, Démobilisation et Réinsertion* (CONADER), the *Structure Militaire d'Intégration* (SMI) and the *Centre des Opérations Conjointes* (COC). Official representatives of the new government were not available for interview as they had only just assumed their respective functions following the second round of the presidential and Provincial Assembly elections on 29 October 2006.

The main findings of this study are that SSR is not an isolated process, but that it has to take place at different levels simultaneously and in tandem with other reform processes. SSR has to be incorporated into ongoing efforts to strengthen governance, such as an effective legislature and other oversight bodies, financial management, human rights and protection. Whilst the UN as a whole has been slow to address SSR in the DRC in a comprehensive manner, it is vital to acknowledge the complexity of the political and security environment in the DRC. Considerable constraints were imposed by the virtual collapse of the state and the sheer magnitude of the tasks facing the Congolese authorities and the international community. The Security Council stopped short of giving MONUC an early and clear mandate for security sector reform. SSR was subsumed in the priority of organising elections. The ambivalence by the international community on whether and how to initiate SSR in the DRC is illustrated to some extent by a plethora of uncoordinated initiatives that existed in army, police and justice reform, both by bilateral and multilateral donors and UN agencies, despite the fact that several coordination mechanisms were established and have contributed to harmonising the numerous initiatives.

There is a lack of conceptual clarity amongst all actors over what SSR is, coupled with a lack of expertise and appropriate human and financial resources dedicated to these efforts. The UN's approach to SSR in the DRC has been marred at the structural, conceptual and management level, and a

lack of dedicated strategic capacity at the level of the UN mission to assist in the coordination of SSR. The main preoccupation to-date has been on elections and election security. Moves are afoot now in developing a strategy to assist the DRC government. But there is still a disconnect between rhetoric and reality. SSR was also severely limited by the lack of political will of the transitional authorities to engage in longer-term development initiatives in the sector. At the same time, all those interviewed and consulted concurred over MONUC's vital contribution to the electoral process and its handling of the elections and that MONUC's presence was pivotal to both the holding of elections and their comparative success.

## **Context for Security Sector Reform in the DRC**

### *Background*

Security sector reform in Congo must be viewed in the broader spectrum of the development of state institutions. Indeed, one of the fundamental causes of Congo's two wars between 1996-1997 and 1998-2003 was the erosion and collapse of state institutions. President Mobutu Sese Seko's government of 32 years had severely undermined the army, administration, parliament and courts and raided the state's financial resources. The new government formed under President Laurent Kabila in 1997 seemed to develop many similarities to its predecessor. State institutions remained weak and corrupt. In eastern Congo, rebel movements endured, relying on the extraction of natural resources and taxes and established parallel administrative structures. The country became divided into fiefdoms under the control of military movements in opposition to each other.

The Global and Inclusive Agreement, signed by the warring factions, political opposition and civil society in South Africa in December 2002,<sup>1</sup> changed the country's power structure. President Joseph Kabila succeeded his father after the latter's assassination in 2001 and shared power with four vice-presidents named respectively by Kabila's former government, the political opposition and the main rebel movements – the Congolese Rally for Democracy (RCD) and the Movement for the Liberation of the Congo (MLC).<sup>2</sup> A bicameral parliament was set up (national assembly and senate), whose members were named by the signatories to the peace deal. A transitional constitution defined the separation of powers, independence of courts and basic civil liberties. The transitional government was, however, beset by intense political infighting, lack of accountability and corruption. A new constitution, approved by

referendum in December 2005 and promulgated in February 2006, established a power-sharing arrangement between an elected president and a prime minister, chosen from the majority party or coalition in parliament. Legislation set out numerous checks and balances including oversight mechanisms to guard against abuse of power and corruption. However, parliament, auditing bodies and courts are weak, with untrained personnel and a complete lack of human and financial resources to perform their functions. The state is unable to collect revenue or provide basic services.

The Congolese state and economy still bear the heavy imprint of Mobutu's 32 years of predatory rule. Executive power in his Zaire was absolute, and the 1974 constitution granted him, as head of state, authority over the executive, legislature and judiciary branches. To pre-empt any threats, Mobutu kept his government factionalised while maintaining the loyalty of elite military and police forces. Corruption was integral to the system, and politicians became entirely dependent on his good will. In the first decade of his rule, 1965-1975, only 41 of the 212 top figures in government kept their positions. With frequent purges in army and government, many senior officials were imprisoned or rotated into different positions or from one geographical area to another. All this came at great economic cost. After the stabilisation of the economy in 1967, the country enjoyed several years of relative prosperity and growth, until the progressive collapse of the economy in the 1970s.

On 6 December 2006, Joseph Kabila was sworn in as the first democratically-elected president since Congolese independence. With a mandate of 58 per cent in run-off elections, and a strong majority in parliament, Kabila controls three-fifths of both houses. The elections themselves denote a landmark in Congolese history and the overall process was conducted without major violence or electoral irregularities. However, the peace process is far from being complete. The current political situation is marred by serious insecurity and complex infighting at national and regional level. A new government was named on 5 February 2007 after months of bickering over respective positions. The outcome is that all 60 members belong to President Kabila's coalition. However, the formation of new governing institutions has been stained by violent repression of demonstrations. Over 100 people died in post-election clashes in Bas-Congo between security forces and members of a religious sect whose candidate had lost to the winning party in elections for governor. Prime Minister Antoine Gizenga presented a new programme to the DRC parliament on 22 February 2007 that underlined the need to clamp down on corruption and emphasised the liberalisation of the economy. Security in the Kivus and in Ituri remains precarious. The troops of dissident General Laurent Nkunda

have started to integrate at the local level with Forces Armées de la République Démocratique du Congo (FARDC) units into five new mixed brigades to patrol the province of North Kivu. The situation in the East remains volatile. There is little or no state authority in large parts of the West dominated by the opposition. There are still an array of militia forces often backed by outside powers and interests. Weak border controls, and Congo's mineral wealth have allowed many of these militia to become self-sustaining. The economy is in tatters. The many ethnic and regional divisions are profound.

#### *Status and Challenges of Security Sector Reform*

Security sector reform is an important part of the peacebuilding process in the DRC, but it has advanced slowly, partly due to the delays in the DDR process. Emphasis has been given to the integration of the police and military forces. Efforts to address the justice system and to strengthen the democratic oversight of the security sector have been less effective. Certain fundamental elements not only characterise the current situation, but also need to be tackled in the reform processes related to SSR. These are: corruption, insecurity, creation of a national army and army integration, addressing the existence of armed groups and armed opposition, ethnic tension, the security situation in the West, and the potential for regional unrest.

Corruption and the weakness of state institutions are likely to continue to cripple government. During the transition, between 60 and 80 per cent of customs revenue was embezzled, a quarter of the national budget was not accounted for and millions of dollars were misappropriated in the army, government institutions and state-run companies. It will be hard for the new president to curb this theft, which leaves the state weak and factionalised, because his entourage includes officials identified in UN reports as taking part in the plundering.

Insecurity is prevalent throughout the country with most Congolese destitute and exposed to high rates of crime, largely at the hands of the military. The two main security problems, which are closely interlinked, consist of an ill-disciplined, often abusive national army and the possibility of military confrontations in both the East, where militias still control large areas, and the West, where there may be civil unrest or violence because of the predominance of the opposition. Essentially, the weakness of the security forces has allowed a military opposition to flourish. There is ongoing speculation that the opposition's exclusion from power is part of a deliberate strategy to marginalise them. In addition, this exclusion might heighten the

risks of continued armed conflict. The extraordinary and ongoing sexual violence in the DRC, largely perpetrated by members of the armed forces, is an important aspect for SSR and a matter of grave concern. For example, in September 2006 a hospital in Bukavu reported that it received a staggering average of 12 raped minors and adults per day. There are estimates that over 100,000 women have been raped in South Kivu alone and the German *Gesellschaft für Technische Zusammenarbeit* (GTZ) registered more than 14,000 rape survivors in Bukavu during the war. Another important factor is that DDR has not yet been completed, thus contributing to the existing insecurity.

Creating a national, apolitical and professional army with an even ethnic balance out of the various armed groups is key to preventing further unrest. There was an unwillingness on the part of donors to tackle the political impediments to army reform, in particular corruption and lingering political networks within the security services.<sup>3</sup> Until recently, up to half the army payroll was being embezzled with the complicity of senior commanders, with no real penalty imposed by donors involved in army reform. In addition, Kabila maintained a vast presidential guard of 10,000 to 15,000 with better equipment and pay than other units, and with a strong ethnic bias. Reports in recent months have highlighted discrimination against officers from former rebel groups, in particular Bemba's Army for the Liberation of the Congo (ALC). This sort of factionalism could generate further dissent.

The remaining armed groups and armed opposition constitute a serious threat to long term stability. There are roughly 8,000-9,000 Rwandan and Ugandan rebels on Congolese soil and perhaps another 5,000- 8,000 Congolese militiamen. These groups control densely-populated parts of the East with the capacity for considerable violence. According to a UN Secretary-General's Report<sup>4</sup>, this figure includes around 7,000 combatants of the Hutu-dominated Forces Démocratiques de Libération du Rwanda (FDLR) combatants in the Kivus and 1,000 to 2,000 from the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) in North Kivu, as well as the Lord's Resistance Army (LRA) close to the Garamba National Park. The figure for Congolese combatants includes 3,000-4,000 belonging to Laurent Nkunda and 2,000-4,000 Ituri militiamen and Mai-Mai. A further factor is the destabilising role of smuggling, money laundering, illegal exploitation of natural resources and small arms proliferation, many of them directly driven from neighbouring countries and involving a highly complex network of local interfaces (private sector, military officers, politicians, community leaders, etc). This highlights the need to accelerate reforms also in the cross-border sector (Customs,

Migration, the national office for air control), as part of a global strategy in support of SSR.

Ethnic tension is highlighted by problems in the gold-rich district of Ituri and is also linked to the presence of foreign armed groups. Many local conflicts are linked to ethnic communities – for example, the FDLR and Laurent Nkunda’s predominantly Banyarwanda forces. In fact, Nkunda’s attack on Bukavu in May 2004 triggered persecution of Tutsi in South Kivu. Much of the fighting in the Kivus and Ituri during the past decade has led to ethnically-motivated attacks against civilians. Clashes regularly degenerate into communal violence. While foreign armed groups no longer have the capacity to seriously destabilise neighbouring countries, their presence is an impediment to improving regional relations and causes immense suffering for local communities.

The security situation in the West also remains volatile. This came to a head when fighting broke out on 20 August 2006 between troops loyal to the competing presidential candidates Bemba and Kabila following the announcement of the first round of election results. In the following months, violence flared again twice in the capital. Bemba had around 1,000 troops and Kabila 5,000-6,000 presidential guards. Whilst most of Bemba’s troops have now been transferred to his farm outside the capital, many weapons remain in Kinshasa. In addition, thousands of demobilised combatants in Equateur province have recently demonstrated against problems with the payment of their reintegration allowance. These constitute a potential reserve force for Bemba and a permanent security threat in Equateur. In addition, unrest in the neighbouring Central African Republic (CAR) could also impinge on the stability of Equateur and offer Bemba an opportunity to launch a new rebellion.

In this context, SSR is one of the key challenges in the DRC. The international community has supported the government in its efforts to address this issue. The United Nations peacekeeping mission has also been involved in SSR and since 2004 it has figured as a specific activity in MONUC’s mandate.<sup>5</sup>

## **United Nations Mission in the Democratic Republic of Congo (MONUC)**

### *History*

The UN Security Council established MONUC in 1999<sup>6</sup> to facilitate the implementation of the 1999 Lusaka Peace Accord.<sup>7</sup> MONUC is placed under Chapter VII of the UN Charter and is the largest and most expensive mission

of the UN. The mission's mandate is generally defined in four phases. Phase one focused on forcibly implementing the ceasefire agreement. Phase two involved monitoring and reporting on violations of the ceasefire agreement. Phase three centres on DDRRR (disarmament, demobilisation, repatriation, reintegration and resettlement) and is still under way. Phase four focused on the transition and the organisation of elections. The current phase is focused on assisting the DRC government 'in establishing a stable security environment'.<sup>8</sup> According to the current SRSG, William Lacey Swing, the mission has had unprecedented international commitment, at least in purely numerical terms, with five international peace agreements (Lusaka, Sun City, Pretoria, etc), 23 reports by the Secretary-General to the Security Council, some 38 UN Security Council resolutions, and international funding for MONUC to the tune of \$5 billion between 1999 and 2007. There have been seven visits by missions of the UN Security Council to the DRC and three visits by respective UN Secretary-Generals.<sup>9</sup>

### *Mandate*

MONUC's mandate and authorised staffing and strength was established in UN Security Council Resolutions 1355 (2001), 1376 (2001), 1417 (2002), 1445 (2002), 1493 (2003), 1565 (2004) and 1621 (2005). As a multi-dimensional mission, MONUC's mandate is broad. But it has been progressively redefined in the context of the DRC's political transition. Its concept of operations combines the functions of military, political, rule of law, humanitarian, human rights and civilian police. More specifically, MONUC is integrated in the sense that it combines the work of all UN agencies in the DRC in the fulfillment of their mandate in terms of humanitarian assistance, development and the broader governance agenda.

More recently and specifically during the transition, the mission had the mandate to "provide advice and assistance to the transitional government and authorities" in accordance with the peace deal.<sup>10</sup> Through various resolutions, the Security Council also mandated it to "provide assistance ... for the re-establishment of a State based on the rule of law" and to "strengthen good governance and transparent economic management".<sup>11</sup> This gave it authority to advise the transitional government at key points and avert political crises. Together with members of parliament, representatives of the executive, and key donors, MONUC facilitated the establishment of joint commissions on essential legislation and SSR. These were instrumental in sustaining progress during the transition.

Although sometimes criticised for lack of initiative, on several crucial occasions MONUC, together with the International Committee in



Support of the Transition (CIAT),<sup>12</sup> kept the transition from derailing and pushed it forward. Most international actors concurred, albeit with hindsight, that overall the CIAT constituted a success and there is a need for a forum of dialogue between the government and international partners. Such international pressure was key, for example, in keeping the Congolese Rally for Democracy (RCD) rebels from leaving the transition after the Gatumba massacre in August 2004 and in preventing Bemba from withdrawing in January 2005 due to disagreements with Kabila over a cabinet reshuffle and civil service appointments. The joint commission on essential legislation was also very important in supporting the drafting and adoption of a democratic constitution.

### *Structure*

The overall structure of the mission consists of numerous sections and divisions under the Office of the Principal Deputy Special Representative of the Secretary-General (DSRSG) in charge of political affairs and the DSRSG (Resident Coordinator/Humanitarian Coordinator), under the overall command of the Special Representative of the Secretary-General (SRSG). The DDRRR/DDR Office, the Rule of Law Office, the Office of the Police Commissioner, Human Rights Office, Political Affairs Division and the Office of Public Information are all grouped under the Principal DSRSG. On the other hand, the Mine Action Liaison Unit, the Gender Issues Section and the Child Protection Section, among others, are under the office of the DSRSG (Resident Coordinator/Humanitarian Coordinator). The United Nations specialised agencies, funds and programmes are also under the authority of the DSRSG (Resident Coordinator/Humanitarian Coordinator).

### *Vision for SSR*

Structurally, MONUC addressed SSR initially by creating a DDR/RR Division. Staff were seconded from the World Bank to pursue DDR/Army Integration and DDR issues. The progression in MONUC from “DDRRR” to “DDR” programmes (i.e. DDR of Congolese forces) took longer than anticipated.<sup>13</sup> Indeed, MONUC’s mandate for DDR was only introduced by Security Council Resolution 1493 in 2003. In June 2006, a separate DDR/SSR unit was created and a military Deputy Chief of Staff was appointed for the SSR unit. In August 2006, this section was divided into two strands, a DDRRR section and a SSR section. A SSR strategy is being drafted and undergoing a consultation process<sup>14</sup>, focusing on MONUC’s support for the DRC government. The vision contained therein of MONUC’s

involvement in SSR appears to be three-fold: (1) at the policy level, supporting the new administration in the development of a form of National Security Strategy or White Paper on SSR, (2) developing sub-sectoral reform plans for defence, police, prisons and justice; (3) supporting the management and operational needs of those involved in the security sector. Among this counts completion of the *Brassage* process<sup>15</sup> and actual DDRRR.

At the same time, UNDP, which falls within the integrated mission concept under the umbrella of the DSRSG/HC/RC, was nominated in February 2003 by the government and the Multi-Country Demobilisation and Reintegration Programme (MDRP) as the DDR leading agency in the DRC for a period of one year. This role implied: (a) support to the transitional government in the formulation of the National DDR Programme, (b) support to the creation of the new national DDR institutions, (c) support to the government in the management of critical DDR operations (Ituri, Maniema, etc). UNDP's functions were formally handed over to a newly-created institution (CONADER) in April 2004. Until late in 2005, UNDP acted as an 'executing agency' supporting DD (disarmament and demobilisation) operations through its institutional "Rapid Response Mechanism". Disagreements arose over suitable approaches to reintegration between CONADER, the MDRP and UNDP, and eventually UNDP was no longer involved in the reintegration aspect.

MONUC's main role in SSR has been within the Joint Commission on Security Sector Reform. This mechanism was co-chaired by the SRSG William Swing and by the former Vice-President Azarias Ruberwa. MONUC has also supported the work of the two sub-commissions on army and police reform, MONUC's largest operations being the military and police training programme.<sup>16</sup>

### **Experience of MONUC in SSR**

While MONUC's priority has been elections, it has supported a range of SSR activities, such as initiatives towards, army reform, police reform and DDR. The reform of the three strands of the security sector, the army, police and justice system, including corrections, have all faced considerable obstacles in how the reform process was conceived and executed. This is compounded by the fact that armed forces and police represent by far the greatest violators of human rights and perpetrators of sexual and gender-based violence in particular. The military and civilian justice system are also unable to address these grave abuses.

*Security and Justice Service Delivery*

## Armed Forces / Defence Reform

The DRC's armed forces arguably pose one of the gravest threats to security and human rights. Some of the pressing needs are to increase wages and improve their equipment and training. The government needs to be pragmatic about the type and strength of the new army. One of the major objectives of army reform was to integrate the former members of armed groups into an integrated army. In terms of army integration, the goal was for 18 integrated and deployed brigades by March 2006. Only six such brigades have completed their courses, the training of three more was under way in January 2007, and three of the six integration centres were still awaiting the arrival of troops. Three integration centres<sup>17</sup> were reportedly largely unsuitable for human habitation, let alone training, forcing some soldiers to live in straw huts amid outbreaks of disease such as cholera and tuberculosis. The reported desertion of between 750 and 1,200 soldiers from one of the centres (Mushaki) was an indication that aspects of implementation were failing badly.<sup>18</sup>

The demobilisation of ex-combatants and the army's reform process is marked by a patchwork of different initiatives and juxtapositions, a fragmented decision-making process, poor coordination amongst donors, UN and above all between the main actors (CONADER, SMI and FARDC), and a lack of engagement with Congolese counterparts and institutions. Donors have adopted a piecemeal approach and shown a reluctance to provide funding for military equipment (especially 'lethal equipment') and logistics. Although contributions for military equipment have been provided by many donors (South Africa, Angola, Netherlands, UK, USA, Belgium and EC), funds have not been sufficient to cover the tremendous logistical needs of army integration. Furthermore, the release of funds was considerably delayed, affecting the implementation of the *brassage* process. This is coupled with the lack of a strategic and well-formulated approach to SSR by MONUC that has not engaged its political capacity with the technical and operational requirements of the reform process.

Technically, a fundamental problem has been that no donor has taken the lead in army reform. Instead, several bilateral military missions – Angola, South Africa and Belgium – sent officers to the six integration sites around the country to train troops. To-date, donors have assisted in training around 20,000 of the country's 90,000 to 120,000 soldiers, but only in recent months have they begun to tackle pressing problems such as corruption and parallel chains of command. Some 50,500 combatants have been integrated

in 14 Brigades, one Commando Battalion and one from the Republican Guards Battalion. None of these integrated brigades have been trained by donors. If mandated, MONUC is envisaging conducting a basic training programme for 11 integrated brigades in the East. At the time of writing, the 15<sup>th</sup> (Lokosa) and 16<sup>th</sup> (Kamina) brigades are waiting for the *brassage* to begin. Over 101,250 combatants have been demobilised from the armed groups and forces, including 30,000 children, and up to 80,000 remained to be demobilised including the Republican Guards. Military integration was relatively successful at breaking down chains of command and merging armed groups but lack of donor coordination and the uneasy sharing of political power during the transition impeded creation of a disciplined, professional army. Institutions such as military tribunals, army administration and health services are largely defunct, with the exception of a few areas where military tribunals have now been put in place.

A further Catch 22 existed in that many current and potential donors were reluctant to provide support for the army aspect of security sector reform until it was clearer that the Congolese could move beyond elections towards a relatively stable and accountable government. Yet without such increased donor support and tough conditions imposed on the government, insecurity will prevail and probably increase. There is a financial trade-off between the goal of providing immediate security and the long-term goal of building sound Congolese institutions. Donors have supported MONUC to the tune of approximately \$1 billion a year to improve the situation in the East. Yet, there appears to have been a certain reluctance to provide basic equipment to the integrated brigades, or support the creation of acceptable living conditions, with the exception of Belgium and UK who responded to calls for equipment and logistical support.<sup>19</sup>

MONUC's capacity to support and engage in SSR, especially in army reform was limited. The former DDR/DDRRR Division and the Political Affairs Divisions were involved at the political level within the context of the Tripartite and the Joint Verifications Mechanisms. At the operational level, the DDR/DDRRR Division was engaged through the DDRRR of foreign and DDR of national combatants and as a secretariat to the SSR Joint Commissions and Technical Sub-Committee, as well as liaison with donors and agencies engaged in the DDR process. MONUC military are conducting some monitoring of the *brassage* and integration process of the army, training for and conducting joint operations with the FARDC. MONUC proposed to the Security Council that it provide limited basic training of the integrated brigades, using troops currently in the Congo to work on-site with 11 integrated brigades in order to increase their capacity to take part in joint operations. Each brigade would receive three months

training based on a standard manual developed by MONUC with the Congolese army. Fourteen brigades have already been formed, with another four to be completed in early 2007. The remaining 60,000–70,000 soldiers would either be demobilised or join specialised units such as the navy, military courts or artillery. This would have the advantage that UN trainers would supervise these new units in the field, thus curbing abuses and improving performance. MONUC troops have already been conducting joint operations with integrated brigades and this proposal would strengthen that cooperation. Some have criticised MONUC, including senior members of the Congolese military, arguing that this initiative is aimed at merely containing the FDLR and other armed groups, not fighting them, while at the same time preventing the Congolese army from doing so itself on the grounds that this would cause a humanitarian crisis.

Training is also marked by a fragmentation of assistance and multiple *ad hoc* donor initiatives. Each foreign military involved uses its own doctrinal approach. Europeans work in one corner, Angolans in another, with the South Africans attempting both to cooperate with the Europeans and pursue their own initiatives. Until advisers of the EU Security Sector Reform Mission in the Democratic Republic of the Congo (EUSEC DR Congo) started attending the meetings of the many Congolese institutions, the poorly-coordinated donors had routinely allowed the Congolese politicians and military to play them off against each other. That donors took so long to interact constructively with Congolese security institutions was a major failure of the international community.

A strategy for the army's reform process involving the government and donors will need to address a number of grey areas: the army's numerical strength; an incentive structure that favours demobilisation over retention; the lack of pay and appalling welfare for soldiers and the ultimate financial sustainability of the army and the reform process; the highly divergent status and skills of both former combatants and new units; a badly fragmented national decision-making structure for security issues; limited donor coordination; meagre logistical support for post-integration operations; inconsistent training, insufficient funding, and divided troop loyalties; and finally, financial constraints that create difficult trade-offs between the needs both to enforce security in the short term and to produce an efficient, autonomous army in the long run.

### Police Reform

The police is currently a unified structure, although numerous tensions remain in terms of the backgrounds of the police officers and rank

harmonisation.<sup>20</sup> There is also a need to carry out a census of the police force which is estimated at more than 100,000, but is aimed to reach 40,000.<sup>21</sup>

The concept of operations for MONUC Police focused on the immediate need to support and enhance the role of the *Police Nationale Congolaise* (PNC) in the context of the electoral process. It also had the broader, albeit less clearly-defined remit to contribute to the long-term institutional development and capacity-building of the PNC. A benchmark was set for 391 Police personnel and six Formed Police Units (FPU) of 125 officers each, amounting to a total of 1,141 Police personnel for the implementation of MONUC Police's mandate. This is arguably a disproportionately small number, given that MONUC has fewer civilian police than MINUSTAH for a country about 23 times the size of Haiti. Specifically, some of the police tasks set were to:

- Train 9,000 police officers in public security and crowd control. Supervise national police trainers, in coordination with the Independent Electoral Commission (IEC), to conduct training for 18,500 national police officers for provision of security for the registration and polling centres.
- Develop an intelligence and early-warning capacity within the national police.
- Register and certify the national police force.
- Develop the crowd-management capacity of the national police, especially in the areas of greatest risk for disturbances during the electoral period.
- Establish a working group for the coordination of international partners, who are currently, or have expressed an interest in, contributing to the development of the national police.
- Provide police advisers at the national and provincial level and support the implementation of the government's security plan for the elections.

In the run up to the elections, the main achievements of MONUC police were to develop a *Plan National de Formation de la PNC*, a national training plan, together with DRC and donor counterparts (EU, Angola, France, South Africa and UK) to address security needs for the electoral process. Some 55,000 PNC were trained in accordance with this plan. MONUC Police also provided basic equipment for 32,000 Congolese Police through the UNDP-administered Basket Fund, made up of bilateral and EU contributions (\$52 million). A Presidential Decree (No 05/026 of 6 May 2005) conferred on the

PNC the responsibility for implementing a security plan and involving MONUC Police in an advisory capacity. Consequently, MONUC Police advised the PNC on security planning and operations for the electoral process at national and provincial level.

Finally, MONUC Police participated in the *Groupe de Réflexion Mixte sur la Réforme et la Réorganisation de la PNC (GMRRP)*. It was created as a result of discussions in the Joint Commission on SSR, established by the Minister of the Interior for the planning and long-term reform of the PNC. The group consisted of MONUC Police, the PNC, the EU, Angola, South Africa, UK and France. In line with its terms of reference, the group submitted a report on police reform to the Minister of the Interior on 15 May 2006. Some of the recommendations contained in the report were, for example:

- To conduct a census of the PNC that would include a vetting process and certification of police officers.
- To develop a comprehensive police training programme, encompassing the key groups, namely new recruits, active police officers, middle and senior managers in the police service and police trainers.
- To develop a concept of policing based on strong community links.
- To aim for transparent practices in terms of administrative, financial, human resource management of the police and establish appropriate disciplinary measures.
- To establish an Implementation Committee composed of Congolese representatives, MONUC, other UN agencies, EU and major bilateral donors.
- To adopt a legal framework for the implementation of the Reform and Restructuring Plan in the short and long term up to ten years.

By their own admission, MONUC Police faced a number of challenges and were unable to fulfill all tasks set in their concept of operations and mandate. Importantly, they were unable to facilitate an audit or census of the PNC, because it lacked the requisite substantial donor funding. In addition, some blamed the inability to implement an audit or census on the lack of collaboration and political will on the part of the DRC government.<sup>22</sup> Security problems also hampered the full deployment of MONUC Police to all designated locations (20 in total). A serious lack of resources, UNPOL

training skills, coupled with operational and logistical constraints, prevented the broad-scale training that had been envisaged by their mandate. Of the 12 mobile training teams specified by their mandate, only three could be deployed<sup>23</sup>. Finally, MONUC police have not to-date been able to establish an intelligence or early warning capacity within the PNC.

MONUC has managed to establish a few highly efficient police units, albeit on an *ad hoc* basis. The main players – MONUC, the EU, France and Angola – have each trained specialised units of their own, usually in Kinshasa, with disparate structures and methods of engagement. This creates a challenge for joint operations and the general management of the units. MONUC and the EU took the step of training the local territorial police who carried much of the security burden during the electoral process and may do so again for the planned local elections. Donors have tended to focus on the elections. As a consequence, a police force was created, skilled at crowd control but neglecting other core policing functions. Based on the apparent assumption that the army will intervene, little is being done to tackle the protracted violence in the countryside, particularly in Katanga and the East.

MONUC Police have developed a set of goals and benchmarks over the next three years, outlining what needs to be achieved to meet their mandated objectives and how this might be done. There is a clear recognition that police reform is a long-term project which may last well over a decade. According to a MONUC report, detailed operational and resource planning should commence immediately to identify needs, establish tasks, estimate costs, identify sources of funding, establish timelines and benchmarks, assign roles and responsibilities to the government of the DRC, various partners and MONUC and create mechanisms for coordination and implementation. All efforts geared towards police reform must be integrated and coordinated to prevent duplication of efforts and wastage of resources, and to achieve the maximum desirable impact.”<sup>24</sup> In brief, the goals outlined are, firstly, to develop and implement a police reform, restructuring and rebuilding programme. This will involve the provision of institutional support and expertise for the implementation of the recommendations of the Joint Committee on Police Reform (GMRRR – see above) and for the creation of *ad hoc* mechanisms. The second overall goal is to strengthen the technical and operational capacity of the national police service, by providing operational support to the DRC government, and in particular the national police, to strengthen the police services, and by promoting professionalism and compliance with international standards of democratic policing. A clear staffing and skills deficit has been identified that would hamper the achievement of these goals under current staffing levels.



Positions such as planning officers and a police registration unit for the registration of PNC personnel will have to be established.

#### Justice Reform

Rule of Law institutions in the DRC are essentially in a dismal condition. Real and urgent needs exist that a number of international partners are trying to address, including MONUC. Coherent strategies are emerging, but initiatives have been piecemeal, some more focused on electoral security rather than on longer term institutional development. Broadly speaking, the most serious problems in regard to justice are related to poor infrastructure, appalling prison conditions, lack of human and material resources for both military and civilian courts, lack of training, government interference in judicial processes and corruption. The destitute infrastructure of Congolese judicial institutions is characterised by a total dilapidation of existing court, prosecution and detention premises, especially in the interior of the country. This also highlights the existing gap in the allocation of financial and human resources between the capital or major cities and the rest of the country.<sup>25</sup> Human rights reports continue to highlight the exceedingly inhumane conditions in the DRC's detention facilities.<sup>26</sup> There is an acute shortage of adequate food for prisoners.<sup>27</sup> Security provisions for prisons are also seriously lacking, with no dedicated high-security facility.<sup>28</sup>

With regard to civilian courts, there appears to be a critical mass of competent jurists, coveting reform and in need of retraining. Yet, apart from the lack of very basic equipment, there is no national training capacity. There is also no tracking of cases, leading to excessive detention, impenetrable archives and wide-ranging case law that is not applied. Interference and pressure from government officials have also led to cases of unlawful detention, which in itself is illustrative of a broader picture of widespread corruption amongst officials. The military justice system is also faced with a number of serious impediments linked to the acute deficiency in resources, with a lack of staff, infrastructure and material. The *Auditeur General* has no direct authority over the military and no physical protection. Political and command interference features again widely. The current jurisdiction of military courts is wide, in that it can judge the military, police and militia, as well as civilians who commit crimes with weapons of war – though the latter is under consideration. Military courts are constituted by a combination of military and civilian judges, when civilians are judged. They are supposed to be arbiters of both police and military discipline, as well as addressing the financial mismanagement of the uniformed services and command responsibility.

Much of the existing legislation in the DRC is obsolete, antiquated and often inapplicable.<sup>29</sup> There is a need to harmonise criminal legislation

for the enforcement of international treaties, with a focus on anti-corruption legislation, weapons trafficking, the illegal exploitation of natural resources and drug trafficking. A number of new or existing institutions require a legal framework, such as the Constitutional Court, the *Cour de Cassation*, *Conseil d'Etat* or the *Cours des Comptes*. This also applies to provincial institutions, such as the *Conseil économique et social*.

A number of international initiatives are under way with varying degrees of effectiveness. There is wide-ranging, yet uncoordinated bilateral support under the broad theme of 'Institution- and Capacity-Building'. In terms of multilateral support, the EU governance programme has launched a major justice initiative together with the Belgian Cooperation in Eastern Congo ('REJUSCO') ranging from access to justice, legislative and institutional reform to training and capacity-building. Key donors are the European Union, as well as bilaterally France, Belgium and Netherlands, UK's DFID and USAID. In addition, the United States, Canada and South Africa have all expressed interest in involvement in this sector. Within the NGO community, some provide specific expertise, such as Réseau Citoyen Network (Justice et Démocratie), Avocats Sans Frontières, Caritas and Prison Fellowship International.

Key partners in the justice reform sector within the UN are primarily the United Nations Development Programme (UNDP), the United Nations High Commissioner for Human Rights (UNHCHR), the United Nations Population Fund (UNFPA), the Food and Agriculture Organisation (FAO), the United Nations Children's Fund (UNICEF), the UN Refugee Agency (UNHCR) and MONUC. MONUC's Rule of Law section has initiated and collaborated in a number of projects for reform, training and legislative reviews. Together with UNDP, the deployment of judges was facilitated to areas where no judges had been present. International mentors for the prison sector were recruited. This apparently resulted in the release of a substantial number of persons detained without charge, as well as a prison feeding programme.<sup>30</sup> The Rule of Law Unit developed broad objectives for the post-election period to support and assist the government in carrying out various initiatives. These include: (i) to develop plans for the revision or creation of key legislation; (ii) to initiate institutional reform initiatives, through the establishment and development of independent and functioning rule of law institutions and mechanisms, incrementally; (iii) to develop programmes for capacity-building of personnel; and (iv) to promote appropriate transitional justice mechanisms in an advisory function. More specifically, MONUC's current 'mentoring' role in the prison sector is deemed a success to-date and will therefore be expanded to providing the DRC authorities with 'mentoring' across the judicial sector. The underlying aim is to enhance

efforts in creating links between donors and DRC authorities. In this regard, MONUC aims to play a coordinating role in the short to medium term, and ensure transition to longer-term UN institution-building agencies. One problem is the allocation of resources and the need for future mandates to reflect these essential tasks.

Participation in the Joint Justice Coordination mechanism<sup>31</sup> and bilateral meetings will continue in conjunction with local counterparts and donors. The Humanitarian Action Plan, launched in early 2007 by the international community under the leadership of the DSRSG/HC/RC, also has a Governance/Rule of Law 'pillar'. The aim is to ensure synergy with the MONUC Rule of Law unit. However, this is as yet not fully articulated. The reform of the military justice system is acknowledged as not having received sufficiently high recognition. To raise wider understanding on the importance of reforming the military justice system, MONUC's Rule of Law Unit was developing an information 'leaflet' addressed to the donor community outlining the importance of the military justice system, particularly in the fight against impunity. Furthermore, a proposal was submitted to the Ministry of Defence on installing a 'legal watchdog' capacity at the FARDC brigade level. Attaching a military magistrate to brigades would allow oversight of actions by Brigade Commanders.

Advocacy efforts with the new Congolese institutions feature strongly in the implementation of MONUC's objectives with regard to the Rule of Law. For example, an important aspect is to advocate with the Ministry of Justice for an increase in the number of magistrates in the interior of the DRC and provision of logistical support for their deployment. Work by the MONUC Rule of Law Unit is ongoing in reviewing draft legislation to assess coherence with the new Constitution through the secondment of an expert in constitutional law. In a similar vein, work is ongoing with the relevant authorities to ensure that the legal framework for national institutions and other legislation is brought into line with the new constitution and international standards.

In December 2006 UNDP developed a Governance programme that included a special pillar on Security Governance. Subsequently, a project document was agreed between MONUC and UNDP and published. The aim was to encourage efforts on the part of DRC authorities and international partners to train magistrates in electoral dispute resolution, and to obtain more material support.

*Management and Oversight Bodies*

The international community and the UN's mandate in particular focused on the conduct of elections that took place on 31 July 2006 and a subsequent run-off election between the two main presidential candidates in October 2006. In fact, donors have provided over \$6 billion in the past five years in development aid and support for the elections and concentrated on infrastructure, administrative capacity and some expert advice. Donors and international actors seemed to consider state institutions such as parliament, courts and oversight bodies as being a more technical and possibly secondary matter. Indeed, donors also seem to lack understanding of the content and process of SSR. This approach has led to a serious lag in the security sector reform process, and the importance and political implications of supporting the management and oversight bodies as well as reforming the army, police, courts, customs and prison service has been underestimated.

The UN has also been slow in addressing these issues. Meeting the needs in terms of the rule of law across the board, which are both considerable and very specific, would contribute to the sustainable creation of civilian oversight mechanisms. For example, there is a requirement to increase support staff. Technical assistance is vital to provide immediate national capacity to investigate, prosecute and administer justice, including in regard to serious human rights abuses.<sup>32</sup> Support has to be provided for the development of independent "watchdogs" (counterbalances), i.e. regulatory bodies, the media, independent NGOs, etc. Support is also needed for the development of state capacity to provide intra-governmental human rights guidance and sensitisation (e.g.. a Ministry of Human Rights). People and money are required for the development of sustainable national training programmes and institutions.

*SSR-Related and Cross-Cutting Activities*

## DDR

The demobilisation of Congolese combatants takes place under the auspices of the National Programme for Disarmament, Demobilisation and Reintegration. The demobilisation of foreign armed groups is separate; at the current rate, it could take five to ten years for the remaining FDLR fighters to be repatriated.<sup>33</sup> There are also indications that Ituri militias have recruited demobilised combatants. The various voluntary demobilisation programmes have revealed their limits, not assisted by the complexity of having concurrent processes. The Congolese demobilisation commission

(CONADER) has, however, demobilised approximately 120,000 combatants throughout the country but has acute administrative problems that call into question its capability to reintegrate them into society effectively and demobilise the remainder.<sup>34</sup> Thousands of demobilised soldiers have protested and even rioted in many towns across the country. This juxtaposition undermines the planning and credibility of army reform. Some improvements have been made, such as instituting an automated identification system. Whilst the national DDR programme faces tremendous logistic and programmatic constraints, its information management system comprises a central database, which is fed by data collected from the orientation centres through biometric registration. Updates are made on a 24-hour basis. However, there is no single database for military personnel, i.e. for those integrated into the army.

UNDP has been one of the major UN actors engaged in DDR. In particular, it has developed a DDR strategy consisting of the following strands:

- (a) Support to *brassage* and *post-brassage* processes through a joint MONUC-UNDP programme<sup>35</sup> in response to a request by the Contact Group in 2006 for an operational device to support army integration. To-date, this programme is funded by the EC for *brassage* and DfID for *post-brassage*. The initiative constitutes the first UN project developed under the ‘integrated mission framework’, where MONUC (Rule of Law Section, military component and SSR Unit) and UNDP (Rapid Response Mechanism and ComRec) joined their efforts in assisting the Transitional Government in SSR;
- (b) Reinforcement of the National Congolese Police to secure the elections. This multi-donor initiative combines the provision of technical assistance, training and equipment;
- (c) Support to ‘gender mainstreaming’ within Army and Police reform. This joint initiative between UN agencies and MONUC involves primarily technical assistance to the Parliament, the FARDC and NCP; and,
- (d) Support to the development of a national strategy for SALW control. This initiative, funded by the governments of Belgium and Canada, involves undertaking two studies on SALW, an Analysis of Government’s Capacity for SALW control, and a SALW Survey.

The DDR process was subject to a complex and fragmented coordination structure. Essentially, the overall umbrella consisted of the Joint Committee on SSR, co-chaired by the Vice President and the SRSG. Under this, the Technical Military Sub-Committee for SSR, the Inter-Ministerial Committee

and the Ministry of Defence all had varying degrees of control and influence over the DDR programme. UNDP led on developing a DDR strategy and institutional framework. MONUC was involved in army restructuring and the *brassage* process.

Despite support to the process, numerous problems persist. For example, there are reports that up to 30 per cent of those demobilised are presumed to have done so twice, claiming a double compensation package. This package was comparatively attractive, and in some centres mostly in the East, as many as 80 per cent of ex-combatants chose demobilisation over army integration. A further factor is that some of the leaders of transitional institutions have been reluctant to send their best troops through the security sector reform machinery, fearful of losing the military strength that brought them to power.

## Gender

The DRC parliament has adopted a law on gender equality, based on the DRC Constitution. This was advocated for and supported by MONUC and the UN Country Team. Together with the Ministry of Women's and Family Affairs and women's groups, MONUC assisted in developing a national plan of action on Security Council Resolution 1325 (2000). A number of initiatives were launched by MONUC and the UN Country Team to ensure that awareness of women's issue was reflected in national programmes, with parliamentarians, the media, and to a limited extent with the security forces.<sup>36</sup> In light of the recommendations in Security Council Resolution 1325, a gender office was established within MONUC in March 2002. This gender office has taken part in training programmes for the PNC, and has also organised a technical seminar on the reform of the PNC, recommending the inclusion of at least 30 per cent women in the new police force. The office also supports army reform by considering gender in the training schemes of the FARDC.<sup>37</sup> The gender office also supports the DDR process, in particular by participating in the Gender and DDR Technical Group, and by designing gender material to be distributed to the ex-combatants.<sup>38</sup> MONUC has also worked in cooperation with other UN agencies on these issues. For example, MONUC, UNIFEM, UNDP, OCHA and WHO, among others, have cooperated on a project that addresses the prevention of sexual violence in the DRC.<sup>39</sup>

## Transitional Justice

A vital lesson learned from the case of the DRC is about the issue of impunity; there is a clear need to ensure that security sector transformation initiatives tie in at an early stage with the development of transitional justice mechanisms, as well as to ensure sustained support to judicial institutions and processes. The MONUC Human Rights Unit together with the OHCHR and UNDP have begun to support burgeoning initiatives for transitional justice arrangements.

## **Lessons Identified**

The reform of the security sector in the DRC represents one of the most serious and enormous challenges in peacekeeping and peacebuilding to-date. As illustrated in part by the preceding discussion, it is near impossible to meet all the demands, namely ensuring institutional, legislative and political reform processes concurrently, effective coordination at all levels, as well as continuous management and oversight throughout the country. Above all, there is a dire need for the allocation of meaningful human and financial resources by both the Congolese and donors, as well as significant political will and effective political pressure to address Congo's deep-seated governance problems to prevent it from sliding back into conflict. Institutional reform demands technical and capacity-building expertise and political influence. The complex and lengthy process of reforming institutions in such a way that the security of Congolese citizens is ensured in all aspects requires more expertise and capacity than has hitherto been devoted to this issue by all international actors including the UN.

The 2006 elections in the DRC represented an important milestone, but serious internal and external security threats remain to be addressed. The security situation is precarious in many areas of the DRC and the FARDC remains weak with severe deficiencies.<sup>40</sup> For the average citizen, the most prominent threat to survival is the army and the ongoing insecurity in eastern Congo. This needs to remain a priority for the international community's agenda. The reform of the army has been marred by difficulties although some very important initiatives are under way that demand greater support. The Strategic Plan developed by the transitional government and endorsed in 2005, is an important step towards dealing with army integration. But it is unlikely to work unless both the government and the international community deal with the underlying problems of fragmentation, corruption, political obstructions and the generally poor state of the army. Furthermore,

there is no quick military solution to the militia problem in eastern Congo. It is clear that the Congolese army cannot yet deal on its own with the remaining militias in the East. Recent fighting in Ituri and North Kivu, during which FARDC units have collapsed under pressure, underlines that MONUC remains militarily indispensable and needs to maintain its troop level at around 17,000, at least through 2007. At the same time, an all-out offensive against the militias might result in enormous number of deaths and displacement.<sup>41</sup>

Justice has been one of the greatest deficits of SSR. Impunity for war criminals has not been addressed in army integration, allowing serious abusers to join the new force, where they undermine operations and continue abusing the population. There has to-date not been any form of vetting (as in other countries such as Bosnia, Liberia and Haiti) for screening security officials so that those who have committed serious crimes are excluded from joining the security forces. This is a vital step in gaining the trust of the population and reducing abuses and could be included in the mandate of a revived SSR joint commission.<sup>42</sup>

### *Strategy*

With the election of a new government, MONUC is beginning to adopt a broader approach. But there is still a need to develop a common understanding of security sector reform that includes MONUC, other UN agencies, in particular UNDP, the DRC government and its bilateral and multilateral partners. Because of other stated preoccupations and mission priorities, such as the facilitation of the transition and the electoral process, MONUC delayed the development of a comprehensive SSR strategy. Since the completion of the transition period, new priorities have emerged, such as (a) the renewal of MONUC's mandate<sup>43</sup>; (b) the creation of new structures to coordinate aid efforts; and (c) rigorous improvement of efforts to improve security throughout the country. In terms of SSR, no guidance was provided to the mission, with the exception of a broad-based articulation in Security Council Resolution 1565 (2004). This outlines MONUC's function as facilitating, and providing advice and assistance to the transitional government on Security Sector Reform, including the integration of national defence and internal security forces together with disarmament, demobilisation and reintegration and, in particular, the training and monitoring of the police.

The debate on the need to develop a SSR strategy evolved on an *ad hoc* basis within the mission since 2001<sup>44</sup>. Various initiatives and attempts to develop a strategy and streamline the thinking on SSR away from purely



DDRRR were somewhat stymied by internal disagreements over structure, concept and lack of decisive management. Most importantly there was no conceptual clarity and mission-specific understanding of what SSR is and how to do it. At the same time the SRSG played a catalytic political role in preparing the political terrain for reform as well as for the national ownership of these reforms. Based on information ascertained through interviews and background documentation, it became clear that a conceptual and practical understanding of SSR was seriously lacking both amongst the senior management of MONUC and across the UN system. The conception was restricted to army reform, DDRRR, and a sense that the police would have a role in a broader security sector transformation. Comprehension was scant of the need for civilian oversight mechanisms, legislative checks and balances, the notion of the rule of law and the role of human rights. To a certain extent a similar cognitive dissonance existed amongst donors, with some notable exceptions.<sup>45</sup>

At the time of researching this chapter, a MONUC SSR strategy was undergoing a drafting and consultation process<sup>46</sup>. It provides a comprehensive overview of all elements that would contribute to providing SSR assistance to the new DRC government. As such it is an important aspirational document. However, by merely focusing on the DRC government at this late stage, the document shirks responsibility for what MONUC should have done from the outset to promote SSR initiatives and, importantly, ensure a link with governance and rule of law activities. MONUC's approach to SSR was atomised, focusing particularly on police or the armed forces. The vital next step now will be to take the process forward and develop an operational plan for the implementation of this strategy. In addition, the time has come to include other vital aspects, such as the role of intelligence, civil society, the capacities of the civil management and oversight authorities and the overall reform process. Distinctions between internal and external security need to be clarified and reflected in the tasking of the different security organisations. One important aspect of this is the weak enforcement of the arms embargo: armed groups are easily able to acquire even heavy weaponry. The Security Council explicitly instructed MONUC in October 2004 to conduct random, unannounced inspections of Congolese military bases, airfields, vehicles and other installations.<sup>47</sup> This still remains to be addressed comprehensively.

### *Planning*

For MONUC the challenges seemed to exist at different levels: conceptual, structural and ultimately management and coordination. Constraints are

posed by the fact that the security sector involves a wide range of areas that are interlinked. There never was a clear concept of SSR either at the planning stage for MONUC, nor in the first five years of MONUC operation. No priorities for the implementation of SSR were established. During the visit of the UN Undersecretary-General for Peacekeeping Operations in March 2006, an agreement was reached, in principle, to establish a SSR unit with a strong coordination and policy advice remit. While a unit was established shortly thereafter, the functions envisaged were only being debated some ten months after this visit in the form of a draft MONUC strategy for security sector reform.

### *Capacities/Resources*

#### Human resources

The mission currently has 16,619 troops, of an authorised 17,030 as well as 729 Military Observers, of an authorised 760.<sup>48</sup> UN Police Officers number 1,036 of an authorised 1,141 personnel. Of the authorised 1,083 international staff, some 930 are currently in the mission, supported by 2,042 local civilian staff and 606 United Nations Volunteers.<sup>49</sup>

Most of the human and financial resources of the mission to-date in relation to SSR were in support of the Congolese National Police. MONUC Police advisers are deployed in most of the provinces in support of the Congolese National Police and direct material and financial assistance is being provided. Both technical and conceptual SSR expertise is lacking throughout the integrated mission. Whilst there is a proliferation of activities that in sum amount to SSR, by all accounts there is a lack of skilled trainers, accompanying financial resources, public sector specialists and even defence economists.<sup>50</sup>

#### Financial resources

Serious constraints have been imposed on effective SSR because of restrictions on official development assistance (ODA) for military purposes. Consequently, this kind of support will have to come from bilateral defence budgets. Some governments are understandably hesitant about supporting an army renowned for its abuses in a country where appropriate management of natural resources could rapidly provide the financial means needed for sustaining the military. MONUC's plan to-date consists of providing stop-gap training but not the deep restructuring and institutional reinforcement needed. This will be a long-term project for the donor community. They,

together with the Congolese and the UN, need to develop a 'White Paper', within the framework of the Joint Commission for SSR (or its replacement), evaluating Congo's internal and external threats and the type of army required to tackle them. With the Joint Commission on SSR virtually dissolved, new coordinating mechanisms were being explored that will require funding.

#### *Cooperation/Coordination/Communication*

In the DRC context, the priority for creating a new security sector and culture has to be on reforming the military and police, and strengthening the justice system. A number of external donors and agencies are engaged in a patchwork of activities related to SSR, primarily in relation to military and police reform. EUSEC is supporting the salary and financial management of the FARDC. The World Bank, UNDP, DFID and other partners are assisting the national demobilisation programme through the MDRP Trust Fund. The European Union and IMF are also engaged. Bilateral activities focus on training and reform of the FARDC and police, with support from Angola, Belgium, France, Netherlands, Germany, Sweden, South Africa, United Kingdom and United States. Cooperation between the UN and donors has worked; for example, UNDP together with UK DFID developed a community-based project for *brassage* and *post-brassage*.<sup>51</sup> Belgium provided equipment to some integrated brigades (1<sup>st</sup> and 7<sup>th</sup>). Logistics, mostly in the form of transportation for DDR was provided in a special \$21 million programme by the MDRP. The CBRs (Luberizi and Rumangabo) were refurbished by South Africa with \$5 million funding from the Dutch government. DFID/UNDP are undertaking a nine million Euro (\$13 million) project to improve the living conditions of the three integrated brigades, based in the East and involving the surrounding communities. These efforts were all coordinated through either the Contact Group or the SSR Joint Commission.

The variety of international support for SSR in the DRC entails the development of effective coordination mechanisms to develop coherent strategies that will bring together donors and agencies that are already involved piece-meal in these reform processes. A "Governance Compact", including the security sector, was developed in February 2007 as the first attempt to coordinate the efforts of the international community towards a sustainable security sector reform process.<sup>52</sup> Donor and UN coordination was carried out prior to the elections through the SSR Joint Commission and its sub-commissions, which involved the main players, including Congolese counterparts. The coordination framework for SSR was extraordinarily

complex with a fragmented decision-making process, that proved to be time-consuming and not always productive for both the transitional government, and the international community.<sup>53</sup> Many mechanisms were established, but coordination often remained poor. For example, in December 2005, the UN Secretariat recommended the EU send troops to the Congo so as to support security during the elections but did not consult with the transitional government about this.<sup>54</sup> The establishment of a more coherent viable SSR coordination mechanism for the DRC was often debated, but fell foul of internal politics and other priorities, such as security and elections.

MONUC has attempted to take an impressive role in coordination. The EU, on the other hand, has been more pragmatic in undertaking specific and strategic activities towards reforming the security sector. However, it will have to improve the speed and agility of its programming. At the same time, MONUC has an important role to play, in that security sector reform demands much stronger political engagement, far more explicitly so than other activities traditionally supported by the European Commission. However, MONUC could also enhance its catalytic role and focus on information-sharing, mapping activities and resources and monitoring follow-up to activities. UN actions as a whole need to focus on better coordination and integration, within MONUC as well as with other actors, in particular UNDP and EUSEC. This needs to be supported by and link in with a common, comprehensive and more coherent UN approach to SSR, based on the comparative advantages of the peacekeeping mission as well as UN agencies' added value.

Within the framework of the integrated mission, UN agencies are fulfilling a number of roles that have a strong bearing on reforming the security sector. In the case of the DRC, this includes, for example, the UNDP Governance programme's 'fifth pillar' section on "Security Governance". There is also a UNIFEM-UNFPA coalition in support of SSR gender mainstreaming. The OHCHR is conducting training on human rights protection, including the army and police. UNICEF has a wide-ranging programme on protection of children attached to the armed forces, which includes a proposed revision of the legal framework affecting children, as well as developing oversight mechanisms for the recruitment of children. Cooperation within the UN also faces a number of challenges. MONUC has to-date not played a sufficiently pro-active role, nor has it exploited its political capacity and impartiality, in facilitating and advising on the security sector reform process. There is a realisation that the Mission needs to play a leading role in coordinating both the conception and implementation of a comprehensive security sector reform plan.

Joint planning has also been organised between the Police Division of DPKO and MONUC Police. This involved a post-elections planning exercise and was carried out at the request of the mission. However, between the relevant sections of MONUC there appears to be a disconnect in the coordination of SSR-related activities. For example, the MONUC Rule of Law Unit is advocating for joint participation together with MONUC Police and Human Rights in the '*Groupe de Réflexion Sur La Réforme de la Police Nationale Congolaise*' to provide input on vetting and other legal matters concerning the structure of the police, legal training, etc. This has as yet not been taken further. Also, sections in MONUC, such as Rule of Law, launched projects for capacity-building of military justice mechanisms. The Child Protection Section collaborates closely with other child protection agencies, notably UNICEF and both have a good working relationship with the military on the reintegration of children attached to the armed forces. However, the Human Rights Section is monitoring and reporting on FARDC abuses, but this important effort is not closely coordinated with MONUC military.

Finally, the integrated mission experience in the DRC highlights the critical need for a comprehensive communications strategy of what the UN mission is about, what activities agencies represent and their respective mandates and responsibilities. Clear and cohesive messages need to be composed that would assist the work of the UN throughout and the integrated mission in particular. These need to be coordinated amongst the international players and communicated to the government and national counterparts at all levels.

#### *Summary of Lessons Identified*

Ideally, initiatives for the transformation of the security sector should have started soon after the commencement of the UN peacekeeping mission in the DRC, especially with regard to the reform of the Congolese army. This may not have been logistically and politically practical, nor is there any precedent in other peacekeeping operations. However, a greater understanding and focus on the importance of supporting the rule of law and the broader governance aspect might have assisted in sowing seeds for the creation of civilian oversight mechanisms. There was a conceptual problem in that there seemed to be scant understanding by senior UN management across the board, as well as key donors, of what SSR is and how to address security sector reform processes. Limited or no guidance was provided by respective headquarters, including donors.

Structurally, there was no real *locus* for conceiving and coordinating SSR activities. A certain degree of political infighting, within the mission itself and between the UN and EU, posed obstacles. Options for such a *locus* would be (and would have been) either within MONUC, or one of the multilaterals, such as the EU, or one of the agencies, such as UNDP. The integrated mission *per se* at its inception did not address this. Its basic premise was that it would focus on integrating development and humanitarian activities. Given that MONUC's mandate embraces the whole spectrum of the military, police and the broad-based civilian activities, the mission might have been initially the most strategic hub. This goes to the heart of another lesson to be learned: the lack of a concentrated strategic planning capacity within MONUC.

Many initiatives did and do exist across the agency spectrum that are SSR-related: developing integrated brigades, some army training, considerable successes in police training, some capacity- and institution-building in the rule of law sector, DDR and DRRR activities, or reintegration of children attached to the armed forces, etc. Unfortunately, there was little coordination, initiatives occurred in isolation from each other and some SSR initiatives were happening but not recognised as such. There was no broad-based strategic framework. This sent out disjointed messages to Congolese counterparts, who themselves needed assistance with coordination. It also undermined the UN's credibility.

## **Conclusion and Recommendations**

Security sector reform has to be understood as a long-term process that needs to start early and demands sustained commitment by all UN and international actors. Sowing the seeds for SSR is key to a mission's exit strategy. But the transformation process of the security sector will need to continue long after the departure of a peacekeeping mission, and the long-term process required for SSR is difficult to reconcile with the limited duration of most peacekeeping operations. Across the UN, concepts and practice of SSR, as well as good governance and institution-building need to be clarified. SSR expertise in missions has to be reinforced. Merely having a focal point for SSR is insufficient. A unit and/or a wider network of SSR focal points amongst agencies and fora within the integrated mission architecture need to be established.

Furthermore, the role and limitations of the UN in SSR have to be clearly defined. Experience shows that a peacekeeping mission's main strength lies in being a catalyst and facilitator. This has to be more sharply

defined, as does the role of those who are able to implement projects and programmes. The integrated mission concept is critical in ensuring appropriate delegation of roles and responsibilities. From a structural, management and coordination perspective, it is imperative that strategic planning units be established within a mission, preferably within the SRSB's office.

In this regard, the Security Council needs to provide a strong mandate to missions on SSR, setting it in the broader governance spectrum. Importantly, an enforced and clearer mandate should link security sector reform processes with the Protection of Civilians initiatives and debate in the Security Council<sup>55</sup>, in recognition of the fact that the provision of security at individual, community, provincial and national level is the single most important factor affecting individual lives, especially in Congo.

Many questions continue to arise over the style, manner and coordination of DDR and DDRRR exercises in post-conflict situations and the DRC is no exception. Clearly, there is a need for jobs, skills training and basic education. Questions need to be raised over the effectiveness of monetary payments in DDR activities, given that experience has shown that money is often used to buy weapons rather than food. It may be useful to contemplate a study of past and current demobilisation experiences of the military and the militias to better understand gaps and determine appropriate measures in the DRC.

Army reform in a country like the DRC could also play a pivotal role in overcoming ethnic tensions. Higher standards need to be placed on recruitment for both military and police and the importance of vetting cannot be over-emphasised. Important lessons should be extrapolated from experiences, e.g. in Bosnia or Haiti. It will be equally important to develop programmes for those who do *not* meet the higher standard required to join the military or police. Human rights training for police and the military is vital, but this needs to go beyond merely listing the number of trainings on paper. It requires careful planning, training and consistent follow-up. To illustrate human rights in practice, a key part will be to support initiatives to combat impunity.

#### *General Recommendations*

- Across the board in SSR, there is a need for a community-based approach. Security sector reform needs to be made a community-based activity, given that the main purpose of the security sector is to provide security for the population and the country. Monetary payments are not necessarily beneficial as a part of a demobilisation

programme, instead necessities such as job training, education, counselling and work opportunities which include the communities in their inception and implementation should be provided.

#### *Recommendations to the Security Council*

- MONUC's mandate to protect civilians, monitor human rights abuses and enforce the arms embargo has been renewed. But it is not clear, at the time of writing, how far MONUC will remain involved in promoting and safeguarding the remaining agendas of the peace process, such as judicial reform, devolution of central government powers to provincial assemblies and anti-corruption legislation. MONUC's political role will have to be re-defined by the Security Council in line with the recommendation made by the Secretary-General<sup>56</sup>, with regard to the new, democratically legitimated Congolese institutions.
- The Security Council should mandate MONUC to start consultations with Congolese leaders and donors for renewing and strengthening the Joint Commission on SSR, or a similar body. The Joint Commission would supervise production of a White Paper and monitor implementation of its recommendations, to include a vetting mechanism for screening out human rights abusers, a complete overhaul of FARDC's administration and strong coordination between national and international actors. MONUC's proposal for army training should be adopted by the Security Council, but it should not be viewed as an alternative to SSR. MONUC troops should be kept at the same level as now, and benefit from a stronger mandate for at least another year.

#### *Recommendations to the Mission*

- The establishment of a strategic unit is critical in the office of the SRSG, possibly under the supervision of the Chief of Staff. This should serve as the hub for ensuring coherence and coordination of SSR activities. In addition, a forum or network of SSR focal points should be established across the UN integrated mission. More specifically, the *functions and focus of this strategic capacity* should be to: (a) develop an operational implementation plan for the MONUC Strategy to Support the Government of DRC in Security Sector Reform.<sup>57</sup> This should be developed in conjunction with the



DRC government, and discussed throughout the integrated mission, as well as with other key interlocutors, such as the EU and donors, and all relevant MONUC units; (b) provide technical advice and analysis, develop policies, and focus on actions that will assist and accelerate the reform process; (c) support coordination of MONUC, donor and agency initiatives; (d) chart and monitor progress of the security sector reform process, and ensure that actions are taken at different levels concurrently and sequentially; (e) feed policy advice and proposals for actions into existing structures, namely any SSR Joint Commissions and Technical Committees; (f) establish the groundwork, in coordination with other structures, to support community-based activities, linking in with efforts to improve quality of policing, access to justice, and the effectiveness of the criminal justice system.

- Consultations should be launched with key donors and the new Congolese institutions for the establishment of a joint commission on legal reform and state reconstruction. This would be devoted to supporting and advising key state institutions on implementation of the constitution and completion of legal reforms agreed upon at the Inter-Congolese dialogue, including devolution of central government responsibilities to the newly-created provinces, judicial reform and anticorruption legislation. Crucially, potent buy-in for the transformation of the security sector is required from the top down – the executive, the president and prime minister – to encourage a strong sense of ownership.<sup>58</sup>
- The military could be an ideal vehicle to lead the way on overcoming ethnic tensions, by establishing non-ethnic and non-sectarian principles based on competence, professionalism, neutrality and *esprit de corps*. This is not an easy task but essential for SSR and should start at the unit level, properly resourced and supported.
- In terms of the reintegration of disarmed combatants, more emphasis should be placed on the community aspect through ‘common interest’ dialogue and conflict-resolution techniques and by aiming at building strong community and police relations. The military and their families also need to be involved in community-based development programmes, education and health care.

- High standards need to be established across the board for membership in the military and police. Effective programmes should be provided to help those wishing to remain in the military and police to meet the high standards required. Equally good programmes should be established for those who cannot or do not meet the standards.
- Efforts for integrated units should be stepped up. At the same time, Congolese leaders must muster the political will to bring army brigades that have operated out of the mainstream (such as the 83<sup>rd</sup> Brigade and the Presidential Guard) into the integration process.
- Military disciplinary codes that set out soldiers' rights and duties must be defined urgently, and donors should provide the necessary expertise to prepare a draft for discussion with their Congolese counterparts.
- The best of the integrated troops – particularly those that went through Angolan or Belgian 90-day training courses – should immediately be given the necessary pay, facilities, logistical support and equipment and be deployed to engage dissident forces in both Kivus and central Katanga.
- A unified training curriculum is needed. While the fundamentals of the Strategic Plan are sound, the reform process faces an array of political and technical hurdles. Many of the technical problems of expertise and capacity can be solved if donors apply more resources but both internationals and Congolese must work together to improve cooperation.
- A joint donor coordination mechanism chaired by MONUC and the European Union should be established. In addition, the Contact Group on SSR at the DRC working level needs to be revitalised.
- The Joint Commission on SSR should be reinvigorated. It still has an important role to play. It should be re-established and strengthened, in order to support the coordination and implementation of a comprehensive SSR strategy involving MONUC, donors and all relevant Congolese actors.

- The parliament should be encouraged to establish an appropriate defence committee for oversight of military spending and reform efforts and the new government should prepare a detailed presentation on defence spending as part of its annual budget.
- Congolese and donors must work together to beef up domestic anti-fraud institutions, such as public prosecutors and the barely functional Ethics and Anti-Corruption Commission, which the peace deal created as an institution of the transition.
- Enormous financial resources can be quickly generated in the mineral-rich Congo and could be made available to sustain a professional army. This will require both national political will and a measure of international pressure.
- Military observers could be posted at strategic entry points (such as Goma and Bukavu airports) to encourage national authorities to better monitor commercial flights and could be extended to other border crossings and key roads, as well as other airports, including Lubumbashi, through which the FDLR has allegedly received supplies.
- Relations between the Congo, Uganda, Rwanda and Burundi are still fragile. MONUC should continue to promote their dialogue and support implementation of joint policies and regional agreements, notably in relation to the disarmament, demobilisation and reintegration of foreign armed groups and allegations of support to Congolese militias by neighbours.

*Recommendations to the UN Headquarters*

- More information and guidance should be provided to MONUC and to the integrated mission to provide strategic guidance and technical help on SSR.
- Administrative constraints and staffing procedures should be eased so that MONUC is able to recruit staff on a short-term basis with (a) specific technical expertise, such as army or police training and public sector reform, and (b) broad-based SSR experience in other countries. UNHQ may also wish to consult with certain donors so

that experienced personnel on SSR issues could be seconded to assist the integrated mission.

- As MONUC is about to enter a period where sustained dialogue with the new Congolese institutions is becoming increasingly important, greater emphasis needs to be placed on hiring French-speaking staff, especially at senior and mid-management level.
- Specific training sessions on SSR might be introduced at annual retreats, both for SRSBs and HC/RCs (in the same vein as those introduced over the past two years on the prevention of sexual exploitation and abuse).

## Notes

- \* Particular thanks are due to Yves Bouchard for the comprehensive and thorough field visit to the DRC on 9-23 February 2007, vital information, insightful interviews and incisive analysis. Special thanks are also due to the SRSB William Lacey Swing and his senior leaders for their unconditional support to the study; to the Head of MONUC's SSR Unit and his staff for their contribution in planning meetings, supplying facilities and logistics; to the Bunia District Director and his staff for their leadership and dedication; to all contributing country representatives interviewed, for their flexibility and time dedicated; to all NGOs and national representatives for their contribution; to all UN personnel interviewed, in the DRC, New York and Geneva.
- 1 The signatories of the peace deal were the RCD, the former Kabila government, the Movement for the Liberation of the Congo (MLC), the political opposition, civil society, the Mai-Mai, the Congolese Rally for Democracy (RCD-National) and the Congolese Rally for Democracy (RCD) Liberation Movement.
  - 2 The vice-presidents were Abdoulaye Yerodia Ndongbasi (former government), Zahidi Ngoma (political opposition), Azarias Ruberwa (RCD) and Jean-Pierre Bemba (MLC).
  - 3 To a certain extent the presence of the EU Security Sector Reform Mission in the Democratic Republic of the Congo (EUSEC DR Congo) is related to the strong engagement by the EU to find a solution to corruption within the army. EUSEC activities from the outset have been to separate the chain of command from the chain of payment. This has been done for 12 of 14 integrated brigades. The census of the FARDC soldiers done by the South African Detachment Assisting with Integration and Training (SADAIT) has allowed the DRC government to reduce the number of FARDC soldiers from 330,000 to 220,000. These have made some inroads in illustrating that partners and donors understand the urgent necessity to tackle the issue of corruption within the FARDC.
  - 4 Twenty-first Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649", S/2005/769, 2005, p. 2.
  - 5 UN Security Council Resolution 1565 (2004)
  - 6 See UN Security Council Resolutions 1258 (1999), 1273 (1999), 1279 (1999).

- 7 The broad provisions of the Lusaka accords were to end hostilities; encourage national dialogue and reconciliation; establish a Joint Military Commission; and to deploy a UN peacekeeping force. See [http://www.usip.org/library/pa/drc/drc\\_07101999\\_toc.html](http://www.usip.org/library/pa/drc/drc_07101999_toc.html)
- 8 UN Security Council Resolution 1756 (2007)
- 9 Interview with William Lacey Swing, Kinshasa, 13 February 2007. See also SRSB's Mission Brief (powerpoint presentation), February 2007.
- 10 UN Security Council Resolution 1565, paragraph 7.
- 11 UN Security Council Resolutions 1493, paragraph 5 and 1635, paragraph 7.
- 12 The CIAT was a group of major international actors in the Congo, based in Kinshasa, and a formal negotiating partner of the transitional government.
- 13 See UNDP/BCPR "Rethinking DDR"
- 14 MONUC – Strategy to Support the Government of DRC in Security Sector Reform 2007-2010, 8 February 2007.
- 15 *Brassage* involves the reintegration and retraining of all ex-combatants in the DRC into one new national army, the FARDC.
- 16 International Crisis Group, "Security Sector Reform in Congo", Africa Report No104 – 13 February 2006, p.10.
- 17 At Mushaki, Nyaleke and Luberizi
- 18 The Dutch government is now funding South African efforts to clean up the facilities in North Kivu, and the UNDP and the EC are doing much the same in two other locations, Luberizi and Kisangani.
- 19 Indeed, the shortcomings of the army were visible during joint MONUC/FARDC operations in Walungu, South Kivu in late 2004, when the Congolese units were unable to work efficiently without direct logistical support. The Congolese army has become one of the most destitute expected to live below the internationally accepted line of absolute poverty, with all that entails for their susceptibility to financial and political temptations. See International Crisis Group, "Security Sector Reform in Congo", p25-26.
- 20 International Crisis Group, "Security Sector Reform in the Congo", p.10.
- 21 *Ibid.*
- 22 Interview with senior UNPOL staff member, Kinshasa, 14 February 2007
- 23 *Ibid.*
- 24 Report on Joint Planning Exercise by Police Division and MONUC Police, 7 August 2006
- 25 Of some 180 courts of first instance required throughout the country, only 60 exist. There is a lack of qualified and skilled personnel. Of the 5,000 magistrates needed, only half are deployed and most are inadequately trained, and infrastructure and materials are lacking.
- 26 See for example, Human Rights Watch, November 2006
- 27 Over a period of three months (December 2006 – February 2007) 61 cases of death by starvation were reported. Only one in 145 prisons has a budget for food. Interview with senior staff member of MONUC Rule of Law Unit, Kinshasa, 15 February 2007 and additional documentation supplied.
- 28 The crumbling and non-existent walls and inadequate surveillance result in escapes, regular assault and rape, serious overcrowding, an inability to accommodate serious offenders and a risk of creating flashpoints for violence. Furthermore, children, women, the military and militia are all detained in the same facilities.
- 29 Interview with senior staff member of MONUC Rule of Law Unit, Kinshasa, 15 February 2007; interview with governance representatives of the delegation of the European Commission, 16 February 2007, Kinshasa.
- 30 Interview with senior staff member of MONUC Rule of Law Unit, Kinshasa, 15 February 2007.

- 31 A coordination initiative that involves international and national agencies, donors and Congolese counterparts.
- 32 For example, the representatives of one NGO in Kinshasa raised the problem they faced of receiving death threats when they denounce human rights abuses or when they cooperate with MONUC. For this reason, they are often forced to go into hiding. Interview with NGO, 15 February 2007.
- 33 The then Secretary-General, Kofi Annan, stated in his report on the foreign armed groups that: "I cannot over-emphasise the need for sustained, inclusive, positive and result-oriented dialogue at the national and sub-regional level, to achieve a lasting resolution of the problem of foreign armed groups in the Democratic Republic of Congo." Report of the Secretary-General, *op.cit.*, p.14
- 34 "Multi-Country Demobilisation and Reintegration Programme", see [www.mdrp.org](http://www.mdrp.org).
- 35 "Enhancing security in the East through the reinforcement of the integrated brigades"
- 36 Twenty-third report of the Secretary-General, S/2007/156
- 37 Women and Security, Gender Unit, MONUC,  
<http://www.monuc.org/news.aspx?newsID=732>
- 38 Women and Security, Gender Unit, MONUC,  
<http://www.monuc.org/news.aspx?newsID=732>
- 39 Sexual Violence Prevention and Response for Women, Adolescents and Children in the Democratic Republic of Congo. <http://www.womenwarpeace.org/drc/docs/gbvproject.pdf>
- 40 This was spelt out by the Secretary-General, 23rd Report, S/2007/156, see especially paras 29 and 30.
- 41 For example, during operations in Ituri in 2006, Congolese units killed, raped and tortured dozens of civilians. And when MONUC stepped up its operations against the FDLR in 2005, that militia massacred some 75 civilians in South Kivu. Many believed that this was in response to robust military operations.
- 42 "Vetting, Institutional reform and transitional justice: An operation framework", International Centre for Transitional Justice and United Nations Development Programme (UNDP), July 2005.
- 43 UN Security Council Resolution 1742 (2007).
- 44 Interview with representative of DDRRR unit, MONUC, Kinshasa, 10 February 2007.
- 45 Interviews with representatives of UK and French embassies, Kinshasa, 9 and 16 February 2007 respectively, which indicated a very thorough understanding of SSR activities and needs.
- 46 MONUC – Strategy to Support the Government of DRC in Security Sector Reform 2007-2010, 8 February 2007 – viz also footnote 8.
- 47 UN Security Council Resolution 1565, paragraph 4 (f).
- 48 See S/RES/1756 (2007)
- 49 Data from MONUC Website, September 2007
- 50 Based on interviews with senior staff at MONUC between January 2006 and April 2007 and author's own experience.
- 51 It . It I targets military personnel, their dependents and host communities and combines direct physical support to brigades by trying to create sustainable livelihoods for these groups. The aim is to improve the living conditions of military personnel and to improve human security in highly unstable areas in the Eastern DRC.
- 52 The SSR chapter of the governance compact lists projected outcomes, outputs and expected activities to remove governance obstacles for (1) reform and transformation of the PNC into a professional and unified structure, supported by a coherent legal framework; (2) improvement of FARDC salaries and basic conditions and strengthening

of the army's capacity to protect civilians; (3) reform and transformation of the FARDC into a professional and unified structure supported by a coherent legal framework; (4) reform and reorganisation of the Justice System in line with the constitution. See: Henri Boshoff, "Demobilisation, Disarmament and Reintegration in the Democratic Republic of Congo: A never-ending story", *African Security Review* 16/2, Institute for Security Studies, p. 62.

53 "Security Sector Reform in the Congo", p.26.

54 "Security Sector Reform in the Congo", p.26.

55 Security Council Resolution S/RES/1738 (2006). See also address by the then Emergency Relief Coordinator Jan Egeland to the Security Council, 4 December 2006.

56 23rd Report, 20 March 2007, S/2007/156

57 Interview with William Lacey Swing, Kinshasa, 13 February 2007. See also SRSG's Mission Brief (Power-point presentation), February 2007

58 Burundi is an interesting example of efforts made to promote this buy-in for the SSR process. See also the chapter on Burundi by Laurent Banal and Vincenza Scherrer in this volume.

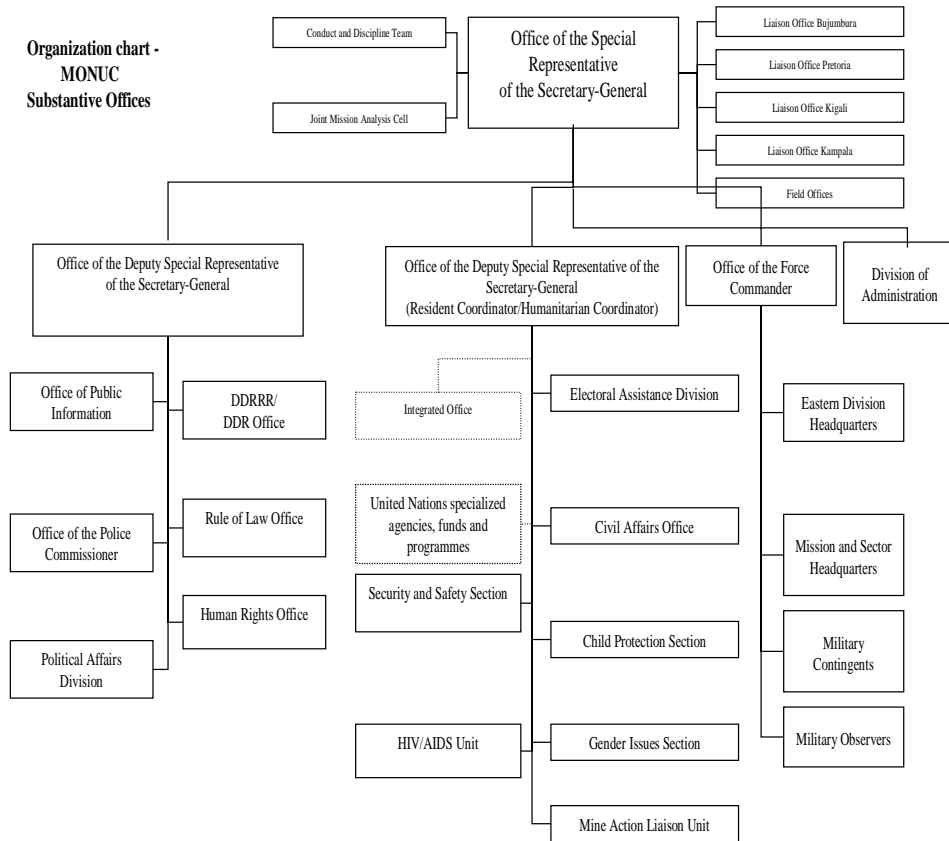




# ANNEXES



# A. Organigramme of MONUC



Source: UN Department of Peacekeeping Operations

## B. List of People Interviewed

(Please note that other people may have also been present at interviews, and that some informal discussions were also held.)

Valentin Aldea, Field Security Coordinator Officer, UNDP, Ituri  
Mr. John Almstrong, Chief of Staff, Office of the DSRS, MONUC  
General Babacar Gaye, Force Commander, Office of the Force Commander, MONUC  
Col. Jean-Pierre Bayala, Representative in the Groupe Mixte sur la Réforme de la PNC, Office of the Police Commissioner, MONUC  
Oliver Blake, Senior Governance Assistant, UK Embassy  
Jean-Pierre Bolduc, Ambassador of Canada  
Leila Bouchebouba, Police Programme, European Commission  
Christopher Brown, Political Officer, USAID  
Fernando Castanon, Head, Office of Human Rights, MONUC  
Beatriz Chamorro, Human Rights Officer, MONUC, Bunia  
Benoit Le Chartier, Legal Adviser to the Police Commissioner, UNPOL, MONUC  
Babacar Cisse, Resident Representative, UNDP, DRC  
COOPI, Bunia (x2)  
Daniel Cure, Police Commissioner, UNPOL, MONUC  
Loic Duarte, Conseiller adjoint de coopération, French Embassy  
Geraldine Dufort, First Secretary, European Commission, DRC  
Colonel Abdou Faboure, UNDP, Bunia  
Charles Gomis, Director of the Office of MONUC, Bunia  
Gustavo Gonzalez, Senior Advisor/ Focal Point for Human Security, DDR and SSR, UNDP, Bunia  
Lise Grande, Chief of the Integrated Office, MONUC  
Fernanda Guimaraes, Deputy Head of Human Rights, Human Rights Office, MONUC, DRC  
Luc Hallade, First Secretary, French Embassy  
Amelia Hannaford, Police Attache, South African Embassy, DRC

Jean-Michel Happi, Representative, World Bank  
Sam Hlongwane, Military Attache, South African Embassy, DRC  
Inspecteur Bernard Ibiliabo, Commandant district Ituri, Police National Congolaise  
Haile Stephen Jackson, Senior Adviser to the DSRSG-P, MONUC  
Francis James, Justice and Security Sector Reform Advisor, UNDP  
Nicholas Jenks, SSR Expert, USAID  
General Pierre Michel Joana, Chef de Mission, EUSEC, DRC  
Justice Plus, Bunia  
Daniel Kawata, Coordinator, CONADER  
General Laberibe, Chief of Staff, Office of the Force Commander, MONUC  
Fernando Larrauri, Head of Post-Conflict Unit, UNDP, DRC  
Judith Lavoie, Head of Child Protection, Office of Child Protection, MONUC  
La Voix des Sans Voix pour les Droits de l'Homme, Kinshasa (x3)  
Major Bengole Luenae, Military Integrated Structure (SMI), DRC  
Christian Manahl, Deputy Director, Office of Political Affairs, MONUC  
General Mayala, FARDC, Ituri District  
Lt.Col. Aimé Mbiato, Coordinator, Military Integrated Structure (SMI), DRC  
Vital Meinano, SMI Officer, Bunia  
Haile Menkerios, Deputy Special Representative of the Secretary-General, MONUC  
Ross Mountain, Deputy Special Representative of the Secretary-General (RC/HC), MONUC  
Bienvenu Mpanda, UNICEF, Bunia  
Inspecteur Adjoint Mbaya Muzuela, Commissaire principal, Ituri, Police National Congolaise  
Linda Newport, European Commission  
Colonel Francois Ngaboyeka, Comité de Coordination Des Opérations Conjointes (CCOC)  
Renner Onana, Head of SSR Unit, MONUC  
Maj. Owende, DDR Coordinator, MONUC, Bunia

Steven Pearce, Counselor and Officer-In-Charge, South African Embassy

Bernadette Sene, Child Protection, MONUC, Bunia

Richard Snellen, Head of Civil Affairs & Humanitarian, MONUC

Harriet Solloway, Director of Rule of Law, Office of Rule Of Law,  
MONUC

Peter Swarbrick, Director, DDRRR Section, MONUC

William Swing, SRSG, MONUC

Hannah Taylor, Political Assistant, MONUC

Yasmine Thiam, Senior Political Advisor, MONUC, Bunia

Col. Eric de la Tour, Office of the Force Commander

Col. Médard Unyon-Pewu, Coordinator, Comité de Coordination Des  
Opérations Conjointes (CCOC)

Roberto Valent, Deputy Resident Representative, UNDP, DRC

Thierry Vircoulon, Justice Programme, European Commission

Colonel Finamo Vital, Chef d'antenne SMI, Ituri/Bunia

## Chapter 4

# MINUSTAH and the Need for a Context-Specific Strategy: The Case of Haiti

*Eirin Mobekk*

### **Introduction**\*

Haiti has experienced a violent and turbulent transition for nearly two decades since the first democratic election in the country's history, a democracy that only lasted for seven months before being substituted by a brutal and violent military junta. What followed was a succession of United Nations peace operations which were aimed at increasing security and stability, promoting democracy and furthering reform of the security sector. When the last international mission withdrew in 2001, what ensued was continuous political upheaval, violence and abuse in a context of dire socio-economic conditions and where the security sector was part of the problem and not its solution. In the latest peace operations, the United Nations Stabilisation Mission in Haiti (MINUSTAH) was deployed when the conflict reached a critical point in 2004. The country has since held elections establishing a legitimate government and increasing stability and security. Security Sector Reform (SSR) is critical to ensuring stability and security in Haiti. MINUSTAH and other UN agencies have a key role to play. Multiple actors are currently engaged in supporting SSR in Haiti, however; the UN has played a major role from the start and has in many areas a comparative advantage.

This chapter discusses and assesses support for SSR in the integrated<sup>1</sup> UN Stabilisation Mission in Haiti, which was established on 1 June 2004 by UN Security Council Resolution 1542 in response to the "existence of challenges to the political, social and economic stability of Haiti" which constituted "a threat to international peace and security in the region". Security sector reform in Haiti consists of police, judicial and prison reform, as well as SSR-related activities such as Demobilisation, Disarmament and Reintegration (DDR). Military reform is not relevant because since 1995 Haiti has not had any Armed Forces. Customs, border

guards, coastguards and parliamentary reform have not been a focus of the UN mission in Haiti and hence will not be dealt with in this chapter.

This chapter will show that integration of the UN actors regarding SSR has thus far been unsuccessful, that cooperation and coordination is often flawed and sometimes communication non-existent or avoided. It will establish that because of a combination of factors including an unwilling transitional government; donor, UNDP and mission differences; resistance to reform from spoilers; failure to take sufficiently into consideration the lessons learnt from previous UN Haiti missions; a mandate that did not reflect the situation on the ground; and the socio-economic conditions, after two and half years of UN presence with a mandate for SSR activities, only limited progress has been made. Moreover, it will emphasise that basic stability, government willingness and local ownership are essential for a process of SSR in Haiti.

This chapter is based on 70 confidential interviews conducted during field work in Haiti in both June and November/December 2006, as well as in New York in November 2006. Interviews were conducted with key actors in the UN Mission in Haiti, UN Development Programme (UNDP) staff in-country, international donors, International Office for Migration, international and Haitian non-governmental organisations, Haitian human rights organisations, representatives of the Haitian National Police (PNH), *Direction de l'Administration Pénitentiaire* (DAP) and the judicial sector, Haitian politicians, religious groups and Haitian ministry officials, as well as UN Department for Peacekeeping Operations (DPKO) and UNDP staff in New York. In addition, primary and secondary material has been analysed. The chapter gives a brief overview of the background of Haiti, the conflict, the different UN missions and the present situation. It outlines the past and present objectives and activities in SSR, identifies the problems, pitfalls, achievements and critical gaps, whilst highlighting cooperation and coordination issues, as well as measurement and evaluation factors – all impacting upon SSR in Haiti. It concludes by setting out key recommendations.

## **Context of Security Sector reform in Haiti**

### *Context and Background*

Haiti is the poorest country in the Western Hemisphere, where the vast majority of the population (80 per cent) currently live below the poverty line surviving on less than \$2 per day and a small minority controls the vast



majority of the country's assets. Over 70 per cent are unemployed and two-thirds of the population are subsistence farmers. The Haitian economy has been in decline since the 1970s. This is the result of government policies but also international sanctions and an embargo in the 1990s. The embargo from 1991 to 1994 had lasting negative effects upon the Haitian economy and can still be felt today. Moreover, disastrous donor policies in the 1990s insisting on expansion of the assembly sector, which had already been proven to be wrong in the 1980s, did little to aid development. Agricultural trade policies, soil erosion and US import quotas and export policies have meant that Haiti has become a net importer of agricultural products, resulting in food insecurity and malnutrition. The government is dependent upon international economic aid. It is within this context of socio-economic devastation that continued violence, international efforts and security sector reform must be viewed. Implementation of any security sector reform programmes has been and will continue to be hampered if conducted in a vacuum of economic development.<sup>2</sup>

Jean-Bertrand Aristide, the first democratically-elected President in Haiti (1990) and the leader of the Lavalas movement (the flood), was ousted by a military junta in 1991 and reinstated by a US-led Multinational Force (MNF) in 1994. Since then the supporters and opponents of Lavalas and Aristide have continued to affect both politics and violence in Haiti. Although an international presence from 1994 to 2001 helped to increase stability, reduce *institutional* violence and organise elections, nevertheless throughout the MNF and UN presence in Haiti, a certain level of instability and insecurity remained, political crimes were committed and armed groups were formed. In 1996 Aristide's political party *Organizasyon Politik Lavalas* (OPL) fractured, leading to the creation of *Fammi Lavalas* (FL) – this at the time played a major part in the continuous political crisis in the country. The elections held both in 1997 and 2000 were argued by the opposition not to have been free and fair – the latter returning Aristide to presidential power. International observers believed the allegations of election fraud to be well-founded.<sup>3</sup> Political instability increased significantly after both these elections. In addition, the new Haitian national police force (PNH), which had been established and trained by the international community, became increasingly prone to abuses and involved in criminal activities, including drug trafficking, and parts of it became politicised.

The Haitian economic and political elite as well as the Armed Forces of Haiti (FAd'H) have controlled Haiti's economy and politics and been repressive forces throughout Haitian history. The majority of the elite in Haiti resented Aristide's victory and many of them supported the 1991 coup.

This did not change upon his return. Yet it was these groups that the international community primarily worked with in the first UN missions: the elite and a number of former armed forces personnel and their supporters. This is one factor which influenced the failure of previous SSR activities in Haiti. The main actors of the Haitian political landscape and violence prior to Aristide's reinstatement in 1994, and in the first period thereafter, were the armed forces, its supporters, the elite and the vast majority of poor disaffected Haitians. Although the FAd'H were demobilised, many ex-soldiers were extremely dissatisfied with the dissolution and despite retraining, the majority became unemployed, leading many to continue drug trafficking and other illegal activities. During the latter part of the 1990s the political landscape and the nature of the use of violence began to change. *Fammi Lavalas*, as well as other political and non-political groups, began to rely on young armed men to control the community – anything from providing security to ensuring that no other groups operated in those areas. Political groups of all shades used the disenfranchised and poor youths to further their own agendas. In early 2004 the armed gangs included Aristide loyalists, former officials of the Lavalas government, unofficial pro-Aristide armed gangs, gangs who participated in the 1991 coup (including *Le Front pour l'Avancement et Progres d'Haiti* (FRAPH) members), former military officers, former police officers, and former rural police (*chefs de section*), and non-political armed groups.<sup>4</sup> Most of these groups acted as law enforcers during 2004.

The political instability and insecurity which had continued to mar Haiti after the departure of the UN reached its peak in February 2004 when fighting broke out in Gonaives. Armed gangs, former soldiers and police seized the town and gradually took control over most of the north of the country until they were threatening to enter Port-au-Prince. As a consequence of these actions President Aristide resigned on 29 February and left the country. A Multinational Interim Force was established, which was followed by the UN Stabilisation Mission in Haiti (MINUSTAH). An interim president, Boniface Alexandre, was sworn in and a transitional government, lead by Gerard Latortue, was formed.

Throughout 2004 and parts of 2005 neither the transitional government nor MINUSTAH was able to maintain authority throughout the provinces – armed groups continued to play a role as law enforcers. Critically MINUSTAH was not operating at the mandated strength, which undermined its capacity to tackle the violence and the armed gangs.<sup>5</sup> Moreover, the transitional government was violent and continued to breach rule of law and human rights by for example illegally arresting and detaining political prisoners. The transitional government also actively opposed any

SSR activities attempted by MINUSTAH. The transitional government's use of violence and opposition to SSR was part of their pursuit of their own particular political agenda. The majority of the transitional government had been firmly against Aristide's government and many had supported the armed groups and violence that led to his resignation. They wanted to eradicate Lavalas' powerbase and in many ways used their time in office to obtain that goal.

In early 2005, MINUSTAH had established a presence throughout the country. Nevertheless security in Port-au-Prince continued to deteriorate in 2005, as a result of a rise in killings and kidnappings. Initially the reason for kidnappings had its origins in politics, since many Aristide supporters believed that he was kidnapped from Haiti, leading them to kidnap civilians in retaliation, but it soon became a way for the gangs to financially sustain themselves. Pro-Aristide gangs also carried out decapitations using similar tactics to Iraqi insurgents, whilst demanding the return of Aristide, calling their campaign "Operation Baghdad".<sup>6</sup> Measures taken by the transitional government against Lavalas supporters were brutal and Operation Baghdad was implemented as revenge for the repression by the transitional government of Aristide supporters.<sup>7</sup> In addition human rights conditions in general worsened and included summary executions, arbitrary arrests and torture.<sup>8</sup> The PNH was part of the conflict since both Aristide and non-Aristide supporters were in the force. Moreover, they were powerless to tackle the situation since they were under-equipped, under-staffed, needed reform and most critically lacked legitimacy and credibility.

A primary cause of insecurity in Haiti since the deployment of MINUSTAH has been the activities of armed gangs, irrespective of their political affiliation or lack thereof, and the conduct of killings and kidnappings of the civilian population. The ongoing conflict between the armed pro-Aristide gangs and those in support of his ouster has continued to escalate in the presence of MINUSTAH. But it is not simply a matter of political violence with different factions fighting for power. The face of violence in Haiti has also changed since the beginning of MINUSTAH's presence – from overt political violence to the urban gang violence overwhelmingly present in Port-au-Prince. The violence and conflict have their origins in politics but are rooted in a mix of politics and economics, which continues to thrive due to the continued absence of state authority and lack of socio-economic development. The divide between the capital and the rest of the country has always been vast, so much so that it is frequently referred to as the two republics, and is also expressed in this type of "new" armed gangs. They are new in terms of habitually using kidnappings, perpetrating gang-on-gang killings and fighting for urban territory and in

that some are without political affiliation or have shifting affiliations. Moreover, youths and children in the poor areas are drawn into the gangs. Earlier armed groups did not have the same tendency of using youths; they did not conduct fighting over urban territory nor use kidnappings as a tool. Armed groups are also present in the countryside and were present at the time of MINUSTAH's deployment when they operated as self-imposed and self-elected law enforcement. Yet the phenomenon of gang-on-gang violence and kidnappings has not been seen to the same extent as in the capital.

The armed gangs in some districts of Port-au-Prince look after their communities by distributing money and offering protection, which leads the communities to sometimes protect the gangs since they see some benefits from the crimes, as well as simply out of fear.<sup>9</sup> There is a direct link between poverty, lack of development and violence, and any SSR process in Haiti must take this into consideration. Timeframes is a critical issue in this context – economic recovery and growth will inevitably take longer than many SSR efforts. However, for example, when the DDR programme was instituted in Haiti it should not have focused only on the perpetrators of violence, but also on its victims, so that DDR would not be seen as a reward for crimes committed (see also section 4.3). The issue is not about delaying SSR efforts if the supportive economic conditions are lacking, but rather re-thinking particular efforts. For example, encouraging proper outreach and communication with civil society as well as a reduction of violence approach, rather than traditional DDR from the outset, would have alleviated a lot of the criticism that the DDR process faced in Haiti. This may have been possible to do from an early stage. Postponing SSR is not an option since this entails significant risks to security. However, in Haiti SSR is only now truly starting to take form (see section 2.2) therefore if the linkage with poverty and development had been made from the outset changes could have taken place. Moreover, acknowledging the link between poverty and violence and beginning to address this does not mean that full economic recovery needs to have taken place for SSR to start. More often than not it is sufficient for civil society to see that there are changes happening. Critically although poverty and lack of development feeds violence, violence inhibits development, particularly in terms of foreign investment, which further underlines the need to address these issues coherently.

Elections were a key part of the UN mandate. The presidential elections were postponed several times, but were held on 7 February 2006 when Rene Préal was elected.<sup>10</sup> This changed the political environment and led to increased goodwill from the international community. In addition the government has been positive about international assistance in some parts of security sector reform. Political contexts can be a constraining factor in SSR

and it was a key problem in the implementation of SSR in Haiti, especially until the election of the new government. Yet the political environment continued to be sensitive in the early days of the Préval government and affected SSR (see section 5.4.4). The elections also resulted in a self-imposed truce by the armed gangs and levels of kidnappings and violence were reduced significantly. But in June 2006 violence rose again and the situation only really improved by mid-2007.

#### *Status of Security Sector Reform*

Security sector reform in Haiti is primarily focused on police, justice and prison reform. There have been no Armed Forces in Haiti since the dissolution of FAd'H in 1995, hence defence reform is not an issue, although the future of "defence forces" remains a matter of debate. Parliamentary and civil society oversight has thus far not been a priority of either the Haitian government or the international community. Reform of the customs service, border forces and coastguard has likewise not been sufficiently addressed.<sup>11</sup> President Préval's government has focused on certain SSR activities and the Ministry of Justice and Public Security (MOJPS) has together with the international community drawn up plans for reform in justice and prisons, as has the PNH in police reform.

Although the mission has been present since 2004 it is generally agreed that MINUSTAH has only just started to engage in SSR. In addition to the UN, the US and Canada are the two primary donors and actors in SSR in Haiti. There has been limited progress, to the extent that DPKO and MINUSTAH staff have stated that "in the past two years we have done nothing" and "we are starting reform now".<sup>12</sup> Reasons for this include: a lack of will by the transitional government to support reform; the overshadowing focus on elections; resistance among certain sectors of Haitian society towards reform; the absence of coherent planning, structure and needs assessments for SSR; and, critically, the non-existence of a peace operations post-conflict environment. At the time of the intervention by MINUSTAH, the situation in Haiti could not – and at the time of writing still cannot – be described as a "post-conflict" peace operations scenario with clearly identifiable parties to the conflict. It is a violent and protracted transition. The actors in Haiti responsible for the violence and instability are not all factions fighting for political power, or having an established political agenda, but actors motivated by different purposes, including financial gain. There are always spoilers to SSR, as well as frequent levels of insecurity in all post-conflict contexts, which does not necessarily hinder positive results in SSR processes. However, Haiti was in the beginning treated as a

“traditional” post-conflict peace operation when it was not, which had adverse effects on the implementation of SSR activities. Moreover, although the transitional government was unwilling to accept and in many cases actively opposed SSR, carefully calculated political leverage should have been applied, so that certain SSR activities could have begun under the transitional government, which would have helped ensure stability.

Two other factors have had an impact upon MINUSTAH’s ability to conduct SSR: the effect of previous UN missions in Haiti, which left civil society disillusioned about the UN’s ability to institute change and reform; and the credibility problems that the mission has endured due to opposition among certain sectors of Haitian society to their presence linked to the perception of them as an “occupying” force. Attitudes towards the mission, however, seem recently to have improved with the increase in security and stability. Moreover, the “occupation” argument, which had been used for specific political purposes, seems to be losing steam. When asked, even staunch opponents of MINUSTAH concede that the mission needs to be in Haiti or the situation would be untenable.<sup>13</sup> Nevertheless both have been factors that MINUSTAH has had to contend with until now in relation to SSR. Other obstacles to SSR include the dire economic context; the armed gangs; and elements in the international community and Haitian diaspora fuelling the instability by promoting extremist views of the situation in Haiti. There are also the former armed forces and their supporters; although the former FAd’H are currently as a group not a major actor in the violence, they have not been disarmed, they were part of the conflict in 2004, and should not be ignored as a potential threat.

MINUSTAH has been severely criticised for what is seen by many Haitians as inaction against the armed gangs, although where some have argued for stronger tactics, others have criticised and warned against it. However, since December 2006 there has been a crackdown on the gangs in Cité Soleil, which was seen as necessary because they are key to the destabilisation of Port-au-Prince, as well as a primary challenge for SSR. The UN military has gone into the slum areas arresting and disarming gang members. This has led to extensive firefights and an as yet unconfirmed number of killed; the UN SRSG has admitted that there has been “collateral damage”.<sup>14</sup> This action was requested by the government and has been described as a “new experience in UN peacekeeping”.<sup>15</sup> Since the beginning of the operation over 400 gang members have been arrested by the UN forces, kidnap victims have been released, and weapons and ammunition have been seized, as the UN has extended its presence in Cité Soleil. This extended presence has thus far allowed the UN to prevent gang leaders retaking control over certain areas. Resolution 1743 requested that this

increased tempo against the armed gangs in support of the police be upheld.<sup>16</sup> As a result of these actions, security in these areas has increased markedly, leading to significant changes in the situation in these areas; in April 2007 schools and shops had reopened, markets were bustling, and residents had returned.<sup>17</sup>

### **United Nations Stabilisation Mission in Haiti (MINUSTAH)**

#### *History*

Since the MNF intervened to restore democracy on 19 September 1994 there have been numerous UN missions deployed in Haiti. All have had some form of authority to conduct security sector reform, although it has never been explicitly phrased in their mandates as security sector reform.

The first UN peace operation, the UN Mission in Haiti (UNMIH), was first authorised by Security Council Resolution 867 (1993) and established in Resolution 940 (1994) under Chapter VII of the UN Charter. It called for the restoration of democracy, the establishment of a secure and stable environment and the restructuring of the security forces. The mission began deployment in January 1995. It was concurrent with the UN-OAS International Civilian Mission in Haiti (MICIVIH), which had been present since February 1993. The UNMIH mandate ended in 1996 and it was followed by a number of smaller missions. The UN Support Mission in Haiti (UNSMIH) took over in 1996 and was to assist in the professionalisation of the police, help maintain a secure and stable environment and promote institution-building. This was followed by the UN Transition Mission in Haiti (UNTMIH) in July 1997, which was to continue to professionalise the police force, and promote institution-building and national reconciliation. A civilian police mission – *Mission de Police de Organisation des Nations Unies au Haiti* (MIPONUH) deployed in November 1997 to support and professionalise the Haitian National Police. This mission was followed by an International Civilian Support Mission in Haiti (MICAH) in March 2000; its mandate was to consolidate objectives reached by MIPONUH and MICIVIH, as well as to reinforce the effectiveness of the Haitian police and judiciary and promote human rights. The mission was terminated in 2001.

During the different UN operations in Haiti, SSR was encouraged in the form of police, prison and judicial reform, however these efforts were often flawed and much remained to be done. Issues that led to problems with police reform included the international community's insistence on the inclusion of former FAd'H personnel in the new police force; as a result the

force was distrusted by the civilian population and in many eyes it lacked legitimacy. Moreover, in police departments where former FAd'H were included, corruption was higher. In addition, training was too short, human rights were a minimal part of it and the training varied considerably depending upon the nationality of the trainer. Furthermore, some were trained on military bases in the US over the objections of the Haitian government. Vetting of the police force was inadequate at best and non-existent at worst.<sup>18</sup> Judicial reform was negatively affected by the absence of justice for past crimes, which led to disillusionment in the population. Moreover, judicial reform was not sufficiently focused upon, fewer resources were dedicated to it, and the obvious links to police reform were mostly ignored, which had a detrimental effect upon the police force. There was also a profound lack of local ownership of all the processes.

The establishment of the *Direction de l'Administration Pénitentiaire* (DAP) and the PNH, especially with the oversight mechanism of the *Inspéction Générale*, was extremely significant in Haitian institution-building. Yet, although considerable resources, time and efforts were put into the PNH, the force harboured critical problems from the start and parts of it became politicised and corrupt from early on. What had been achieved in police and judicial reform started to unravel even before the departure of the UN, importantly however, although there was limited infrastructure left in prisons after the conflict in 2004, the structure of the DAP which had been established in the 1990s resisted.

Many lessons have been identified from the previous UN missions but thus far seemingly not learnt by MINUSTAH. Reasons for not learning and incorporating these lessons include a lack of institutional memory, not conducting the initial assessments for the mission with the appropriate experts, and not having sufficient pre-planning, preparation and training. These lessons include:

- that prioritisation of elections without adequately addressing security, justice, education and the economy leads to disillusionment and non-respect of the rule of law;
- that avoiding working with civil society will hamper SSR efforts;
- that if justice is not addressed simultaneously with police reform it will have severe negative repercussions upon both police and penal reform;
- that key actors in Haiti want to control the security forces and will therefore attempt to hinder reform.



The security forces in Haiti have been politically controlled and influenced since their inception as far back as independence. The Armed Forces of Haiti effectively ran political life since their creation under the US occupation (1915-34) and the security forces post-1994 have continued to be extremely susceptible to politicisation. This has thus far not been sufficiently addressed and the failure to do so can have extremely negative consequences for reform activities and initiatives. The susceptibility to politicisation is linked to two issues: first, the belief in certain sectors of Haitian society that the security forces can and should be politicised and controlled for their own gain, and second, the fact that being a member of the security forces has always meant power and money. The latter has begun to be addressed through the vetting and dismissal of corrupt and criminal police officers. But both issues need to be addressed for SSR to be successful.

### *Mandate*

UN Security Council Resolution 1529 adopted on 29 February 2004 authorised a Multinational Interim Force (MIF) to intervene in Haiti. UN Security Council resolution 1542 adopted on 30 April 2004 established MINUSTAH which replaced MIF on 1 June 2004. MINUSTAH's first mandate stipulated that the mission should "assist the transitional government in monitoring, restructuring and reforming the Haitian National Police...." "assist the transitional government particularly the Haitian National Police with a comprehensive and sustainable Disarmament, Demobilisation and Reintegration programme for all armed groups" and to "assist with the restoration and maintenance of the rule of law...including the re-establishment of the prison system".<sup>19</sup>

MINUSTAH's mandate was renewed on the 15 August 2006 and contained a reinforcement and expansion of the existing mandate, particularly in the area of security sector reform. It expands the number of police officers, authorises the deployment of prison officers, requests MINUSTAH to reorient its DDR programme towards a community violence reduction programme, and decides that MINUSTAH "will provide assistance and advice in monitoring, restructuring, reform and strengthening of the justice sector".<sup>20</sup> It lays the framework for conducting further SSR in Haiti. There was a need for the expansion of the mandate and this had been called for by different sectors, including MINUSTAH, international donors and NGOs. The resolution does not, however, specifically identify, address or define security sector reform, but addresses the different areas of police, justice and prisons, as well as DDR. It was extended for eight months on 15 February 2007.<sup>21</sup>

*Structure*<sup>22</sup>

Legal Affairs, Security, Conduct and Discipline, Political Affairs and Planning Division, Communications and Public Information are all directly under the Office of the Special Representative of the Secretary-General (SRSG). The Justice Section, UNPOL, Human Rights, Civil Affairs, Electoral Assistance and Administration are placed under the Office of the Principal Deputy Special Representative of the Secretary-General. DDR, although a SSR-related activity, is placed under the Office of the Deputy SRSG together with Humanitarian and Development Coordination, the Gender Unit, HIV/AIDS Unit, Child Protection and UN agencies, funds and programmes. There is no specific SSR or Rule of Law unit within the mission, as is the case in many other missions. The Justice Section had as of December 2006 a mandated 44 posts, the Office of the Police Commissioner 11 posts in addition to the 1,951 UNPOL officers and the DDR unit 56 posts, but although mandated these were not all filled. (See section 5.3.) The Deputy SRSG is also the Resident Coordinator of the UN Country Team.

*Vision for SSR*

An integrated vision for SSR is critical due to the interrelated nature of SSR activities and the way they affect each other. What is achieved and more importantly what is not achieved in SSR is often due to the absence of an integrated vision, particularly since this can negatively influence SSR in particular areas. A compartmentalised approach prioritising one SSR activity may have detrimental effects upon another. A primary lesson learnt from the other Haiti missions was that the significant focus upon police reform without an equal focus on judicial reform led to abuse and extra-judicial killings by the police due to a corrupt and inefficient judicial system. A compartmentalised approach ignores how the SSR activities affect each other and ultimately may lead to failure in the different reform “compartments”. A strategy of SSR needs to be established setting out and understanding the linkages between the different SSR and SSR-related activities. An integrated vision involves having the leadership of SSR activities, the leadership of the mission and HQ agreeing and setting out such a vision for Haiti.

The absence of the concept of SSR in the mandate is also reflected in the mission itself. There is no usage of a security sector reform concept within MINUSTAH, nor are the activities undertaken talked about in terms of SSR. In the mission there was agreement that there was no SSR policy being implemented for Haiti.<sup>23</sup> The focus on reform in Haiti is

compartmentalised. There is currently within MINUSTAH no vision of a holistic SSR approach, although there are both visions and strategies as regards the different SSR elements. This is mirrored by the UNDP which also does not operate with a clear definition of JSSR or one in common with MINUSTAH. Although reform and particularly police reform was stressed from headquarters from early on and also emphasised in the mandates, there has not been a SSR concept promoted from headquarters either. (See also sections 5.1. and 5.3).

### **Experience of MINUSTAH in SSR**

The three security sector reform activities that at the time of writing were being addressed by MINUSTAH – namely police, justice, and prisons – and one SSR-related activity, DDR, will be discussed in detail in this section. Defence reform is not being conducted since Haiti does not have an armed forces. There are actors – members of the elite, ex-members of the armed forces and certain senators – who are arguing for re-establishing a military force, but this is not something that the UN or the international community currently support. Civilian management and control and parliamentary oversight are not being addressed for reasons outlined in 4.2. The establishment of a maritime police is part of the PNH reform plan, but their role is different to that of both coastguard and border guards services. An implementation plan for the maritime police was expected by mid-July 2007 and funding has been secured for their establishment.<sup>24</sup> Independent and civil society oversight has only been addressed in the most marginalised form by some support to the Inspector General's Office and civil society oversight through UNDP projects. This section will establish what has been done in SSR in Haiti, how it has been done, what future plans for reform in these areas exist, and identify the gaps.

#### *UN Support to Security and Justice Service Delivery*

##### Reform of the Haitian National Police (PNH)<sup>25</sup>

At the time of UN deployment in 2004 the PNH was a force with corrupt, politicised, criminal and abusive elements; it was an integral part of the problem of insecurity in Haiti and in desperate need of reform and restructuring. Human rights abuse had become a problem within the newly-established force as early as 1996, as well as crime, particularly drug-related crime, and corruption, and the PNH carried out torture, ill-treatment and

extra-judicial executions.<sup>26</sup> From 1997 the PNH was politically active in some rural areas.<sup>27</sup> The director of the judicial police resigned in protest, on 18 August 1998, against what he called “the arbitrary practices of a political militia in this institution”.<sup>28</sup> Parts of the police force continued to become increasingly politicised. In the period 2001 to 2004, when there was no UN mission in Haiti, the PNH regularly violated human rights, corruption was prevalent and the force was involved in drugs trafficking. The politicisation of the force continued where parts of it operated more as security guards for politicians than as a civilian police force. The government and other political actors in Haiti were complicit in the politicisation of the police. The force lacked legitimacy, was feared by the population and the non-corrupt, non-abusive elements within it were unable to change the situation. Moreover, during the conflict in 2004 most of the infrastructure of the PNH had been destroyed or vandalised. In June 2004 it was established that 125 commissariats needed to be rehabilitated and 75 needed rebuilding. Over a year after the deployment of MINUSTAH, in October 2005, Mario Andresol, PNH’s Police Chief, stated that a quarter of the force was corrupt, involved in kidnappings and arms trafficking.<sup>29</sup> This estimate had not changed as of 2007.

Assistance to the PNH was from the beginning an essential part of MINUSTAH’s mandate as well as a priority for international donors.<sup>30</sup> Yet progress has been extremely slow leading many to agree that two years have been lost in police reform, and that police reform was only about to start in December 2006.<sup>31</sup> This was a result of a combination of factors: an unwillingness of the transitional government to focus on police reform, the prioritisation of elections by MINUSTAH, lack of MINUSTAH capacity, and donor and MINUSTAH conflicts. (See also 4.1.3 and 5.3)

MINUSTAH has conducted several projects with the PNH; for example UNPOL has conducted training both at the academy and “in-service”. The “in-service” training is taught by UNPOL, but funded bilaterally by the US. This is a 40-hour course, which includes human rights, crime scene investigation, handcuffing, use of force, report-writing, traffic control and weapons training.<sup>32</sup> Other steps to improve the PNH by MINUSTAH have thus far included background checks on new recruits to the police academy and a revised curriculum. In addition, a registering process to establish the number of officers was put into place by MINUSTAH because the exact number of PNH officers was unclear. Many officers left the force during the first months of 2004, others had joined claiming to be PNH and there were far more registered officers than officers actually working. This census should have been completed in January 2006, but by December 2006 was only nearing completion. Currently there are

more than 7,000 police officers. This census was a necessary step towards establishing an accountable PNH. But it should have been started at an early stage and has taken far too long to complete, because of the chaos in the PNH after 2004 and the lack of records, leading to difficulties in verification. A census was essential prior to establishing a proper reform process of the PNH and should have been initiated sooner and given higher priority.

Since Andresol's appointment, there has been a lot of willingness in the PNH leadership to reform, and an acceptance of considerable international involvement. The MOJPS and the Haitian government as a whole are also very supportive of PNH reform and strongly engaged in the process, although the MOJPS does not as yet provide a proper oversight role over the PNH. Vetting is seen both by the PNH leadership and MINUSTAH as critical in achieving sustainable reform. Vetting began in January 2007 in Jérémie region and was broadly completed by early June 2007, although a few cases remained.<sup>33</sup> Vetting of a second region was expected to start in mid-June. Port-au-Prince is the last region that will go through the vetting process. It is planned to take the form of vetting from the top down, using Haitian vetting teams assisted by UNPOL, so as to ensure local ownership as well as speeding up the process. The aim is that some officers who are weeded out will be retrained into the fire service, an estimated 350 will go through the DDR programme, and a few, estimated at 10-15 officers, will be prosecuted.<sup>34</sup> There are several problems with this. First, as will be discussed below, DDR is currently not functioning for gang members, so there is no reason to assume that it would work any more efficiently with PNH officers who are also gang members. Second, the judicial system is currently not able to conduct fair and unbiased trials and would not be able to do so with PNH officers accused of kidnapping and murder. Third, there needs to be awareness that these estimated numbers might rise significantly once the vetting starts further complicating the situation. Fourth, due to the lack of records in Haiti the vetting will be extremely complicated and if it is to be done thoroughly may take considerably longer than estimated as exemplified by the difficulties with the census. These issues need to be factored into the vetting process so as to minimise the problems associated with it.

In the last UN missions to Haiti, UNPOL was co-located with Haitian police both in police stations and on patrol. This was not possible from the start of the mission in MINUSTAH, because of a lack of UNPOL officers, and only some officers were co-located, although the aim was and is to fully co-locate. Both PNH leadership and civil society stated that having *more* UNPOL officers co-located assisting and mentoring the PNH in their daily duties would be an advantage.<sup>35</sup> More active one-to-one support and mentoring in the field was also recommended by key actors in UNPOL as

critical to support the reform process of the PNH. Resolution 1542 stipulated that up to 1,622 civilian police officers were to be deployed to Haiti, which was expanded to 1,897 by Resolution 1608. Yet at the end of the summer of 2006 only approximately 700 civilian police officers had reached Haiti.<sup>36</sup> Importantly the new mandate increased the number to 1,951 officers.<sup>37</sup> But they had as of December 2006 yet to be fully deployed, hence the lack of mentoring and assistance. Co-location of UNPOL and PNH significantly strengthens the capacity-building aspects of the mission and positively influences the PNH. What has been detected however is a difference in approach to co-location in the field versus Port-au-Prince.<sup>38</sup> Encouragingly what could be observed from June to December 2006 was an increase in Haitian police officers on the streets in Port-au-Prince both on foot and in vehicles, although in certain gang-held areas they were nowhere to be seen, because they would be targeted.

Throughout the presence of MINUSTAH there have been efforts to begin to create a police reform plan. A document on how to undertake police reform was written by MINUSTAH without Haitian input and signed by transitional Prime Minister Gerard Latortue in February 2006, giving MINUSTAH broad powers over the police reform process.<sup>39</sup> The police commissioner stated he had not been consulted and there was vast outrage that this document had been signed by the transitional government immediately prior to an elected President taking over, at the lack of consultation, and at what were perceived to be far too extensive powers it gave MINUSTAH. As a result the agreement was annulled. A reform plan was created in the summer of 2006 and adopted by the government of Haiti on 8 August 2006.<sup>40</sup> This plan sets the PNH at 14,000 officers, not including administrative staff, but acknowledges that additional security personnel in some form are required (18,000-20,000 in total including the police). It also outlines a budget, standards and a sequence for implementation of the reforms. The financial constraints of Haiti were a consideration when creating the PNH plan, but the development of the PNH will be heavily reliant upon external donors.<sup>41</sup>

Both staff at DPKO and several MINUSTAH staff involved with the reform plan process stated that the new plan had considerable buy-in and local ownership. However, one senior MINUSTAH official stated that “we have not sat down with the Haitians and asked them what kind of police force they want”.<sup>42</sup> This was also underlined by a senior UNPOL officer who argued that there was a need to ask Haitians what they wanted and needed from their police force. This is a reflection of very different definitions of consultation with Haitians – it was only the PNH that was consulted in any meaningful way, whereas other actors were left out. Leaders of the PNH

have identified the need to establish a forum where representatives of Haitian society and the international community would be involved to determine the type of police force the PNH should be. This is critical to enhance trust in the PNH, to ensure it reflects the Haitian context and setting. Haitian security forces have always been prone to abuses and corrupt. In order to turn the PNH into a civilian police service, providing local security solutions, civil society needs to be consulted; if not, trust will be difficult to achieve.

The leadership of UNPOL has expressed the view that it is too early to build civil society oversight and that at present it is not possible to do so because there is not enough mutual respect between civil society and the police to do it. However, it is critical that civil society oversight starts to be encouraged from an early stage, though doubtful that MINUSTAH or UNPOL should be the organisation doing it. The relationship between MINUSTAH and civil society is not and has not been of the character that would suggest that the mission should undertake such a process. This should be left to other actors. In this context, collaborating with the UNDP would be extremely useful; drawing on their expertise in working with civil society, the UNDP would be particularly well-placed to manage the implementation of such activities. They have long-standing cooperation strategies and could use this in building up civilian oversight of the police force.

### Judicial Reform

Judicial reform is perhaps the most difficult and controversial task for MINUSTAH, particularly in a context of substantial funding from the international community over ten years with limited results. The previous MINUSTAH mandate for judicial reform was established by Resolution 1542 and referred to assisting and providing advice to the transitional government regarding the development of a reform plan and institutional strengthening of the judiciary.<sup>43</sup> Resolution 1608 also refers to the Secretary-General's call for making an assessment of the Haitian judiciary and exploring possibilities for further international community support.<sup>44</sup> Resolution 1702 emphasises that MINUSTAH will provide "assistance and advice to Haitian authorities"... "including through technical assistance to review all relevant legislation, the provision of experts to serve as professional resources".<sup>45</sup> Since the deployment of MINUSTAH, there has been extremely limited progress in the area of judicial reform. It has been acknowledged that in fact no judicial reform had taken place as of December 2006.<sup>46</sup> The lack of progress by MINUSTAH in judicial reform led one staff member at DPKO to state "we are light years away" from judicial reform in

Haiti.<sup>47</sup> This was at first a reflection of the unwillingness of the transitional government to address the issue, as well as the transitional government's abuse of the justice system for its own ends. Even after the elections and the establishment of the new government, the judiciary was still unwilling to conduct a reform process, particularly due to the sensitivities surrounding external intervention in judicial reform. The new government has been more willing to conduct reform, but the complex nature of judicial reform is inherently challenging.

A further complicating factor is that UNDP and MINUSTAH work on separate tracks when it comes to judicial reform. It is not only an absence of integration, but frequently even an absence of communication. For example, a judicial reform plan was drafted by the MOJPS with assistance from the justice section at MINUSTAH. It is an action plan detailing what needs to be done in both the short term (2006-2007) and in the long term (2007-2009).<sup>48</sup> But the UNDP has also drafted a judicial reform project document, which is acknowledged to duplicate some of the efforts outlined in the MOJPS document.<sup>49</sup> Although these efforts do not necessarily conflict with one another, there is no combined single strategic objective for judicial reform by UNDP and MINUSTAH. MINUSTAH has, however, worked with the International Organisation of La Francophonie (OIF) to provide training to *juges de paix* in the provinces. However, during the latter part of 2007 a representative of MINUSTAH argued that progress had been made and that UNDP and MINUSTAH have developed a common and joint approach to support the Government of Haiti's efforts in the field of justice reform, including support to the MOJPS, support to the judiciary, access to justice and legislative reform.<sup>50</sup>

There is a profound need for reform of the judicial system in Haiti. The system suffers from corruption, political appointments and poor or destroyed facilities. There is also uncertainty regarding the educational background of some of the judiciary. Consequently, the system is very inefficient. Many judges are unwilling or are too intimidated to deal with certain types of cases. Criminal and penal codes need reform and no national judicial record is in existence, which means that it is impossible to know whether the accused have a conviction for prior crimes or are accused of other crimes in other jurisdictions. A critical issue is that in December 2006 approximately 85 per cent of all people in prisons were in pre-trial detention, many of them having been detained longer than they would have been had they been sentenced for their alleged crimes.<sup>51</sup> Importantly, however 85 per cent is a decrease since June 2006 when over 90 per cent of the prison population was in pre-trial detention. Civil society has applauded this timid progress.<sup>52</sup> One Haitian human rights organisation published a report stating that an



important milestone had been reached in the judicial system.<sup>53</sup> As of May 2007 the number of pre-trial detainees had not been much reduced: out of 5,890 incarcerated, 4,938 were in pre-trial detention.<sup>54</sup> Several police officers have been tried and found guilty, and key political prisoners who had been in prison since 2004 have had their accusations dropped.<sup>55</sup> Although it is critical that cases are tried so as to avoid lengthy pre-trial detention, it should not be at the cost of due process and free and fair trials. The justice section was trying to support the establishment of a commission for detention to deal with the pre-detention cases. Nonetheless, momentum has been gained in 2007 with the development of three draft laws on the independence of the judiciary which have been partially adopted by Parliament.

The MOJPS is actively engaged in judicial reform. But even if there is agreement across all Haitian and international sectors that judicial reform should be a primary objective, there may be a difference over how the need for reform is viewed by on the one hand the government of Haiti and the ministry and on the other the UN, where one Haitian government representative spoke in terms of an “evolution” not “radical change”.<sup>56</sup> Moreover, it is underlined by all sectors that reform must reflect the culture and the country, and that no model should be imposed.<sup>57</sup> Importantly, however, with the election of President Préval there has been more willingness to focus on judicial reform and the need for external assistance to achieve this. This willingness continued to be reaffirmed throughout 2007 by the President and the Prime Minister, and a Follow-up Commission on Justice Reform has recently been established. Moreover, the President has also expressed the need to redraft the Haitian Constitution as part of justice reform. Irrespective of the acknowledgment of the need to reform, the Haitian government is expected to spend less than 0.7 per cent of its total expenditure on the judiciary between September 2006 and September 2007, although the budget for the MOJPS was significantly increased.<sup>58</sup>

Although there is a considerable need for vetting of judges in Haiti, there was, at the end of 2006, a significant resistance to a vetting process being conducted by MINUSTAH from civil society, the judiciary and politicians, even if these acknowledge the need for external assistance in judicial reform. There is currently no Haitian body that could conduct vetting, but this is something that MINUSTAH could support. It has been suggested that vetting could be undertaken by a revised *Conseil Supérieur de la Magistrature*.<sup>59</sup> However, vetting is not currently a priority in Haiti. Solutions such as international judges in Haitian courts and mixed panels as interim measures during judicial reform have also been rejected. The judiciary, however, expressed willingness in June 2006 to accept an

“*accompagnement*” role of international judges, who would take on a mentoring role, distinctively different from the mixed panel approach.<sup>60</sup> This has become an objective for the justice section and is supported by the MOJPS, but capacity to conduct such a programme has thus far been exceptionally limited. (See section 5.3) There is also acceptance that MINUSTAH can give technical assistance to judicial reform, which in particular includes the re-opening of *L’Ecole de la Magistrature*. This is an area in which MINUSTAH has expertise and which is acceptable to all parties as a role it can play.

While there has been considerable discourse regarding many aspects of judicial reform, there has been substantially less focus on reform of the criminal and penal codes. These were both written in 1835. Additions have been made regularly but the latest was in 1988.<sup>61</sup> They do not reflect all different types of “new” crimes, nor do they in all cases conform to international human rights standards. The MOJPS reform strategy includes reform of criminal and penal codes and the MOJPS has requested help from MINUSTAH’s justice section in this regard, but it has not yet had the capacity to address these requests.<sup>62</sup> Unless there is expansion of MINUSTAH’s capacity, it is perhaps not something that should be the primary focus. It would advance judicial reform if UNDP and MINUSTAH had a singular strategic objective.

The critical lesson that should have been learnt from the interventions in the 1990s is that unless judicial reform is addressed and a coordinated and coherent approach is applied then it will have an extremely negative effect upon the police and therefore reform of PNH may largely turn out to be wasted. An effective functioning judicial system is critical to the PNH. It is critical therefore to devote more resources to judicial reform so as to ensure balanced progress in both police and judicial reform. Moreover, the key problem that faces prison reform – overcrowding – stem from inadequacies in the judicial system.

### Prison Reform

The prison system in Haiti is in extreme need of reform. During the conflict in 2004 several of the prisons were ruined. Currently 17 out of 24 are open. All are overcrowded; the prisoners have minimal to no medical care; abuse continues to be rife within a number of prisons; and infrastructure and funding are inadequate. Currently there are approximately 4,600 prisoners in 2,500 square meters of prison space.<sup>63</sup> This means 0.54 square meters per prisoner. In several prisons there is no space to lie down and sleep, but they have to sit hunched together. They are often not let out at all or for long

during the day because the perimeter walls are not solid enough.<sup>64</sup> In addition the incarceration rate is on the increase due to a more efficient PNH and UNPOL, in combination with a still ineffective judicial system. Due to the conditions there have been prison riots and in December 2006 there was a multiple escape from the National Penitentiary.

Prisons tend to receive much less focus and funding than police and judicial reform in any post-conflict society. Haiti has been no exception. The mandate in Resolution 1542 states that the mission is to “assist with the restoration and maintenance of the rule of law...including the re-establishment of the correction system”.<sup>65</sup> However, the MINUSTAH’s prisons unit has suffered from under-funding and under-staffing. Although the prisons administration DAP, UNDP and MINUSTAH’s correctional unit recognise what needs to be done, they have been working under severe restraints since prison reform has been given inadequate support by the UN system, by the transitional government and by international donors. Consequently, since the deployment of MINUSTAH prison reform has been largely ignored, with limited progress in only a few areas. The new mandate authorised the deployment of 16 prison officers, only three of whom were in place as of December 2006.<sup>66</sup> By June 2007 nine had been deployed and the remainder were to arrive in the near future.<sup>67</sup> UNDP has focused somewhat more on prison reform and has been involved in this sector since 1995 in Haiti, but the events of 2004 significantly changed things since several prisons were completely destroyed and all prisoners escaped. Currently UNDP is co-located with DAP, whereas MINUSTAH is not. Although there is a day-to-day working relationship on the ground between MINUSTAH and UNDP regarding prisons there has been little coordinated planning or integration of efforts. Integration has not only been lacking in implementation, but also in vision of prison reform in Haiti.

What has been achieved thus far includes assisting DAP with drawing up a Strategic Development Plan for prison reform, mobilising donors to support refurbishment projects in four prisons, and building senior and middle management capacity.<sup>68</sup> Since 2005, 300 prison officers and 27 managers have gone through 320 hours of training.<sup>69</sup> But there are huge staff problems within the prison services and the corrections unit was expecting in December 2006 the recruitment of 300 new officers. Moreover, prison officers have also been targeted and killed – 11 were killed between July and December 2006.<sup>70</sup> The DAP has welcomed continued assistance and involvement from MINUSTAH and the UNDP, since they currently do not have sufficient capacity or resources to carry out reform. In June 2006 the DAP and MINUSTAH both supported the deployment of international correctional officers in Haitian prisons to mentor and support Haitian prison

officers.<sup>71</sup> But in December 2006 the DAP no longer supported this and only wanted resources. This change and shift in priorities can perhaps be explained primarily by the change in leadership of the DAP during this period. The new leadership emphasised infrastructure and equipment as their key priority and stressed that advisers and mentors should not be the first priority, although acknowledging the need for training.<sup>72</sup> It is frequently the case that recipients of reform only want resources and not mentoring and monitoring, but more than “bricks and mortar” is needed if reform is to be successful. Similarly, only advice and mentoring without sufficient aid to repair infrastructure and provide equipment will also be of limited use. Training, capacity-building, mentoring and monitoring so as to ensure a high-quality prison service, in combination with infrastructure refurbishment and rebuilding needs to be a matter of utmost priority. Moreover, resources and basic aid is useless unless based on needs and cultural understanding. For example, in the womens’ prison in Port-au-Prince, although there was no running water in the prison, an investment was made in a safe to keep the keys to all the cells of the prison. It cost as much to install the safe as it did the tap to receive running water, however, the safe had yet to be used months after it was installed.

Traditionally donors are reluctant to support prison infrastructure. However, there has been a positive development among donors in Haiti from June to December 2006; in June there was little impetus among donors regarding prison reform, but six months later prison reform had been placed somewhat more firmly on the agenda.<sup>73</sup>

#### *UN Support to Management and Oversight Bodies*

As stated in the introduction to this section, MINUSTAH did not at the time of writing engage in support to civilian management and oversight of SSR – this is the result of a combination of factors: lack of capacity and resources; it is not expressed in the mandate; and the fact that SSR is still in its infancy. Support for parliamentary oversight has thus far not been a consideration of MINUSTAH, nor has it been an issue for the government or Haitian civil society. Because of its distrust of MINUSTAH, civil society has tended to ask for less rather than more involvement by the UN in reform. There is however, current and planned assistance to the Inspector General’s Office so as to ensure a strengthening of that office. This is a key oversight mechanism that has been significantly focused upon and supported by MINUSTAH. It is not involved in civil society oversight of the security sector, and at the time of writing there was no intention of it becoming so, given the ongoing and current friction between parts of Haitian society and MINUSTAH. The

UNDP has had links with civil society for a long time and for example supported *Citizens Forum for the Reform of the Judicial System*, a consortium of Haitian NGOs who in June 2006 wrote a treaty for judicial reform.<sup>74</sup> Therefore, given UNDP's expertise, its role in support of civil society oversight and involvement in SSR should be expanded.

Effective civilian oversight is central to SSR, particularly in the Haitian context where, as mentioned, security forces have a history of politicisation. This is therefore not something that should continue to be deprioritised. Not having even begun to address this in connection with SSR in Haiti is a critical gap and a missing element, which needs to be tackled as part of a SSR strategy – not doing so risks a replay of 2004. Oversight and accountability mechanisms should be focused upon – with a government that is relatively open to SSR, this is a chance to urge it to prioritise and support the oversight agenda. Closer cooperation between MINUSTAH and UNDP to ensure civilian oversight as part of the strategy of SSR would be beneficial, since this is an area where UNDP has a comparative advantage.

#### *UN Support to SSR-Related and Cross-Cutting Activities*

##### Disarmament, Demobilisation and Reintegration (DDR)

DDR is the activity that has been most problematic and criticised by both Haitians and international actors in Haiti for failing to reach both perceived and mandated objectives. This has also been recognised by MINUSTAH staff. The progress of DDR has been extremely limited. This is a consequence of several factors. Most importantly the initial mandate called for the implementation of traditional DDR, but there were several key issues which made this impossible. Critically the situation existing in Haiti upon the deployment of MINUSTAH in 2004 never called for a classic approach to DDR. Nevertheless, due to the mandate, DDR in the classic sense was pursued, and it took far too long to realise that this approach could not work in Haiti, and that it needed to be reoriented to adapt to the environment.

There are an estimated 210,000 small arms in Haiti, the majority owned by private citizens and private security companies, not armed gangs.<sup>75</sup> The Haitian constitution gives each citizen the right to armed self-defence at home, though the weapons need to be registered.<sup>76</sup> But the vast majority of small arms are unregistered and illegal. In this setting the DDR unit began to focus its efforts almost exclusively on the former FAd'H, who were not viewed by the transitional government and the National Disarmament Commission (NCD) as the primary threat. So this was adjusted and focus shifted to the armed gangs. However, as stated above, the former

armed forces should still be considered a potential destabilising actor and should not be entirely ignored. Attempting to deal with the weapons and the armed gangs through a DDR process has met with extremely limited success. It was not only that the situation was and is different from a traditional DDR scenario; it was further complicated by the mandate which insisted that MINUSTAH cooperate with the PNH, who were and are in need of reform and unable to conduct or support DDR, and with a transitional government that was unwilling and uninterested in supporting DDR.

Several programmes were put into operation by the DDR unit, one of which included reintegration packages for members of the armed gangs. These have been severely criticised because they were perceived as supporting the perpetrators of violence.<sup>77</sup> There has been consistently limited understanding in Haitian society of why the DDR unit works with the perpetrators rather than arresting them. This reflects both inadequate information and understanding of what a DDR process entails and the mandate the DDR unit worked under. Reintegration programmes for armed gangs have met with resistance because the subjects are viewed by society as simply criminals who should be tried in a court of law. As a consequence, participants in the programme have been harassed by the PNH and local communities.<sup>78</sup> This has also resulted in killings.<sup>79</sup> But participants of the reintegration programme have also used it to further their own ends in the community.<sup>80</sup> Moreover, when they have been let out of the programme at weekends, some have been using violence against the civilian population and there were also suspicions that participants in the DDR programme had been involved in the killings of two Jordanians in November 2006.<sup>81</sup>

There are two key problems with reintegration of these armed gangs. First, they can earn more in one day through crime than what the DDR programme can offer them in three years.<sup>82</sup> There is currently very little incentive for them to “reintegrate” – only the argument that life will be better for the community. Second, lessons should have been learnt from civil society’s response to reintegration of the armed forces in the 1990s. This was plagued with difficulties in part because people saw the programme as a reward for abusers, there was an unmet demand for justice and the process was never backed up by victim reparation. It is therefore no surprise that attempts at reintegrating the armed gangs have met with even greater difficulty. The reintegration process should not solely benefit the perpetrators, there should be a focus on broader economic development with job creation and education for the communities; failure to do this can lead to revenge attacks, as witnessed, and continued conflict. Importantly, reintegration should not be seen as supporting impunity. If it does, it can

perpetuate violence, particularly setting a role-model for youths in the affected areas who think they can obtain fast money without any repercussions.<sup>83</sup> Accountability has to be addressed in this context. However, this was made more difficult due to President Préval's initial handling of the gangs. At first he seemed not to be dealing with them, and then his new strategy was threatening to kill armed gangs unless they gave up their arms.<sup>84</sup> Neither of these policies had a supportive effect on the DDR programme or on a reduction of violence since in December kidnappings were up and violence prevalent. Critically unless there is some accountability it will be extremely difficult to establish trust in the police, the government and the rule of law. Asking for UN help to arrest and detain gang members has been one step to ensure accountability.

A criticism of the DDR process has been lack of local ownership. The National Disarmament Commission was created in September 2004, in response to MINUSTAH's demand for a Haitian counterpart in DDR. But due to the transitional government's lack of interest in the issue, the selection of the commission members reflected political connections, and was a random selection of individuals representing different sectors, including civil society, the PNH and the judicial system.<sup>85</sup> In June 2006 there were only three NCD commissioners left. There were significant problems of communication and cooperation between the NCD and the DDR unit, which further increased the difficulties of implementing DDR. Because of the non-functioning NCD a new National Commission on DDR consisting of seven members drawn from different sectors in Haitian society was established in September 2006. This commission has thus far functioned better than the NCD, in terms of less apparent friction between its members, the holding of regular meetings, an apparent greater willingness to work on the issues of DDR and much improved cooperation between the DDR unit and the NCDDR. However, there are some issues of distrust towards certain members of the NCDDR by the DDR unit, which has expressed uncertainty as to the true objectives and agendas of some of the NCDDR members.<sup>86</sup>

Because of the difficulties of implementing a traditional DDR process in Haiti the DDR unit in cooperation with the NCD significantly restructured its approach to DDR in Haiti so as to ensure a tailor-made solution to address the specific problems facing the country. This meant a redefinition of DDR built on five pillars: disarmament and reinsertion of armed gangs; reinsertion of youths; reinsertion of women; a legislative framework for control of arms; community disarmament. In practice it means focusing on reduction of violence in the communities, creating Community Development Committees (CDCs) and Committees for the Prevention of Violence and for Development (CPVDs), focusing on women

and youths attached to the armed gangs, and putting weapons beyond use.<sup>87</sup> It is a community- focused process of DDR to ensure a reduction in violence. This new approach met with some resistance from several individuals at DPKO, because they still thought in terms of traditional DDR and favoured this. However, the changed DDR process was incorporated in the new mandate on 15 August 2006. As of October 2006, CPVDs had been established in seven of the areas most affected by violence.<sup>88</sup>

The changed strategy and mandate for DDR in Haiti is a significant improvement, and has the potential of leading to a reduction in violence. It can lead to a reduction in violence because it is community-focused; addressing and focusing on victims as well as gang members; it is inclusive; it emphasises the potential future gang members by targeting youths; it deals directly with the issue of women in relation to violence; and the nature of the conflict is such that traditional DDR is non-functioning. However, its success depends on identifying and working with the right actors in the community; having a simplified structure for implementing programmes; and it needs to come in conjunction with criminal prosecutions of the gang leaders.

The process has since the new mandate met with further complications. A key issue is the vast communications gap between the DDR unit and the local communities, which has existed from the start of the mission. This was also acknowledged by the DDR unit.<sup>89</sup> Resolution 1608 emphasised that MINUSTAH should “urgently develop and implement a proactive communications and public relations strategy, in order to improve the Haitian population’s understanding of the mandate of MINUSTAH and its role in Haiti”. This has not been addressed and the DDR unit’s work has continued to suffer as a result. Some local communities know very little about this new approach and have continued to be critical of its work. Others have criticised the way the CPVDs are selected and given legitimacy, because by some the members are viewed as being brought in by MINUSTAH without being real community actors.<sup>90</sup> Moreover, there have allegedly been cases where the CPVDs have included gang members.<sup>91</sup> A problem is that local traditional structures have in many areas disappeared or been disempowered by the gangs. However, where they have not they should be accessed by MINUSTAH and used in the CPVDs in order to ensure heightened legitimacy.

## Gender

MINUSTAH’s Gender Unit, in addition to its other tasks, deals with gender in SSR.<sup>92</sup> The unit has an extensive mandate and limited resources; hence the



mission is attempting to address gender within each section without consistently relying on the unit. The primary focus is on women rather than gender when it concerns SSR activities. In Haiti violence against women is prevalent, women have little recourse to justice for crimes committed against them and are often met with disdain or risk being beaten up or humiliated if they dare to go to a police station to report violence or rape. Violence against women is also rife in relation to the armed gangs, for example nearly 50 per cent of female kidnap victims are estimated to have been raped.<sup>93</sup> The work on women in SSR began slowly due to resistance in the national security sector. It is critical to address the role of women from the onset in SSR activities, but it is something that tends to be sidelined or de-prioritised by actors in SSR. It is frequently viewed as separate to SSR or something that can be dealt with at a later stage, which has also been the case in certain sectors in Haiti. For example, the Gender Unit is not part of the Rule of Law Working Group (although it was in the very beginning) but it would be a useful addition to this group, ensuring that these issues are addressed from the start.

The Gender Unit works with local counterparts and particularly through the *Concertation Nationale Contre Les Violences Faites aux Femmes*. The unit has delivered training to the PNH as well as train-the-trainers courses, focusing on mainstreaming gender throughout the PNH, as well as particularly emphasising women and violence against women.<sup>94</sup> This has functioned well, but the unit wants to institutionalise this training at the police academy so as to ensure that it will continue after the departure of MINUSTAH.<sup>95</sup> Importantly women and SSR, at least in terms of PNH seem to be on the agenda for the government, President Préval said recently that 50 per cent of the PNH should be women.<sup>96</sup> But there are numerous problems for women in the PNH including discrimination, sexual harassment, lack of promotional opportunities, and the belief by male officers that the female officers are not capable of doing the duties of a police officer.<sup>97</sup> These problems need to be seriously addressed, focusing on quantity is not sufficient. The cooperation between the Gender Unit and UNPOL, and in relation to their work with the PNH, is extremely well-structured in that in 2006 the police commissioner created a gender coordinator who sits with UNPOL and is the Gender Unit's counterpart. Moreover, UNPOL has gender focal points all through the country, whose tasks include visiting prisons to ensure men and women are kept separate, checking police stations to ensure that women are fairly treated and accompanying women to police stations if they wish to make a complaint. However, cooperation and coordination with the justice section and prisons unit is much less systematic and less frequent.<sup>98</sup>

Women have played a role in the armed gangs not only as victims, but also as supporters of gang members and as perpetrators of violence themselves. This has been less of a focus for other actors in SSR, but something that has been underlined by the Gender Unit. Although the Gender Unit has carried out work with DDR, the role of women in violence as actors, not only victims and survivors, has the potential of becoming much more addressed with the revised approach to DDR in terms of violence reduction.

#### *Summary of UN Support to SSR and Related Activities*

MINUSTAH's support to SSR activities in Haiti has faced numerous challenges including lack of cooperation from the transitional government, working under a mandate that did not reflect the situation on the ground, and an absence of basic security in which to begin SSR. It continues to face resistance to reform by spoilers, political and non-political armed gangs, and a socio-economic context which affects SSR. Progress has been hampered by the lack of integration, and in many cases absence of communication regarding SSR. Moreover, many of the lessons learnt from previous missions to Haiti have not been taken into consideration.

What the experience in SSR in Haiti has underlined is the need for political will at both national and international level to undertake such processes. Moreover, it has emphasised the requirement for proper needs assessments with appropriate experts prior to deployment. The DDR process in particular has underscored this. More than a year was lost because they were working from wrong assumptions and assessments, which has had a profound effect upon Haitian security and stability. This indicates a continued deep seated need for effective needs assessments not only prior to the mission but on an ongoing basis. Critically the experience in Haiti has underscored the importance of local ownership of SSR activities; in the early stages the lack of ownership added to the alienation felt by the PNH and Haitian civil society, and led to the first PNH reform plan's failure. The need for a coordinated approach and integrated vision of SSR is emphasised by the parallel efforts in justice, as well as the lack of cooperation in the police sector – all having added to delays in reforms. A coordinated approach and vision needs to be supported by guidance and training for the personnel involved with SSR, as well as coherent management of SSR, and is a key element in these processes.

## Lessons Identified

This section discusses strategy (including measurement and evaluation of SSR activities), planning, capacities and resources of the UN in support of SSR in Haiti, as well as how the UN has cooperated and coordinated in this regard, internally and with other stakeholders. It analyses how deficiencies in these areas have hampered implementation with a view to drawing lessons for improvement.

### *Strategy*

There was and, at the time of writing, is no specific holistic SSR strategy for Haiti; SSR is compartmentalised in different areas, as it is in the mandate. This might not only be a reflection of the mandate but also the absence of a common understanding of SSR both at headquarters and within the mission. The perceptions among actors dealing with Haiti at UN headquarters of what SSR entails ranged from defining it as police reform only, through internal and external security particularly police and military reform, security and institution-building, defence reform, security and rule of law reform including oversight and financial governance, to no definition at all. This was mirrored by the mission where few had a clear idea what SSR meant; two heads of division stated that they did not know what SSR meant. Others linked it to the concept of military reform, hence stating it was irrelevant for Haiti. There was also a feeling that it was connected to security, rather than to justice, prisons and oversight – leading one to state that “we do not do SSR but justice reform”.<sup>99</sup> The concept of SSR as defined by OECD DAC was generally unfamiliar to the vast majority of consulted parties in the mission. Importantly however no one equated training or capacity-building with SSR. This was also reflected by the UNDP who stated that they were not working with a joint definition or understanding of JSSR, but focusing on the components mentioned in the mandate. Although all emphasised the need to de-compartmentalise and work on a holistic approach to these sectors, this was not viewed in terms of an overarching SSR approach providing a strategic framework through which all these various components could be addressed in a coherent way.<sup>100</sup>

### Measuring and Evaluating Reform Activities: Outputs vs Outcomes

Measuring the outcomes of SSR activities is crucial to see whether or not the activities in question are making a difference or having an impact. Unless there is some form of measurement and evaluation, projects can continue to

be implemented without the intended results. It is therefore essential to ensure measurement and evaluation is carried out in some form. Differentiating between outputs and outcomes is critical when discussing measurement and evaluation. Measuring outputs – the activities that are conducted – is a far simpler activity than measuring outcomes establishing the effect that the outputs have had. In a post-conflict setting, measuring outcomes is difficult, made more so by the fact that the results of many SSR projects cannot be measured until much later. In Haiti in all SSR sectors there was at the time of writing limited measurement and evaluation of the impact of the projects. There were some efforts to varying degrees to measure outputs and what individuals do. These not only varied as to the sections, but also between the mission and UNDP.

As of December 2006 UNDP had performance indicators but these varied from project to project. Moreover, there was no monitoring team, each project was doing its own monitoring. There was no knowledge management programme for the whole of the UNDP in Haiti, there was one for each programme, but it was left to the person in charge.<sup>101</sup> This means lessons were not appropriated by all different sections dealing with SSR. There was an acknowledgement that at UNDP there was a tendency to look at activities rather than outcomes.<sup>102</sup> The UNDP's yearly work plans for different projects set out the project, resources, activities to be undertaken, performance indicators and then what has been done.<sup>103</sup> However, these focus more on outputs, for example, what training of DAP officers has been done, not whether their training has affected and changed their behaviour towards prisoners.

The DDR unit at the mission has indicators of achievement which include a reduction of the number of armed incidents and deaths by weapons, and the rate of return of police into communities. However, all of these can also be indicators for police reform. They also have indicators related to each project and outlines of whether objectives have been met – some measuring outputs, others indicating outcomes, but to a much lesser extent. The unit has a team to monitor and evaluate, has also called on independent consultants and UNIDIR to conduct evaluations. However, the impact of their programmes has been difficult to evaluate because there are many areas in which local NGOs are the implementing partners but where due to insecurity the unit could and cannot go or would need an armed escort, hence considerably complicating impact assessment. UNPOL had not started any form of measurement, but indicated that key general indicators should include the murder rate, number of reported crimes and number of cases solved. UNPOL has programme goals, targets, activities and indicators in place for the different projects.<sup>104</sup> The justice section did not as yet have

measurement tools or indicators. Although an extensive work plan was in place which outlined objectives and activities, it did not list outcome indicators.<sup>105</sup> The corrections unit conducts ad hoc unstructured evaluations both before and after projects, by visiting the different prisons at different intervals. The unit writes reports on the state of the prisons and recommendations for change. Overviews of current and forthcoming projects exist, but without an evaluation attached.<sup>106</sup> It is easier to measure outcomes in prisons due to the often very practical nature of many of the projects, but a coherent mechanism for doing so has not been put in place as yet.

Establishing measuring and evaluation mechanisms with indicators for outputs and outcomes needs to be a priority for all the MINUSTAH and UNDP sections dealing with SSR. If it is not, it will increase the risk of failure of reform by continuing to implement programmes and strategies that are not giving the intended outcomes. When first to start to measure and evaluate SSR activities will depend entirely upon the type of activity, programme and context and will vary accordingly – but it needs to be conducted on a regular basis once started. It should be part of the planning of the SSR activity setting out when and how to measure, outlining relevant indicators. Critically it should measure outcomes not only outputs.

#### **Institutionalising Lessons Learnt**

There have thus far been limited efforts to ensure that lessons learnt are institutionalised within the mission. It is, however, vital that this is done, particularly because of the frequent turnover among some staff. Both MINUSTAH and UNDP have had a high turnover of senior management, resulting in posts standing empty particularly in MINUSTAH for long periods of time. For example, the head of corrections left in August 2006 and no one had replaced him by mid-December 2006. One of the DSRSG posts was empty from August to December 2006. The Police Commissioner left in the summer and had not been replaced by December. At UNDP from September 2005 to 2006 nearly all senior management changed. Yet minimal attempts have been made to ensure institutional memory, which is a common problem in peacekeeping missions. The DDR unit has attempted to do this through reports and reviews of the programme. Justice, police and prisons sections had yet to attempt to institutionalise lessons learnt. UNDP tries through half-yearly reports and reviews to add to lessons learnt, but it was acknowledged that this had thus far not been sufficient.<sup>107</sup>

*Planning*<sup>108</sup>

There has been limited strategic planning for the different SSR activities both at headquarters level and within the mission itself, although this began to change somewhat in 2006 for certain activities. At headquarters it is the Police Division which has given the most support to the field mission in terms of planning – yet this did not truly start until March 2006 as a result of a change in personnel within the Division which meant more coherent focus on Haiti. There has been only limited planning and support for judicial reform from headquarters, somewhat more for prison reform, a reflection of the limited capacity at headquarters to support such planning. The planning for DDR was complicated by the insistence on the traditional approach and for a while discord between the mission and headquarters as to the change of approach to DDR.

Planning at field level has been ongoing, changing and frequently ad hoc. A MINUSTAH Mandate Implementation Plan exists which outlines expected accomplishments, milestones and indicators of achievement related to MINUSTAH's support for rule of law reform, in particular, the police, justice and prisons systems.<sup>109</sup> However, as of December 2006 it remained a work in progress since baselines for evaluations still needed to be completed.

UN DPKO undertook a mandate review in June 2006 which consisted of key people from DPKO spending time in Haiti with mission staff to conduct a review of their mandate with the purpose of developing recommendations for changes. All Sections interviewed mentioned the mandate review to have been a very helpful and useful exercise in establishing what had been done and what should be done regarding future planning and strategy, as well as measurement and evaluation. This underscores that the mission felt the input from headquarters regarding planning was useful. However, this is far from sufficient and came at a very late stage in the mission.

*Capacities/Resources*

The capacity to fully conduct and implement SSR in Haiti has been lacking throughout the mission. This is due to a combination of factors, among them the inability to get the required number of people as mandated in the resolutions to the mission, – meaning that posts, often at high levels, have remained empty for considerable periods of time – and securing people with the necessary skill sets to conduct reform. Overall the mission has suffered from the problem that all French-speaking missions do – a lack of French-speaking capacity.

As of December 2006 there was not sufficient capacity to do what MINUSTAH plans to do in the police, justice and prisons sectors, although it was underlined that if the mandated number of staff was provided then there would be sufficient capacity.<sup>110</sup> For example, UNPOL only had 44 per cent of its required staff and the gaps were in the most critical positions.<sup>111</sup> There had not been a police commissioner since the summer of 2006, and in December a new acting police commissioner was appointed.

The justice section has also had extremely limited capacity, in key posts they were operating at 50 per cent or less than 50 per cent.<sup>112</sup> They did not, at the time of writing, have the necessary professionals such as judges and prosecutors to implement the “*accompagnement*” programme in a meaningful manner. This programme is meant to mentor and advise Haitian judges and prosecutors, but was staffed by UNVs and one former public prosecutor.<sup>113</sup> To implement such a programme it is essential not only that the people conducting the mentoring are judges and prosecutors themselves, but also that they have knowledge of local laws so as to be able to assist and advise. Additionally, because justice reform is extremely sensitive in Haiti, it is vital that the persons involved with such assistance know the cultural and historical background as well as the legal system. It is impossible to implement such a programme without suitable staff. At present there is no such capacity in the justice unit.<sup>114</sup> Until the capacity to conduct this programme is in place, the latter should not be undertaken and instead efforts should be focused on the smaller tasks that have higher chances for success. Overstretching heightens the risk of failure, as does not having the right people with the right skills set to do the work. Critically however for 2007-2008 the General Assembly approved additional posts for the justice sector of MINUSTAH, which will help the section in advising and supporting on justice reform. Moreover, the justice section had in December 2006 only two field offices, this was during 2007 expanded to five, which is a great improvement. However, if they are to assist with justice reform in the districts, then either more capacity still needs to be brought into the mission or better, more formal cooperation should be established with Civil Affairs, which has offices in each department throughout the country. Civil Affairs staff could be complementary to justice reform because they work with municipal and local authorities.<sup>115</sup>

The UNDP has been involved, as discussed above, in prison reform and has capacity in this area, as well as in DDR. It has also dealt with justice reform issues in Haiti for the last decade. Nevertheless, one Haiti UNDP staff member emphasised that if UNDP is to have JSSR as a key priority then their capacity, both in term of additional personnel and JSSR specific knowledge, needs to be strengthened at both local and headquarters level.

In addition to human capacity is the issue of financial resources. For example, what has considerably hampered project implementation in DDR is the slow release of certain funds: \$3.7 million was granted in 2005, yet was not made available until May 2006 when only one month remained for it to be spent or returned before the new budget period. This resulted in the DDR unit pushing for too much in too short a period, thereby undermining their own role.<sup>116</sup> Donor funding was often problematic during the transitional government due to concerns about the government's commitment.

The issue of financial resources and budgets also complicates integration of assessed funds and voluntary contributions. It makes integration very difficult when the budget cycles and types of financing are different. For example, UNDP is responsible to its donors in a way the mission is not. This is illustrated by the fact that, in response to the concerns of its major donor, UNDP has hesitated to get too close to MINUSTAH.<sup>117</sup> In a situation like this integration will only be possible if the integrated policies are in complete harmony with the wishes of the major donors, something that in many cases will be unlikely. It has certainly not been the case in Haiti.

#### *Cooperation/Coordination/Communication*

Coordination, cooperation and communication of SSR activities internally within the mission, with other UN agencies, with donors and with locals is critical to ensure that resources are placed where they are needed most, for effective implementation, local ownership and to avoid duplication. Cooperation and coordination of SSR activities in Haiti has met with problems in police, judicial and prison reform as well as DDR. This has adversely affected implementation and in some cases considerably delayed reform. Although there are in several cases structures in place to guarantee that there is coordination and cooperation, in practice they have not functioned adequately.

#### *Within the Mission*

Coordination, cooperation and communication within the mission has not been effective or particularly reflected the objectives of an integrated mission. Rather than having a focused approach to justice, police, prison reform and DDR it has been characterised by its individual components and the work has been treated separately.

On a structural level there is a Rule of Law Working Group (ROL WG) in which representatives of the human rights, UNPOL, justice, political



affairs and DDR sections are supposed to take part, although many of the members of the ROL WG were not sure who else was in the group. In addition, a senior staff member did not even know the ROL WG existed. As of December 2006 the working group had in effect not functioned for three months; this coincided with the departure of the DSRSG. Prior to this, meetings were infrequent, and not structured.<sup>118</sup> Civil Affairs, which has both the capacity and the willingness to contribute to justice reform in particular in the provinces, indicated that they wanted to be part of the WG but had thus far not been incorporated.<sup>119</sup> The ROL WG is in theory an excellent structure to ensure coordination of efforts within the mission as well as a holistic approach to reform, but it has been neglected and not used effectively as a mechanism. This is a considerable problem and reflects the problems of coordination of SSR in the mission. Moreover, senior DPKO officials were surprised to learn, during a visit to Haiti at the end of 2006, that the ROL WG was not meeting regularly. This underscores a communications gap between DPKO and MINUSTAH.

DDR has frequently been viewed and addressed separately to other SSR activities, which is partly a reflection of the structure of the Haiti mission (See section 3.3.) and an additional reason why there has been little integration between DDR and the other sections. However, it is not only DDR that has been operating separately, until July 2006 so did UNPOL. This started to change in that month due to the appointment of a deputy who emphasised the importance of internal cooperation between the different mission sections, and UNPOL began to work somewhat more closely with some of the other sections.<sup>120</sup> However, UNPOL was still, in December 2006, characterised by one senior justice member of staff as a “mission within the mission”. Justice and UNPOL, and corrections and UNPOL, still have a very long way to go before they can be characterised as coordinating their efforts in the field of SSR.

An important aspect that affects cooperation and coordination in all missions is the question of personalities and whether the people in the mission have worked together previously, thus facilitating relations. Personality clashes, including at higher levels in the mission, have contributed to the lack of sufficient cooperation in MINUSTAH. Unfortunately this is not something that the establishment of an additional structure or organisation can rectify, but is a significant contributor to lack of cooperation and needs to be strongly addressed by management.

### Within the UN agencies

The key cooperation partner of MINUSTAH among the UN agencies in relation to SSR is UNDP. Since theoretically the Haiti mission is an integrated mission, emphasis has been placed on the importance of integrating the work of UNDP and MINUSTAH in these areas. In practice it has not been and is not an integrated mission. This has also been recognised by actors in DPKO, UNDP New York, MINUSTAH and UNDP Port-au-Prince.<sup>121</sup> Moreover, although MINUSTAH and UNDP have been asked by UNHQ to integrate, there is no integration in New York between the organisations.<sup>122</sup>

Integration in Haiti has been hampered by numerous factors. From both sides there is unwillingness to integrate and profound institutional mistrust. This is based on what is perceived to be the short-term objectives of the mission versus the long-term development goals of UNDP and the perceived intrusive approach of the mission versus the perceived “soft” approach to the government of the UNDP.<sup>123</sup> It also seems to be based on UNDP’s feeling that they know the country and issues better while the mission, entering swiftly and becoming the “big kid on the block”, did not necessarily have the same level of local knowledge. There is a lot of negative stereotyping between the different organisations, for example that UNDP are “in a different universe”, or references to the mission as bullies.<sup>124</sup>

The DDR programme is the only section that has functioned as an integrated *programme* in the whole mission, in the areas concerning SSR. The head of DDR is from MINUSTAH and his deputy from UNDP and they worked together to develop the strategies for DDR. A main reason that this functioned was that the key people within the DDR programme had worked together previously. Nevertheless it was an extremely difficult exercise, so much so that this primary example of UNDP and MINUSTAH *operational* integration in SSR split in the summer of 2006. Although maintaining the similar vision of what and where DDR needed to go structurally and practically, the work of DDR UNDP and DDR MINUSTAH was separated, with UNDP focusing on violence reduction and MINUSTAH on DDR. So what was an integrated unit became separated, while remained integrated in vision.<sup>125</sup> There were several reasons for the split, reflecting budgets and budget cycles, the difficulties the DDR programme had and the necessity to redefine the work. It was felt it would be more cost-effective and would streamline management to split the unit.<sup>126</sup> At the time of writing splitting the unit had not made it more effective in the field. Moreover, in the latter part of February a review of the MINUSTAH and UNDP DDR unit was carried out by a delegation from New York. They argued for better

integration and that the DDR unit should be renamed Community Violence Reduction Unit.<sup>127</sup>

UNDP has had very little to do with UNPOL's work and police reform, and integration has been completely lacking. This, however, began to change in July 2006 on the initiative of the new deputy police commissioner who worked in partnership with the UNDP. Thus far this has been to both parties satisfaction. The aim is to transform the PNH plan into an operational plan, and the areas of responsibility between MINUSTAH and UNDP have been clearly established.<sup>128</sup> However this cooperation is assumed to be reliant upon the continued presence of certain people in both UNPOL and UNDP; if this were to change, so might the cooperation. Integration beyond this has been characterised as difficult due to the difference in where each one sees their priorities.<sup>129</sup>

In the area of justice reform, UNDP and MINUSTAH work on different parallel tracks. There is not only no integration, but also nothing that can constitute meaningful cooperation. For example, they have two separate plans for judicial reform (see section 4.1.2). There have been no meetings between key actors and only a few between programme/operational UNDP and the mission's justice section. There seems to be an unwillingness to cooperate, and an assumption that there would be no positive outcomes from it. In the justice sector it seems at times that different methods – described by one senior UNDP official as “incompatible” – are being used in working towards judicial reform. One example is that UNDP has supported *Citizens Forum for the Reform of the Judicial System*, a consortium of Haitian NGOs who frequently criticise MINUSTAH and its efforts at judicial reform and demand more local ownership. UNDP's support for this forum has therefore complicated relations with MINUSTAH in relation to justice.

It is slightly different with prisons, as the previous head of corrections in the mission used to work for UNDP and this facilitated cooperation between the two organisations. On a management level there is at the time of writing an absence of cooperation. But in the field there is more of a day-to-day working relationship between UNDP and MINUSTAH staff who, for example, sometimes conduct joint prison visits and joint evaluations. There used to be joint coordination meetings but that collapsed as a direct result of the head of the section leaving; he had not been replaced as of December 2006 and coordination meetings were not taking place.<sup>130</sup>

The numerous problems with integration in Haiti led one senior MINUSTAH staff member to conclude that “the institutions are not ready for formal integration”. Thus far there have not been leadership and management structures at all levels to integrate the different SSR sectors

together into one strategic framework. If integration is to function, a management structure reflecting this is key. The working relationship between the two organisations is dependent upon personalities and there is no effective mechanism in place to ensure greater cooperation, leading to lost opportunities and resources. A solution would be to focus on strategic integration on policy, leadership and strategic levels, where implementation should be left to the agency that has the comparative advantage and capacity in that particular area. A core integrated planning and strategy group should be established and implementation conducted based on capacity. No doubt this may also create problems and friction, but it would reduce the complications in implementing projects together, with different budget cycles, reporting lines, timelines, experience and in-built animosity.

#### With Donors

There are several structures for cooperation and coordination on SSR between donors and MINUSTAH. The first to be established was the Interim Cooperation Framework (ICF) which was drawn up in July 2004 as a joint effort between the international community and the transitional government, and established needs and targets in over 16 sectors. It set forth a strategy for the stabilisation and reconstruction of Haiti. Participating in creating the ICF were government representatives from over 35 countries, NGOs, international organisations, the UN and Haitians (civil society, political parties, government and press).<sup>131</sup> This framework included a focus on DDR, police, justice and prisons.<sup>132</sup> However, it has been criticised for slow implementation and limited civil society participation.<sup>133</sup> This is a forum for donors and MINUSTAH to meet on the different sectors to ensure that duplication is avoided and that resources are put where they are needed the most. In practice at least in the SSR areas it has not been an effective tool. Where the ICF and its sectoral tables have worked (in non-SSR areas) it has been in areas where there already was coordination and cooperation.<sup>134</sup> In addition, MINUSTAH conducts bilateral meetings with different donors.

The lack of cooperation and coordination between donors and MINUSTAH has in a couple of instances contributed to delaying reform, or made it more ineffective. One example of this is the duplication of efforts to create a police reform plan. The Canadian International Development Agency (CIDA) had designed a police reform plan early on, but MINUSTAH created its own reform plan (*Plan stratégique de la police nationale*) without involving CIDA.<sup>135</sup> This situation also affected the relationship with the Haitian authorities who cancelled meetings due to the existing tension. This was, as discussed above, only one among numerous

reasons for the delay of the PNH reform plan, but it did play a part. Another example of absent cooperation is to be found in the area of vetting PNH participants in police training courses. The US was in charge of the vetting but refused, until late 2006, to share any information with the PNH or UNPOL, except for stating who could not be included in the training courses without further explanation.<sup>136</sup>

Representatives of a number of donor countries, who have attended coordination meetings with MINUSTAH, have complained about the reluctance of the UN mission to coordinate with donors and other actors involved in SSR activities, and have felt that at times MINUSTAH has had a tendency of dictating policy and that the donors' input has not been wanted. At the end of 2006, coordination between MINUSTAH and donors was virtually no more than information-sharing at best.<sup>137</sup>

#### With Local Stakeholders

As mentioned above, the transitional government was not interested in promoting or conducting SSR in Haiti so local interlocutors were difficult to come by during the first part of the mission, as was promoting local ownership. Some may argue that a transitional government's job is not to promote or support SSR, but to ensure stability – however, disinterest or active opposition to SSR by transitional governments frequently promote instability and insecurity, as it did in Haiti, SSR may therefore be seen as being within the parameters of the work of a transitional government. A lesson learnt from this process is that careful leverage should have been used with the transitional government to begin engaging in SSR.

It was not until the inauguration of President Préval after the elections of February 2006 that local government counterparts supporting SSR could be found. There has been significant change in that the new government began focusing on reform issues and wanting to cooperate with the international community. In the early months of the Préval administration there was a lack of clarity in terms of what the new government would commit to in SSR. This has gradually become clearer, and the Haitian government's commitment to reform has significantly strengthened. Cooperation with the new government has been considerably easier than with the transitional government. Yet some differences remain between the international community and the Haitian government. This is particularly in relation to justice reform, which is the most politically sensitive of the SSR activities in Haiti. International actors see the need for substantial reform and international support, whereas the government is more cautious about international intervention in the justice system. What

must also be recognised is that actors within the government and the institutions which are undergoing or about to undergo reform have different views on SSR and the level of international involvement needed or wanted. This is an additional reason for the often contradictory responses of donors, because they communicate with Haitian actors receiving different responses to SSR without coordinating with each other. This difference is seen in for example correctional reform where (as discussed above 4.1 and 5.4.3), the government and the prisons administration DAP have divergent views on what is necessary. On PNH reform there is relatively broad agreement. Cooperation is much improved, meetings between MINUSTAH and the government are conducted and are stated by MINUSTAH to be regular. The Haitian authorities on the other hand, perceive cooperation to be ad hoc, indicating that they would want to see more regular meetings. Lack of well-defined agreements between the UN and the Haitian government also hinder a stable working partnership.

MINUSTAH is, however, still criticised by civil society, the diplomatic community and other UN agencies for not ensuring buy-in and it is said that it has a tendency to tell Haitians what to do.<sup>138</sup> In terms of local ownership the mission made a mistake with the first PNH plan that it wrote, which was signed by interim Prime Minister Latortue, but which had no local ownership (see section 4.1). There is always an issue regarding local ownership versus local capacity and in many instances capacity needs to be built before extended local ownership can take place (depending on the context and the type of SSR activity). In that particular instance, however, local ownership was disregarded. Although this has improved there has been a tendency to define local ownership too narrowly, focusing predominantly on either government or the institutions to be reformed, such as PNH; civil society in particular has been left out of the process.

There has been a lack of communication and cooperation between MINUSTAH and civil society and other non-governmental actors in Haiti. Civil society has continuously raised objections to this absence of cooperation. They feel left out of the processes and not listened to.<sup>139</sup> Parts of civil society have been extremely critical of MINUSTAH's presence and even when invited to participate in meetings have refused due to a feeling that they cannot cooperate with the "enemy" or "occupiers", which naturally excludes them from the opportunity to influence and own the process. But the lack of communication with civil society has been profound. For example, several organisations raised the issue that there has been limited information about the new police reform plan. One explanation for this limited communication may lie in the fact that certain staff in MINUSTAH

define civil society narrowly. Some sections of MINUSTAH have acknowledged that there is a need to improve relations with NGOs.

Although there has been considerable improvement in MINUSTAH's cooperation with the government, MINUSTAH has not been effective in ensuring cooperation with civil society which remains especially sidelined in the SSR sectors. Since the mission is labouring under an image problem in Haiti, where they are regularly criticised harshly, it is essential that this becomes a key focus. Involving civil society in the security sector processes should be made a priority. This could be done by learning from UNDP and their experience and expertise with civil society, as well as involving UNDP much more. The Human Rights Section could be used more effectively in this regard, since it has much better contact with civil society than the sections more directly involved with SSR.

#### *Summary of Lessons Identified*

The non-existence of a strategy of reform and the limited pre-planning have added to the slow implementation of reforms in Haiti. The fact that few if any of these sectors have any consistent ways of measuring and evaluating the outcomes of their current and proposed reform activities is very worrying. Without measurement of outcomes it becomes impossible to see whether or not these programmes reach their intended objectives or need to be changed. There has been and is a need for further capacity both within the mission and in UNDP for SSR, and this also needs to be reflected in capacity at headquarters level, particularly in judicial and penal reform. Cooperation, coordination and communication between all actors involved in SSR activities have been fraught with difficulties from the beginning and need to be redressed if SSR is to be successful. Moreover, awareness needs to be raised both in Haiti and in other UN member states of what it is possible to achieve under the mandate and what cannot be achieved with limited resources.

### **Conclusion and Recommendations**

The mission's aims in security sector reform have suffered from not having sufficiently established from the beginning the link between poverty and the continued violence and treating it as a more traditional peace operation. Although it is not in the UN mission's mandate to address development issues – it is here the cooperation and coordination with UNDP and the international financial institutions especially becomes critical. For any

sustainable security sector reform there needs to be economic development, and although this has clearly been acknowledged by all actors involved with SSR in Haiti, not enough has been done to ensure that the economic conditions in Haiti do not hinder progress or sustainability of reform.

Several major lessons were learnt from the previous UN missions in Haiti, though many of them have been ignored thus far. They include the need to extensively consult and work with the local communities and civil society. Among certain sectors of Haitian society MINUSTAH has a legitimacy problem and by some it is not viewed as a neutral force. The minimal communication and a lack of transparency have subsequently contributed to the negative image of MINUSTAH, and in some cases outright hostility. This is a major stumbling block, as reforms must be not only culturally appropriate but also accepted and not perceived as foisted upon Haiti by outsiders. The majority of Haitians are aware that MINUSTAH needs to be there, but they are wary; hence working with local communities is a must.

Capacity to implement SSR programmes as well as measurement and evaluation tools and indicators have been and are at present lacking in the mission. This is a critical problem – absent capacity can lead to overstretch which heightens the risk of failure, as does not having the right people with the right skills set to do the work. Moreover, if there are no mechanisms in place to measure the outcomes of SSR projects then changes will not be made when they do not have the anticipated results.

### *Recommendations*

A number of recommendations and lessons have been identified and highlighted throughout this chapter – key recommendations to MINUSTAH and headquarters are as follows:

#### *Field:*

- Establish a core integrated planning and strategy group on SSR in Haiti, consisting of the key UN agencies, who will decide based on comparative advantage and capacity, which agencies should be responsible for implementation of what projects in SSR. This would ensure integration on a policy level, and simplify the process during the implementation phase.
- Utilise and strengthen the Rule of Law Working Group in MINUSTAH to close the present gap that exists in internal



cooperation and to ensure an internal coherent, coordinated and integrated strategy for reform in the areas of DDR, police, justice and prisons. A single framework for reform is critical for success and it is essential to change the current compartmentalised practice of reform in Haiti.

- The mission should evaluate which sections can play a key role in SSR, and strive to include these sections thereafter. For example, Gender needs to be addressed in all areas of SSR, hence should be part of an overall strategy for reform as well as included in the Rule of Law working group. The Civil Affairs Unit can significantly add to the capacity of reform activities, particularly in the countryside and should also be part of the Rule of Law working group.
- Establish a more formal working relationship between the Justice Unit and Civil Affairs Unit so that the justice unit can tap into the field capacity of the latter in the countryside.
- Address issues of civilian management and control and parliamentary oversight within a holistic SSR strategy. This should not continue to be avoided – integration is here key – therefore, working with the UN Country Team to ensure that the actors who have the comparative advantage address these issues.
- Establish a civil society outreach mechanism to ensure transparency of MINUSTAH’s work, what they are doing and why. This should include a communications strategy with information and education campaigns. Negative perceptions have developed in civil society, partly because of a lack of information and understanding of the UN mandate and activities.
- Promote and endorse the need to address democratic oversight of the security sector with all relevant Haitian interlocutors, using existing mechanisms of cooperation. The government has sidelined this thus far, but because of the past history of politicisation of security forces this should be made a key priority.
- Ensure closer donor and MINUSTAH coordination and cooperation on SSR by strengthening the already existing mechanisms. The gap in this respect has been profound and led to severe delays in reform.

It is critical that it receives renewed attention. Establishing another forum perceived to be MINUSTAH-led may harm relations rather than strengthening them. It is vital that the coordination on SSR is jointly led in view of hostility from donors in the past when MINUSTAH was viewed as taking over.

- Use other Sections of the mission, traditionally not involved with SSR activities, especially Human Rights and Civil Affairs, where possible and practical, to fill personnel gaps as well as dealing with issues such as civil society outreach. When this is not possible then outsource particular strands of SSR.
- Establish and put in place measurement and evaluation tools in all Sections conducting SSR activities, consisting of performance indicators of outcomes not only outputs. Since SSR is only really just starting, this is a critical time in which to ensure that these tools are created and applied. Ideally these measurements tools should be drafted and standardised by HQ, but these tools need to be put in place quickly so either they should be created in-mission or the task should be outsourced.
- Institutionalise lessons learnt through regular reports identifying the problems and debrief key personnel and management in-mission at the end of their term; a best practices post could facilitate institutionalising lessons learnt. Measurement and evaluation tools, once in place, would also facilitate institutionalising lessons learnt, something which is critical to maximising efficiency and effectiveness.
- Expand local ownership beyond government and security institutions to include all sectors of civil society – work with all sectors of Haitian society to ensure broad local ownership of the SSR processes. Lessons learnt from previous missions have shown that this is critical for the success of SSR in Haiti. This could be done, in relation to PNH reform, by establishing a forum consisting of Haitian civil society representatives, the international community and the PNH as suggested by the PNH leadership. Establish similar forums for justice and prisons.

- Do not attempt to overstretch and commit to SSR strategies that the mission cannot possibly undertake – focus on what is possible within the human and financial resources, as well as the political environment.

*Headquarters:*

- Ensure greater capacity, both in quantity of people and their specific SSR knowledge and skill set, at DPKO and UNDP headquarters to support, plan and structure SSR activities in field missions. There has been too little support and planning from DPKO and UNDP for the missions in these areas in Haiti. The decision to establish the inter-agency SSR Task Force and the SSR Support Unit at DPKO is an extremely valuable step in this direction. However, in addition the other sections dealing with SSR at both DPKO and UNDP need to be strengthened.
- When giving broad mandates for reform, ensure that there is sufficient human capacity with SSR knowledge and skills in the missions.
- Conduct needs assessments prior to mandate and at regular intervals to avoid attempting to implement reform that does not reflect the realities on the ground. The need for this was particularly underscored by the DDR mandate, but is repeatedly seen in all SSR sectors.
- Establish measurement and evaluation tools of SSR activities and create guidelines for these. If SSR activities are not measured it increases the risk of flawed programmes continuing.
- Implement these measurement and evaluation tools of SSR activities in all UN missions with a mandate to conduct SSR.
- Give guidance and training to personnel to implement SSR rather than relying on their knowledge to implement separate compartments of SSR. Mission personnel need to be able to see and understand the linkages between SSR activities.

## Notes

- \* I would like to thank all the UN and UNDP staff both in New York and in Haiti, as well as Haitian civil society and government representatives, who shared their vast experiences and knowledge of the UN mission in Haiti, the SSR processes and all other key issues with me, and generously gave their time – without their input this paper would not have been possible. All omissions or inaccuracies are of course my own responsibility.
- 1 For a definition of SSR and integrated missions, see section I of the final project report.
  - 2 For example, at the most basic level the situation is such that many of the PNH officers will be unable to do the physical requirement test because of malnourishment. Interview with senior UNPOL officer, Port-au-Prince, November/December 2006.
  - 3 Lama Khouri-Padova, "Discussion Paper, Haiti Lessons Learnt", UN Best Practices Unit, March 2004, p.4. In the 2000 elections empty ballot boxes were found with strewn ballots in the streets.
  - 4 "Haiti: Armed Groups still active", Findings of Amnesty International Delegation, Amnesty International, 8 April 2004.
  - 5 Edith Lederer, 'UN peacekeeping force in Haiti at 40%', Associated Press, 27 August 2004.
  - 6 Amy Bracken, 'Aristide backers threaten to behead foreigners', Associated Press, 6 October 2004.
  - 7 MINUSTAH representative, Port-au-Prince, June 2006.
  - 8 Human Rights Watch, "Human Rights Overview: Haiti", Haiti, 18 January 2006. <http://hrw.org/english/docs/2006/01/18/haiti12210.htm>
  - 9 Interview with person conducting study on violence in Port-au-Prince, Port-au-Prince, June 2006.
  - 10 For details on the election process, see International Crisis Group, "Haiti after the elections: Challenges for Préval's first 100 days", *Policy Briefing*, no.10, May 2006, pp. 2-7.
  - 11 It must be noted, however, that the US has been active in these areas in the context of the broader concern with drug trafficking through Haiti.
  - 12 Interviews with DPKO, New York, and MINUSTAH, Port-au-Prince, November/December 2006.
  - 13 Interviews with Haitian civil society organisations, politicians, Port-au-Prince, June and November/December 2006.
  - 14 SRSG Edmond Mulet quoted by Andrew Buncombe, "Civilians caught in the crossfire during Port-au-Prince raids", *The Independent*, 2 February 2007.
  - 15 UN spokesperson David Wimhurst quoted in Stevenson Jacobs, *Associated Press*, 10 February 2007.
  - 16 UN Security Council Resolution, S/RES/1743, 15 February 2007. para.7.
  - 17 Joseph Delva, "Haiti Residents Enjoy New Peace", *Reuters*, 18 April 2007.
  - 18 For more on police reform in Haiti in the 1990s see e.g. R.Neild, *The Haitian National Police*, WOLA Brief, 18 March 1996, Eirin Mobekk, 'International Involvement in Restructuring and Creating Security Forces: The Case of Haiti', *Small Wars and Insurgencies*, vol.12, no.3, Autumn 2001.
  - 19 UN Security Council Resolution, S/RES/1542, 30 April 2004, 7, I, (b), (c), (d).
  - 20 UN Security Council Resolution, S/RES/1702, 15 August 2006, paras. 2,3,11,14.
  - 21 UN Security Council Resolution, S/RES/1743, 15 February 2007.

- 22 See also organisation chart in annex.
- 23 Interviews with senior MINUSTAH staff, Port-au-Prince, November/December 2006.
- 24 Interview, Police Division, UN DPKO, New York, June 2007.
- 25 Please note that the majority of interviews for this study were conducted in December 2006 and a few in spring/early summer of 2007, which was the cut-off point for this project. There have been improvements and progress in police reform and MINUSTAH's efforts in this area since then.
- 26 See e.g. Human Rights Watch/Americas, NCHR, WOLA, *The Human Rights Record of the Haitian National Police*, January 1997, p.1; L.Aucoin, J.Exumé, I.Lowenthal, H.Rishikof, *Assessment of the Justice Sector in Haiti*, prepared for USAID/HAITI, 6 November (1997), pp.31-32.; Amnesty International, *Haiti: Still Crying Out for Justice*, July 1998, summary.
- 27 Confidential interview with MICIVIH official in Haiti October 1998.
- 28 *Le Nouvelliste*, 18 August 1998, p.1.
- 29 See e.g. *Associated Press*, "In notoriously troubled Haiti, 15 officers to face the bar of justice for brutal murders", 11 October 2005.
- 30 S/RES/1542, 30 April 2004, 7 I (d), S/RES/1608, 22 June 2005, 8 reaffirms 'MINUSTAH's authority to vet and certify new and existing PNH personnel for service.'
- 31 Interviews with UNPOL, New York and MINUSTAH senior staff, Port-au-Prince, November/December 2006.
- 32 Interviews with senior UNPOL officers, Port-au-Prince, November/December 2006.
- 33 Interview Police Division, UN DPKO, New York, June 2007.
- 34 Interviews with senior UNPOL officer, Port-au-Prince, November/December 2006.
- 35 Interviews, Port-au-Prince, June and November/December 2006.
- 36 Interview with senior UNPOL officer, Port-au-Prince, June 2006. In addition criticisms have also been raised at the poor quality of certain UNPOL officers and the lack of French-speaking officers.
- 37 UN Security Council Resolution, S/RES/1702, 15 August 2006.
- 38 Interview, Police Division, New York, June 2007.
- 39 "Arrangement on the monitoring, restructuring and reforming of the Haitian National Police and restoration and maintenance of the rule of law, public order and public safety security in Haiti supplemental to the agreement between the UN and the Haitian government concerning the status of the MINUSTAH", signed by Juan Gabriel Valdes, Special Representative for the Secretary-General to Haiti and Prime Minister Gerard Latortue, 22 February 2006.
- 40 Haitian National Police Reform Plan, S/2006/726, 12 September 2006.
- 41 Ibid. Interviews, UNPOL DPKO, New York, November, 2006.
- 42 Interview with senior MINUSTAH official, Port-au-Prince, November/December 2006.
- 43 UN Security Council Resolution, S/RES/1542, 30 April 2004, 8(d)
- 44 UN Security Council Resolution, S/RES/1608, 22 June 2005, 2(d).
- 45 UN Security Council Resolution, S/RES/1702, 15 August 2006, 14.
- 46 Interview with senior staff justice section, MINUSTAH, Port-au-Prince, November/December 2006.
- 47 Interview with DPKO staff member, New York, November 2006.
- 48 Plan d'action du Ministère de la Justice de la Sécurité Publique dans le Cadre de la Réforme Judiciaire.
- 49 Interview with UNDP staff member, Port-au-Prince, November/December 2006.
- 50 Email from MINUSTAH staff, Port-au-Prince, November 2007.

- 51 Interviews with UNDP and MINUSTAH representatives, Port-au-Prince, November/December 2006.
- 52 Interviews with representatives for Haitian civil society organisations, Port-au-Prince, November/December 2006.
- 53 The National Human Rights Defence Network (RNDDH), *Summer 2006 Criminal Trials: The Judicial System Reaches an Important Milestone in the Fight against Extended Pre-trial Detention*, September 2006.
- 54 Statistics from DPKO, May 2007.
- 55 Statistics from DPKO, pp.3-5.
- 56 Interview with government representative, Port-au-Prince, November/December 2006.
- 57 Interviews with ministries' and civil society representatives, Port-au-Prince, November/December 2006.
- 58 International Crisis Group, "Haiti: Justice Reform and the Security Crisis", Policy Briefing, no.14, 31 January 2007, p.8, fn.80.
- 59 Interview with member of government, Port-au-Prince, June 2006.
- 60 Interviews, Port-au-Prince, June 2006.
- 61 Code Penal, promulgated 11 August 1835. Code d'Instruction Criminelle, promulgated 31 July 1835.
- 62 Interview with senior justice section official, MINUSTAH, Port-au-Prince, November/December 2006.
- 63 Tableau de bord de Gestion Administration Pénitentiaire, 31 October 2006.
- 64 Interview with senior prisons officer, MINUSTAH, Port-au-Prince, November/December 2006.
- 65 UN Security Council Resolution, S/RES/1542, 30 April 2004, 7 I (d).
- 66 UN Security Council Resolution, S/RES/1702, 15 August 2006, 4.
- 67 Email interview, DPKO, June 2007.
- 68 DAP, Plan de développement stratégique de la Direction de l'Administration Pénitentiaire, 2005-2010.
- 69 Interview with senior prisons officer, MINUSTAH, Port-au-Prince,
- 70 Interview with senior prisons officer, UNDP, Port-au-Prince, November/December 2006.
- 71 Interviews, DAP, Port-au-Prince, June 2006.
- 72 Interview, DAP, Port-au-Prince, November/December 2006.
- 73 Discussions with donors in December 2006 established that they were more willing to support prison reform and provide funding to such reform in Haiti. Interviews with donors conducted in both June and December, Port-au-Prince, 2006.
- 74 For the pact see : "Pacte pour la réforme de la justice, Forum Citoyen pour la Réforme de la Justice", June 2006. UNDP, "Latin American experiences in strengthening the role of civil society organisations in political processes", January 2004.
- 75 This is an estimate made by Robert Muggah, "Securing Haiti's Transition: Reviewing human insecurity and the prospects for disarmament, demobilisation and reintegration", *Small Arms Survey Occasional Paper 14*, 2005, p. 6. This is most probably an underestimate, but is mentioned because it is what the MINUSTAH's DDR unit worked from as of December 2006.
- 76 Haitian Constitution article 268.1
- 77 Interviews with civil society representatives, Port-au-Prince, June and November/December 2006.
- 78 Moreover, members of UNPOL have also reportedly harassed DDR programme participants. Interview, DDR unit, Port-au-Prince, June 2006.

- 79 For example, in one week in November 2006, five people who had participated in the programme were killed; it was assumed, but at the time of writing unconfirmed, that this was a result of their participation. Interview, senior staff member, DDR unit, November/December 2006.
- 80 Interviews with civil society organisations, Port-au-Prince, June and November/December 2006.
- 81 Interview with senior staff member, DDR unit, November/December 2006.
- 82 Interview with senior staff member, DDR unit, November/December 2006.
- 83 Interview with representative of international organisation working in the areas worst affected by the violence in Port-au-Prince, June 2006.
- 84 See also, Joseph Guyler Delva “Haitian gangs agree to give up their weapons”, *Reuters*, 17 Aug 2006.
- 85 Interview with NCD member, Port-au-Prince, June 2006..
- 86 Interview with senior staff member, DDR unit, November/December 2006.
- 87 Report on the progress made on the Project Intégré d’appui à la formulation et à la mise en Œuvre de la stratégie nationale de désarmement, démobilisation et réintégration in Haïti. UNDP / MINUSTAH – DDR section July 2005, p.3.
- 88 Disarmament, Demobilisation and Reinsertion / Community Security Programme Haiti, UNDP, Geneva 2006.
- 89 Interviews with senior staff of DDR unit, Port-au-Prince, June 2006. Resolution 1608 emphasised that MINUSTAH should “urgently develop and implement a proactive communications and public relations strategy, in order to improve the Haitian population’s understanding of the mandate of MINUSTAH and its role in Haiti”. This was not addressed and the DDR unit’s work suffered as a result.
- 90 Interview with representatives of international humanitarian organisation and local NGO, Port-au-Prince, December 2006.
- 91 Ibid. This was however not substantiated by other sources.
- 92 This unit has developed a Gender Mainstreaming Action Plan for all of MINUSTAH including SSR.
- 93 Interview with consultant conducting study on armed gangs and violence for ActionAid, June 2006.
- 94 Telephone interview, Gender Unit, MINUSTAH, June 2007.
- 95 Ibid.
- 96 Ibid.
- 97 MINUSTAH Gender Unit, Quarterly Report, February and March 2007, p.4.
- 98 Telephone interview, Gender Unit, MINUSTAH, June 2007.
- 99 Interview, justice section , Port-au-Prince, November/December 2006.
- 100 Interviews, MINUSTAH and UNDP, Port-au-Prince, November/December 2006.
- 101 Interview with senior UNDP official, November/December 2006.
- 102 Interview with senior UNDP official, November/December 2006.
- 103 See e.g. Plan de Travail, Administration Pénitentiaire, Avril 2006 a Mars 2007.
- 104 Support au plan de reforme et de developpment de la PNH, 2006.
- 105 Plan de travail, Section Justice, MINUSTAH, Aout 2006/ juin 2007
- 106 See e.g. Recapitulations des projets quick impact, 5 October 2006.
- 107 Interview with senior UNDP staff , November/December 2006. See e.g. Rapport semestriel PNUD prjet justice periode 1 Avril 30 Septembre 2006.
- 108 For the specific plans in the different SSR sectors see the above sections 4.1 and 4.3.
- 109 MINUSTAH, Mandate Implementation Plan, Support for the establishment of the rule of law.

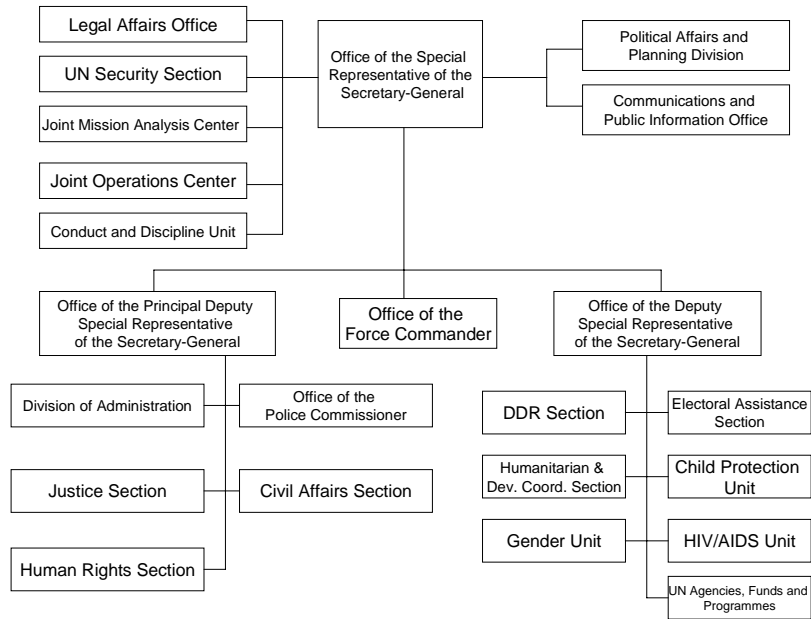
- 110 Interview with senior MINUSTAH official, Port-au-Prince, November/December 2006.
- 111 Interview with senior UNPOL officer, Port-au-Prince, November/December 2006.
- 112 Additional Personnel Resource Requirements, Section: Justice. (1 July 2006 to 30 June 2007).
- 113 Interview with senior justice section staff, Port-au-Prince, November/December 2006.
- 114 Ibid.
- 115 This cooperation was something that both the Civil Affairs and Justice section indicated they found desirable. Interviews with senior justice section staff, senior civil affairs staff , Port-au-Prince, November/December 2006.
- 116 Interview with senior staff member, DDR unit, Port-au-Prince, November/December 2006.
- 117 Interview with senior UNDP staff, Port-au-Prince, November/December 2006.
- 118 Interview with senior justice section staff , Port-au-Prince, November/December 2006.
- 119 Interview with civil affairs staff , Port-au-Prince, November/December 2006.
- 120 Interviews with DPKO staff, senior UNPOL officer, Port-au-Prince, November/December 2006.
- 121 Interviews with DPKO and UNDP staff, New York, MINUSTAH and UNDP staff, Port-au-Prince, November/December 2006.
- 122 Ibid.
- 123 Interviews with senior UNDP and MINUSTAH staff , Port-au-Prince, November/December 2006.
- 124 Interviews with MINUSTAH section head, UNDP staff member, Port-au-Prince, November/December 2006.
- 125 Interviews with UNDP DDR and MINUSTAH DDR, Port-au-Prince, November/December 2006.
- 126 Interview with senior UNDP staff , Port-au-Prince, November/December 2006.
- 127 MINUSTAH Gender Unit, Quarterly Report January-March 2007, p.3.
- 128 Interview with senior UNDP staff , Port-au-Prince, November/December 2006.
- 129 Interview with senior UNPOL staff, Port-au-Prince, November/December 2006.
- 130 Interview with senior MINUSTAH staffer, Port-au-Prince, November/December 2006.
- 131 OCHA Situation Report no. 15, *Haiti Socio-Political Crisis*, 24 June 2004, paras. 8-11
- 132 *Interim Cooperation Framework*, July 2004, paras.54-66
- 133 Oxfam report, 'Mid-term reflections on the Interim Cooperation Framework', July 2005, p.3.
- 134 Interview with EU representative, Port-au-Prince, November/December 2006.
- 135 Interview with Canadian Embassy, Port-au-Prince, November/December 2006.
- 136 Interview with senior US police officer, Port-au-Prince, June 2006.
- 137 Interviews with donors and diplomats, Port-au-Prince, November/December 2006.
- 138 Interviews with Port-au-Prince, November/December 2006.
- 139 Interviews with civil society organisations, Port-au-Prince, June and November/December 2006.



# ANNEXES



## A. Organigramme of MINUSTAH



Source: UN Department of Peacekeeping Operations

## B. List of People Interviewed

(Please note that only institutional affiliation is given when interviews were carried out under condition of anonymity.)

Maureen Achieng, Chief, International Organisation of Migration, Haiti

ActionAid, Haiti

Lajos Arendas, Counselor (Political and Commercial), Embassy of Canada, Haiti

Antoine Atouriste, Secrétaire Exécutif, Commission Nationale de Désarmement (former)

Association Nationale des Magistrats Haïtiens (ANAMAH)

Freddy Austli, Programme Manager BCPR, UNDP, Haiti

Ettore di Benedetto, Senior Human Rights Officer, Human Rights Section, MINUSTAH

Bel Air, Grassroots organisation

Ambassador Claude Boucher, Embassy of Canada, Haiti

Bertrand Bourgain, Chief, Security Section, MINUSTAH

Campagne pour la réduction de la violence en Haïti (2)

Centre des Droits Humains, Haiti

Cité Soleil, Grassroots organisation

Christian Aid, Haiti

Jessie Coicou, former Inspectrice générale, Haitian National Police

Commission Episcopale Nationale Justice et Paix

Mr. Caius, Chef de Cabinet, Ministry of Justice and Public Security

Mr. Celestin, Director, Direction de l'Administration Pénitentiaire

Regis Charron, Technical Adviser Penal Reform, UNDP, Haiti

Anne-Marie Cluckers, Country Director, UNDP, Haiti

Andrew Carpenter, Police Division, DPKO

J.F. Carter, Director, Civil Affairs, MINUSTAH

Gerard Le Chevallier, Director, Political Affairs and Planning Division, MINUSTAH

Lizbeth Cullity, Deputy Director, Political Affairs and Planning Division, MINUSTAH

Mr. Diallo, Deputy Police Commissioner, UNPOL, MINUSTAH  
Ime Ekong, Third Secretary (Political), Embassy of Canada, Haiti  
Yves Fafar, Principal Technical Adviser Penal Reform, UNDP, Haiti  
Thierry Fagart, Chief, Human Rights Section, MINUSTAH  
Marc-Andre Franche, Programme Advisor, RBLAC, UNDP, New York  
Colin Farquhar, Deputy Police Commissioner, UNPOL, MINUSTAH  
Fédération Protestante d'Haïti  
Loris de Filippi, Chef de Mission, Médecins sans Frontières  
Genevieve Gasser, First Secretary (Development), Embassy of Canada, Haiti  
Andrea Gentile, Mission Management Officer, Police Division, DPKO  
Andrew Greene, Police Division, DPKO  
Isabel Hight, Corrections Advisor,  
Criminal Law and Judicial Advisory Unit, PBPU/DPKO  
Francis J. James, Justice & Security Sector Advisor, BCPR, UNDP, New  
York  
Stephan Jean, Policy and Legal Affairs Officer, Police Division, DPKO  
Mark Kroeker, Director, Police Division, DPKO  
Daniel Ladouceur, Deputy Chief, DDR unit, UNDP, Haiti  
Groupe des 184+  
M. Lavendre, UNPOL, MINUSTAH  
Jean Lavoie, Coordinator, Justice Section, UNDP, Haiti  
Jean Luc Marx, Senior Judicial Affairs Officer, Justice Section,  
MINUSTAH  
Mr. Martinez, UNPOL, MINUSTAH  
Martissant, Grassroots organisation  
Ministry of Justice and Public Security representative not wanting to be  
named  
Myriam Merlet, Conducted study on violence in Port-au-Prince for  
ActionAid  
Charles Messier, Chief of Parliament Liaison Office, Civil Affairs,  
MINUSTAH  
Desmond Molloy, Section Chief, DDR, MINUSTAH

Edmond Mulet, Special Representative of the Secretary General,  
MINUSTAH

National Coordination for Advocacy on Women's Rights (CONAP)  
Oxfam, Haiti

Rafael Peralta, Political Affairs Officer, Europe and Latin America Division  
Office of Operations, DPKO

Robert Pulver, Judicial Advisor, Criminal Law and Judicial Advisory Unit,  
PBPU/DPKO

Denis Racicot, Judicial Affairs Officer, Justice Section, MINUSTAH  
Réseau National de Défense des Droits Humains (RNDDH)

Alix Richard, Président, Commission Nationale de Désarmement (former)  
Mr. Rowe, UNPOL, MINUSTAH

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## Chapter 5

# UNMIK and the Significance of Effective Programme Management: The Case of Kosovo

*Eric Scheye*

### **Introduction**

A number of studies and analyses have suggested that the UN has limited capabilities in “conceptualization, expertise, know-how and resources specifically dedicated to building effective, sustainable and legitimate state institutions”.<sup>1</sup> Referring to justice and security development, the UN is deemed to have “very limited or non-existent” governance capacity, “limited expertise in supporting policy aspects of the reform of law enforcement agencies”<sup>2</sup> and that its human resources are “not ... harnessed towards [formulating] a comprehensive statebuilding strategy”.<sup>3</sup> It is also widely acknowledged that the UN continues to have no agreed framework of security sector reform (SSR) delineating its role in supporting justice and security development in post-conflict environments.<sup>4</sup> This chapter endeavours to address these concerns in the context of the United Nations Interim Administration Mission in Kosovo (UNMIK) and its specific mandate.<sup>5</sup> Additionally, the chapter seeks to present concrete, realistic recommendations on approaches the UN may be able to employ to support SSR in post-conflict scenarios.

By definition, SSR focuses on international support for the development and delivery of indigenous/national justice and security services. SSR is not about the international community’s provision of justice and security services. Consequently, based upon the Kosovo experience, the principal objective of this chapter is to evaluate the ability of the UN to deliver effective and efficient SSR in order to identify best practices and generate practical recommendations.<sup>6</sup> Following from that, this chapter will not delve into how the UN exercised its executive security and justice authority. Similarly, it does not address issues such as the establishment of a

Kosovo military capacity, the development of border police, etc, as such endeavours lay outside the peace operation's mandate.

The findings of this chapter are based, first, upon a reading of the background literature and, second, on extensive interviews with UN staff in Kosovo and New York.<sup>7</sup> Grounded in knowledge of the literature, the author conducted more than 85 interviews in early 2007, some of which lasted for two or more hours.<sup>8</sup> Additionally, a number of respondents were interviewed several times as is customary in oral histories. UNMIK and UNDP personnel selected the persons to be interviewed, not the author, in order to preclude allegations of partiality.<sup>9</sup> Many of the assessments and sentiments expressed in this chapter are quite strong and critical of the UN family's performance and it is for that reason that these voices need to be heard unadulterated in the text of the chapter and, more extensively, in the footnotes. It is acknowledged that the viewpoints of respondents are inherently subjective, limited by their idiosyncratic and personal experiences. It is also recognised that when offered the opportunity to express their opinions, interlocutors are often prone to voice their frustrations and negative judgements, rather than record their achievements and successes. To address these tendencies, the author sought to verify respondent assertions by reference to supporting documentation and/or the judgement of another interviewee.<sup>10</sup> If no written documentation existed to support a respondent's assertions and the only method of empirical corroboration was another interlocutor's statements, verification required that the work responsibilities, position within the UN, and/or organisational affiliation of that second interviewee differed from that of the initial and quoted respondent. Finally, to validate the research findings and conclusions, outside evaluators, DPKO and UNDP staff at New York headquarters, and UN family personnel working in Kosovo, over a period of four months, reviewed, critiqued, and corrected an early draft of the chapter. This vetting resulted in a number of modifications and changes, factual and interpretive. Consequently, despite the potential vulnerabilities of interview data, it is believed that the portrayal of the UN family's SSR performance in Kosovo is valid and accurate, and could be easily replicated.

This chapter suggests that the UN, in cooperation with its many partners (NATO, OSCE, EU, etc), successfully stabilised and reconstructed the territory of Kosovo, the first stage of most peace operations.<sup>11</sup> Albeit exceedingly fragile, the UN largely succeeded in restoring basic justice, safety and security to Kosovo. The UN also laid down many of the essential institutional parameters upon which justice and security could be delivered by Kosovar actors. Regarding the second phase of peace operations, the development of indigenous/national justice and security service delivery, the UN has been less successful. The extent to which development has



occurred, within the Kosovo judiciary for instance, is due primarily to the fact that those activities have been outsourced or were not conducted directly by UN-family staff.

Where serious gaps exist in the development of Kosovo's criminal justice continuum, such as the failure to support Kosovo's prosecutorial service or establish a judicial police, the reason can be directly attributed to the UN's inability effectively and efficiently to manage its activities, personnel, and resources. One of the keys to successful development is the establishment of reliable and measurable performance indicators and the UN-family has been systematically unable to develop reliable methods of evaluating the performance of the state agencies it has been charged with creating, let alone assessing its own performance. Furthermore, in Kosovo, the evidence indicates that the UN did not support local ownership as an outcome of its SSR initiatives. Instead, the Kosovo experience seems to have been more akin to an almost colonial imposition rather than assisting local justice and security development or, at the very least, engaging in active consultation with national actors.<sup>12</sup>

In order for the UN to be able to deliver productive and effective SSR programming, this chapter proffers ten concrete, specific recommendations. Two of the recommendations urge the establishment of comparable teams of SSR personnel within the offices of the SRSB and USG/DPKO to plan and manage justice development support initiatives. Another crucial proposal is that SSR activities in peace operations be conducted on a project basis rather than as they are currently undertaken. Finally, it is believed that the Kosovo experience indicates that if the UN cannot reform its SSR operations, managerial practices, and organisational culture, it is unlikely that the UN will be able to support effective and efficient SSR programmes in future post-conflict scenarios. Under such circumstances, it is recommended that the UN endeavour to outsource to the extent possible its security and justice development programming.

## **Context for Security Sector Reform in Kosovo**

### *Context of the Conflict*

Conflict in Kosovo primarily revolves around the establishment of democratic and human rights in the face of a legacy of political repression, ethnic rivalry and domination. Albeit an authoritarian regime, the 1974 Yugoslav Constitution declared Kosovo an autonomous province within Serbia, which was one of the constituent republics of Yugoslavia. Even as an

autonomous province, Kosovo possessed nearly comparable rights to those of the constituent republics, such as the right of veto within the collective Yugoslav Presidency and an independent administration, assembly and judiciary. Enflamed by the nationalistic and racist policies of Slobodan Milosevic, ethnic tensions between Serb and Albanian Kosovars worsened and, by late 1989, Serbia asserted increased direct control over Kosovo's security, judiciary, and finance functions.<sup>13</sup> In July 1990, Milosevic's regime repealed Kosovo's autonomy, the independent Kosovar assembly was unconstitutionally dissolved and increasingly violent civil strife ensued. Full-fledged war broke out in 1998-1999; NATO intervened; and a total of up to 1.4 million Albanian Kosovars were driven from their homes, as either refugees or internally displaced persons. In mid-June 1999, the ethnic tables turned and thousands of Kosovo Serbs were chased from their homes. The UN Security Council established a UN Mission in Kosovo (UNMIK) to serve as an interim administration for the entire territory of Kosovo. The conflict's current status awaits a final determination as to the status of the province (Final Status).

The relationship between the Albanian majority and the Serbian minority remains extremely delicate. Kosovo Serbs have largely maintained their own parallel institutions and structures and as Ambassador Eide noted:

Many appeals have – without results – been directed to Kosovo Serb representatives to re-enter central political institutions. This relates first and foremost to the Assembly.... The Kosovo Serbs fear that they would become a decoration to any central-level political institution, with little ability to yield tangible results. This fear is understandable and the Kosovo Albanians have done little to dispel it.<sup>14</sup>

To negotiate Kosovo's Final Status, the UN Secretary-General, in early 2006, appointed Martti Ahtisaari as UN special envoy to Kosovo. Over the next year, negotiations were held to try to bridge the differences between the government of Serbia, which sought to retain the territory as an integral part of the Republic of Serbia, and the Kosovo Albanian political leadership, which expected to gain independence. These UN-sponsored negotiations failed to produce a settlement and, in February 2007, Ahtisaari proposed a draft status settlement proposal, which called for an autonomous Kosovar government with the authority to sign international treaties. Serbia's Parliament rejected the draft plan, while Kosovo Albanian support was tepid.

In March 2007, in a confidential letter to the UN Secretary-General, Ahtisaari wrote, "the time has come to resolve Kosovo's status...

Independence is the only option for a politically stable and economically viable Kosovo".<sup>15</sup> Russia has accused the UN of "preaching independence" and has threatened its veto if the draft proposal were to be crafted into a Security Council resolution and taken up for a vote.<sup>16</sup> At the time of writing, the political impasse persists and it is uncertain whether the members of the UN Security Council will be able to agree on a resolution that would resolve Kosovo's Final Status.

#### *Status of Security Sector Reform*

As the political relationship between the two main ethnic groups remains problematic, so does the overall security situation. NATO-led Kosovo Force (KFOR) soldiers continue to be the ultimate bastion of internal and external security in Kosovo. While the Kosovars ostensibly police the streets and render decisions from courtroom benches, UNMIK police retain executive policing authority and international prosecutors remain active, in charge of all prosecutions for serious crimes, including war related incidents. Ministries of Justice and Internal Affairs have been established, buildings procured, and the initial tranche of staff hired, but neither ministry can be considered operational. According to most observers, the Kosovo Prosecutorial Service is a shambles and the ability of Kosovo's Parliament to exercise its oversight function is practically non-existent due to the retention of executive authority by UNMIK, lack of skilled legislative staff, and the absence of realistic budgeting within the sector over which to exercise responsibility.

On the streets and in neighborhoods and markets, Ambassador Eide's 2005 report succinctly summarises the current day-to-day security situation:

While the level of reported inter-ethnic crime is low, there are frequent unreported cases of low-level, inter-ethnic violence and incidents. They do not appear in the statistics. Harassment, looting, stealing of cattle and other similar incidents occur very frequently. This is in addition to the widespread illegal occupancy of property, especially agricultural land, which makes it impossible to gain access to such property and to use or cultivate it without a security risk.... In this situation, the minority communities – and especially the Kosovo Serbs – suffer from more than a perceived insecurity.<sup>17</sup>

Kosovo's socio-economic condition is poor, at best, which further aggravates the tenuous security situation. According to the Kosovo Internal

Security Sector Review (ISSR), the most current analysis of the contemporary security situation in Kosovo, unemployment hovers at approximately 55 per cent, with some 12 per cent of the population living below the poverty line.<sup>18</sup> Women's unemployment rates are almost double those of male ones and estimates of youth unemployment reach 70 per cent.<sup>19</sup> Poor electrical production and distribution hampers economic development and the World Bank estimates that businesses lose up to 5 per cent of their sales due to shortages and unreliability.<sup>20</sup> Health and education systems are also under severe strain. As Ambassador Eide's report asserted, "the level of medical services is low and in some cases close to the standards of developing countries".<sup>21</sup>

## **United Nations Interim Administration Mission in Kosovo (UNMIK)**

### *History*

The Kosovo war ended in June 1999 with the entrance of KFOR into the province and the simultaneous withdrawal of Serb soldiers and police. UN Security Council Resolution 1244, adopted on 10 June 1999, mandated KFOR with imposing and maintaining public safety, security and order in the province. Resolution 1244 also established UNMIK, whose formal name is the United Nations Interim Administration Mission in Kosovo, and conferred on it full executive authority over all governmental functions. At the time of writing, UNMIK still retained policing, judicial and legal executive authority. All other forms of executive authority have been devolved to the Kosovo Provisional Institutions of Government (PISG).

UNMIK's history is marked by three major processes:

- development of a set of implementation standards for the PISG;
- the aftermath of the March 2004 riots, in which many Kosovar Serbs were driven from their homes; and
- Final Status.

In December 2003, UNMIK published the Kosovo Standards Implementation Plan (Implementation Plan), which was subsequently endorsed by the Security Council. The Implementation Plan laid out the indicators that would establish "the basis for any review in mid-2005 to begin consideration of Kosovo's final status."<sup>22</sup> The PISG and UNMIK were

meant to concentrate their subsequent activities on meeting the standards, which covered the entire range of democratic governance principles, including:

- “A comprehensive legal framework covering political party operation and finances is adopted and enforced...;
- All communities are proportionately represented at all levels of the PISG, in accordance with applicable legislation. The PISG and local municipal government decide and enact legislation in an open, accountable and democratic manner...;
- PISG and Municipalities ensure the availability of basic public services such as health care, utilities and education, without discrimination to all communities in Kosovo...;
- All communities are fully and fairly represented amongst judges, prosecutors and in the Kosovo Police Service (KPS) and Kosovo Corrections Service (KCS)...; [and]
- There is effective action to eliminate violence against women and children, trafficking and other forms of exploitation, including preventative education and provision of legal and social services to victims.”<sup>23</sup>

On one hand, the purpose of the standards was explicitly to evaluate and judge the PISG’s performance. On the other, the PISG’s attainment of its justice and security objectives, for example, would also be an implicit assessment of the performance of the international community and, in particular, the UN, under whose parentage and tutelage the PISG was conceived and nurtured.<sup>24</sup>

A number of interviewees have described the March 2004 riots as a “wake-up call”, one that impelled UNMIK actively to launch the process of transferring executive authority to the PISG so that it could leave Kosovo expeditiously. As was repeatedly claimed, the riots fostered an UNMIK rush to the exit, “to get the locals ready [to govern themselves] and do it quickly”.

### *Mandate*

The UN’s responsibilities in Kosovo cannot be thought of as a typical peace operation, in that the organisation was mandated to exercise executive authority over the entire territory of Kosovo. While the UN was obligated to be the government of the territory, providing all public services, it was simultaneously tasked with establishing a new autonomous Kosovo-led

government. Each responsibility is by itself an overwhelming undertaking. To do both simultaneously is an awe-inspiring challenge, particularly given the highly sensitive political context in which the two responsibilities were to be accomplished. The complexity and difficulty of the political environment in which the UN operated in Kosovo cannot be underestimated.

It would have been virtually impossible for the key clauses of Resolution 1244 to refer explicitly to SSR, given that that term was not in wide circulation at the time. Instead, the main provisions of Resolution 1244 are global and inclusive, employing overarching governance and democratisation language, encompassing the range of potential SSR activities.<sup>25</sup> The resolution authorised UNMIK to engage in:

- “(a) promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo...
- (c) organising and overseeing the development of provisional institutions for democratic and autonomous self-government...
- (d) transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo’s local provisional institutions... [and]
- (i) maintaining civil law and order, including establishing local police forces.”

Though the terminology does not contain language including such phrases as “effective justice and security service delivery”, “local ownership”, “rights respecting rule of law”, or “accountable performance”, the tenor and spirit of 1244, with reference to “democratic and autonomous self-government”, falls squarely within the broad framework of what has subsequently become standard SSR policy.

It should also be noted that Resolution 1244 sought a restoration of an autonomous, self-governing Kosovo, exercising the full spectrum of democratic systems and procedures, including justice and security institutions. UNMIK was legally obligated, first to establish [paragraph (a) 1244] and, second to develop [paragraph (c) 1244] democratic, autonomous institutions that deliver justice and security to all Kosovars.<sup>26</sup> According to Resolution 1244, therefore, the development of autonomous institutions of government in Kosovo and resolution of the province’s Final Status were separate and distinct issues. Fully-functioning institutions of Kosovar governance could have legally operated under UNMIK auspices, as readily as they had under Serbian with the 1974 Yugoslav Constitution.

The distinction is between the exercise of day-to-day operational authority and the legal prerogatives of sovereignty. From the inception of the peace operation, the UN could have begun the process of establishing fully-functioning Kosovar-led institutions of governance while still retaining overall sovereignty. Similarly, as a number of UNMIK staff claimed, the peace operation's postponing of the development of autonomous justice and security institutions of Kosovar governance was a political and not a legal decision by UNMIK and the international community. The UN adhered and tied itself "to the mantra of reserved powers... which we wrote and could have changed".<sup>27</sup>

### *Structure*

Under the direction of the Special Representative of the UN Secretary-General (SRSG), UNMIK originally had four pillars:

- Pillar I: headed by United Nations High Commissioner for Refugees (UNHCR), responsible for coordinating and overseeing humanitarian assistance;
- Pillar II: chaired by United Nations Department of Peacekeeping Operations (DPKO), mandated to provide the full plethora of public services;
- Pillar III: managed by Organisation for Security and Cooperation in Europe (OSCE), concentrating on institutional development and human rights; and
- Pillar IV: under the control of the European Union (EU), dedicated to economic reconstruction and development.

The UNHCR-led Pillar One was shuttered in July 2000, only to be resurrected in May 2001, transformed, under DPKO auspices, with specific responsibility for law enforcement and judicial affairs, public services that were transferred out of the original Pillar II (see Annex A). UNMIK remained in that organisational configuration until 2006, when it underwent additional modification. As of 1 November 2006, the pillar structure was largely abandoned, with only the OSCE and EU structures remaining (see Annex B). Law enforcement, judicial affairs, and civil administration were amalgamated into departments under the SRSG.

*Vision for SSR*

UNMIK is and was an “integrated mission” in the sense of its being a complex and multidimensional peacebuilding operation. It is and was integrated thematically as well, as the pillar structure attempted to integrate political, development, humanitarian, economic and SSR elements. However, after the closing of the UNHCR-headed Pillar I in July 2000, there was no further organisational attempt to integrate UN activities into UNMIK and this was especially true with regard to SSR.

After July 2000, UNMIK was not an “integrated mission” in the sense that UN agencies, such as UNDP, were entrusted with specific responsibilities. The UNDP Kosovo Office remained separate from UNMIK and its head of office did not have an official UNMIK role.<sup>28</sup> All programmes undertaken by UNDP, for example, were dependent on funds mobilised from donors for these specific programmes. Throughout the more than seven years of the peace operation, UNMIK staff considered UNDP, at best, an outside niche partner with severely limited SSR expertise.<sup>29</sup> UN, donor and SSR consultant respondents unanimously claimed that the reason UNDP had an SSR role in Kosovo was because it was one of the only mechanisms by which the UN could disperse donor funds.

If an integrated mission implies a common UN strategic vision or plan, no such integration occurred in Kosovo with regard to SSR or could have until approximately 2002/03, when the concept of SSR had gained a degree of international credence and acceptance. The lack of a UN corporate understanding of SSR after 2003, however, should not have precluded UNMIK’s development of one, which began two years later, in mid-2005, when the UK Department of International Development (DFID) recommended the creation of the Internal Security Sector Review project (ISSR), which was meant primarily to assess the needs of the sector in Kosovo in order to provide the empirical data and foundation upon which a SSR strategy and plan could be designed.

Paradoxically, UNMIK’s organisational structure after May 2001 with justice and security silo-ed within Pillar I may have hampered the development of a mission-wide SSR approach in that there was no high-level cohesive team supported by sufficient resources (human, financial and bureaucratic) capable of amalgamating the enormous spectrum of justice and security SSR activities into a defined strategy. UNMIK’s political decision to delay the development of autonomous Kosovar justice and security institutions only exacerbated the situation. The consequence was that significant gaps emerged within the Kosovar security sector and the criminal justice continuum, such as the virtual absence of substantive and operational



UN or international support to enhance the Kosovo prosecutors' service delivery, which has not been appreciably rectified.<sup>30</sup> Similarly, UNMIK's inability to create a judicial police, even though UNMIK had legislated its establishment, could be partially traced to the pillar structure and the inability of successive heads of the Pillar to possess sufficient clout, capability and/or willingness to adjudicate between competing bureaucratic claims.

### **Experience of UNMIK in SSR**

In analysing and evaluating the UN's performance in delivering support to the strengthening of Kosovo's justice and security provision, it is pivotal to begin with the UN's stated policy derived from the 2005 Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change, which divides post-conflict peace operations into two distinct phases: (1) stabilisation and reconstruction and (2) development and reform. The report recognises that the two stages are not disparate and distinct phases, whose temporal activities can be readily teased apart. The policy also acknowledges that the two phases are intimately bound together, with the accomplishments of the development and reform phase dependent upon the achievements attained during the stabilisation and reconstruction period. Despite the difficulties and challenges in distinguishing precisely between the two phases, the differentiation between the two can be understood most clearly with respect to their differing objectives. The first phase is aimed at the provision of early security while the second's objective is the building of effective public institutions that can establish a consensual framework for governing within the rule of law.

There is little doubt that UNMIK, with its partner organisations, for the large part, successfully stabilised basic justice, safety and security service delivery within Kosovo during the first few years of its existence. This report also commends UNMIK and its partners for delineating the rudimentary institutional contours, legal parameters, and constitutional frameworks upon which Kosovar justice and security service delivery can be grounded. At the same time, the UN has been largely unsuccessful in supporting SSR initiatives designed to develop and strengthen the ability of those same Kosovar actors to deliver justice and security to their fellow citizens and residents. Whenever concrete and measurable SSR achievements have been realised – the Kosovo Centre for Public Safety Education and Development (KCPSED) and Kosovo Corrections Service (KCS), for example – the UN effectively outsourced the activities or SSR

support was not conducted directly by UN peacekeeping staff. With respect to the development of accountability and oversight mechanisms and institutions, UNMIK either did not actively support their development or permitted such support to be outsourced.<sup>31</sup> Finally, when taking into account issues of local ownership and civil society participation in the justice and security sector, the UN's record has been dismal.

The purpose of this section is to examine the strengths and weaknesses of the UN system's performance in Kosovo in order to portray what that experience suggests are the UN's comparative advantages, what the UN can effectively and efficiently accomplish in a post-conflict environment, and what the UN system is less successful at accomplishing in order to generate the empirical foundation upon which practical and pragmatic recommendations for reform can be grounded.

### *UN Support to Security and Justice Service Delivery*

#### *Kosovo Police Service*

Assisted by the OSCE-led KCPSD, UNMIK successfully constructed from scratch a brand new police service, the Kosovo Police Service (KPS). It ought to be recognised that this first phase achievement has been a success, even if the UN has been unable to follow up that accomplishment by developing the KPS further. In short, though the foundations of the KPS house exist, few, if any, of the individual rooms have been furnished and, after more than seven years, the whole edifice remains unserviceable.

Approximately 7,150 police officers are now employed by the KPS. Of the service, 13.8 per cent are female, 9.66 per cent Serbian, and 5.85 per cent classified as being from other minority groups, percentages that are generally considered acceptable.<sup>32</sup> The KPS is capable of "dealing with everyday incidents such as traffic accidents, minor crimes and disputes between neighbours".<sup>33</sup> The strength of the KPS lies in its cadre of "station level manager[s]", which is an excellent foundation upon which further achievements may be grounded, given the importance of middle-level management in police development.<sup>34</sup>

Although UNMIK retains executive policing authority, almost 90 per cent of the senior KPS posts have now been transferred to Kosovo officials.<sup>35</sup> It must be remembered, however, that the KPS remains an infant police service. Critics and observers should not expect the KPS to achieve high levels of performance. To believe that after only seven years, the KPS could and should be a professional police service is naïve and unrealistic. To presume that the KPS ought to attain Western standards, surpassing those of

their regional counterparts, is similarly idealistic. The relevant question is whether the UN has successfully supported the KPS's development to become progressively professionalised and the answer is that the UN has not.

According to the ISSR study "the KPS is one of the most trusted institutions in Kosovo".<sup>36</sup> Public satisfaction in the performance of the KPS, however, has been on a steady downward spiral, deteriorating significantly between 2004 and 2006. An early UNDP study reported that 56 per cent of respondents perceived the KPS to be "excellent" or "good", while recent surveys indicate that number to be only 37.5 per cent.<sup>37</sup> Even these numbers may be misleading. First, Kosovar Albanians are nationalistically very proud of "their" police and may contribute to general satisfaction in the KPS. Second, a review of daily police reports suggests that the KPS has very little "reactive policing" to do as there are very few *reported* crimes given a population of up to 2.4 million persons<sup>38</sup> – though it would be a mistake automatically to equate a low reported crime rate with either low crime or high levels of security.<sup>39</sup> Third, the relatively high level of satisfaction in the KPS may be the result of "the KPS not enforcing the law", as surmised by an international donor. Fourth, satisfaction in the KPS may be high in comparison to the lack of esteem in which the UNMIK police are held.<sup>40</sup>

Beneath the reputed public satisfaction, there is also the widespread sense that the KPS is fractured by clan, village and family allegiances. A British review of the Kosovo security sector seconded that opinion<sup>41</sup> and an OSCE adviser with extensive knowledge of the KPS opined that "the biggest factor that prevents the KPS leadership from exercising actual guidance is that they've all got different loyalties... The value in the culture is that I belong to this group and that's where loyalty goes". Conversations with a number of Kosovar Albanians underscored this perception.

In short, no one really knows how effective the KPS are or may be once they acquire executive authority. The underlying problem is that there appears to be no dependable method that UNMIK or the UN has supported to evaluate KPS performance, except for the aforementioned perception studies.<sup>42</sup> The secondary and corollary issue is that with no reliable method of evaluating the KPS's performance, there is no way of knowing if the UN's SSR support to the KPS has been effective, other than to say that the absence of measurable criteria is itself a sign of a fundamental weakness in the UN system's SSR support programming.

The best method of evaluating UNMIK's police development efforts may be the OSCE Police Inspectorate project. The project aims to foster the MoIA's ability to audit the KPS, a traditional good governance function. As of December 2006 and under the guidance of an OSCE advisor, four audits

had been conducted and the findings of the audits are remarkably consistent. There appears to be a uniform absence of written KPS regulations, procedures, policies and strategies across the board. For instance, the audit of 'arrests and detentions' found "a lack of uniformity in the use of procedural forms, operational standards and staff training standards".<sup>43</sup> The audit points out that "the lack of uniformity is particularly evident in the use of detention forms: each [KPS] region uses a different form and, in some cases, more than one form is used within a region".<sup>44</sup> The audit concludes that there seems to be no "general written strategy with regard to the management of persons held in police detention".<sup>45</sup> The same applies to KPS's Road Traffic Management with an "absence of written policy documents and related strategy documents... throughout the KPS regions".<sup>46</sup> Similarly, there is also "no written policy or strategy relating to the KPS Vehicle Fleet"<sup>47</sup> and no "general written policy or strategy with regard to KPS Human Resource Management".<sup>48</sup>

The audit of the KPS's human resource management reveals extensive structural weaknesses within the organisation and calls into question UNMIK's support to the development of the KPS. First, the audit reveals that there is no written staffing plan "which indicates how [the KPS] staff might be redeployed in support of newly transferred [executive] functions".<sup>49</sup> Second, the staffing tables that do exist suggest significant disparities across regions in the number of staff supervised per senior officer with a disproportionate number of middle management personnel.<sup>50</sup> Third, the audit discloses an "absence of detailed Job Descriptions and Job Profiles [which] represents a serious gap in the organisational design of the KPS", which is shocking.<sup>51</sup>

Within the UNMIK police these audit findings are accepted wisdom.<sup>52</sup> The UNMIK Police Commissioner noted that, *after seven years of UN involvement*, the KPS remains "dysfunctional in structure, hierarchy, reporting", with a "lack of focus on operational issues and investigations". He observed that the KPS "needs to reformulate [its] structure to task" and has "gaps in management", "gaps in long-term strategic programming", and "a lack of strategic vision". He also argued that the KPS does not have "a performance culture in terms of service delivery. They need to be aware of the need for service. Not just doing what's being asked, but being proactive and meeting local needs". Finally, he acknowledged that UNMIK had not adequately assisted the KPS in developing and "putting [managerial] systems in place" with respect to who and how officers are promoted or how the police ought to consult with its public and indicated that there is no codified community policing policy within the KPS.<sup>53</sup>

To address these issues, the Police Commissioner established a KPS team to begin the process of reorganising and redesigning the service and “put into place... a whole set of systems that are not [currently] in place”. When interviewing the KPS team, it was acknowledged that “there [is] no master plan” for KPS development. According to the team, UNMIK “took a mirror to UNMIK [police] structure and copied it, but it did not fit Kosovo. It was a waste of time”. Although a KPS Police Procedure Management manual exists, it was conceded that the manual “is related to police behaviour and administration” and “not to [police] operations” and that there is “not a proper system of uniform job descriptions”. In summary, the team acknowledged that UNMIK did “nothing... until now in police development” and that the “KPS has been like an orphaned child”.<sup>54</sup>

To verify these findings an in-depth interview was conducted with the KPS Professional Standards Unit (PSU).<sup>55</sup> The PSU was selected because of its centrality in any comprehensive police development programme. The KPS assumed full responsibility for the PSU in October 2005. However, according to a senior KPS officer, “no measures were taken [by UNMIK] to prepare the KPS... [and] an organising structure did not exist; no management structure was in place”. There were “no documents, no notes, nothing in procedure or anything from UNMIK police”. Furthermore, most of the Unit’s staff were untrained and, although “UNDP promised us a training in ’05-06, that did not happen.” In part because of the absence of comprehensive UNMIK and UNDP support, the officer concluded that once Final Status is resolved and the PISG assumes executive authority of all policing functions, “we will discuss within the KPS about changing the law [legally authorising and establishing the police service]. And, of course, we are going to ask for changes.”<sup>56</sup>

This last remark is a telling assessment of UN’s SSR support to the KPS and is a sentiment that reverberates throughout Kosovo. Simply stated, neither this senior officer nor his colleagues believes that they or the PISG “own” the KPS.<sup>57</sup> Local ownership is a core principle of SSR and police development. UN’s inability to foster and develop a sense of local ownership in the police service is highly problematic. Nevertheless, merged with the Police Commissioner’s own assessments, the findings of the MoIA audits, and those of the KPS reorganisation team, the conclusion is that, although largely able to establish basic safety and security within Kosovo, the UN has not been able effectively to support KPS’s development.

Part of the UN’s difficulty in effectively supporting the KPS’s development can be directly attributed to the absence of the coterie of SSR experts assigned to the SRSG’s office. Without such an office, UNMIK has been unable to exercise consistent managerial oversight of how the UNMIK

police supported the KPS. The lack of such a coterie in UNMIK – as well as within DPKO itself – is also evident in the UN Police’s belief that their responsibility is “to build post-conflict institutional police capacity”. Well-versed SSR experts understand that capacity- or institution-building is merely a means to an end and not the objective of SSR itself.<sup>58</sup> The primary goal of SSR is to support the provision and equal access of all to justice and security in ways that foster democratic governance and human rights. The distinction is crucial because the existence of a capacity says nothing about whether that capacity is used and whether its use is accountable, effective, efficient or conducted in a democratic manner.

DPKO’s police personnel policies are another cause of UNMIK’s difficulties in supporting the KPS’s development. Police development is first and foremost a managerial exercise and only secondly a technical and substantive police one. As an OSCE staff member opined, “when UN police are looking for management experience, it is extremely difficult. Lots of cops have management capability, but [when brought to Kosovo in a development role] they are put into a dysfunctional organisation and told to fix it and that is an entirely different set of skills.” Currently, there is no effective method by which DPKO assesses whether the police personnel Member States select for service in peace operations possess the requisite developmental managerial skills. In fact it may often, if not frequently, be the case that police personnel are not best fit for the position, given their lack of experience in developmental activities. In 2005, there were only five UN-budgeted posts that civilians could fill within the UNMIK police and three of those were reserved for the Police Commissioner (a sworn police officer), Deputy Police Commissioner (a sworn police officer), and an administrative assistant. Given the total number of UNMIK police, this represents only .0016 per cent of the personnel, an unacceptable ratio given the tasks to be carried out in police development and thoroughly inconsistent with contemporary policing practices and policies.

Within the UNMIK police the question of personnel was further complicated by the number of vastly different policing traditions from which the UN officers came. This is not an issue that can be resolved by more and better pre-mission training programmes. It is endemic to the way in which the UN conducts its peace operations and a key reason why UN Police have proved unable to engage successfully in police development. The issue is that the UN has no standardised *operational* policing practices that can be used in police development.<sup>59</sup> Each UNMIK officer arrived with her/his traditions and procedures. Each mentored and developed their partner KPS officer to the best of his/her abilities, but the policing practices of USA differ from those of Bangladesh, which, in turn, differ from those of Chile or

Norway. The result is confusion, disorientation, and eventually apathy inside the KPS. Pre-mission or in-mission “*training cannot replace the institutional culture you bring with you [to a peace operation],*” an OSCE official, who has been involved in Kosovo police development since 1999, explained. “*If it isn’t a practice and an institutional norm at home, it won’t happen in peace operations.... Nothing is going to change how the UN Police is doing business if they don’t do it at home [first]. Pre-mission training is important, but you can’t take out what they already know and do [as cops at home]” [emphasis added].*<sup>60</sup>

#### Kosovo Corrections Service

The UN’s support for prison development, the Prison Management Division (PMD), has been an unqualified triumph and may be UNMIK’s most successful SSR programme.

The stabilisation and reconstruction phase, conducted initially by KFOR, proceeded in fits and starts, largely due to an absence of UN planning and resources. The first international personnel did not arrive in Kosovo until October 1999; only one of them was a UN staff person, the others being seconded at no cost by their governments. The first KCS penal facility was opened in November 1999, despite the fact that UN-provided funds were not available until the budget was approved in February 2000. By 2002, the KCS had hired 819 persons and had assumed control over Kosovo’s prison facilities.

UNMIK has successfully supported the development of the KCS. As summarised in the ISSR,

the prison regimes run by the KCS broadly comply with international best practice. The transition from UNMIK has gone well to date, with local staff appearing to fully understand the requirements of international law pertaining to detention and imprisonment... A number of reviews of the UNMIK Penal Management Division/KCS have been conducted and have reported positively on what has been achieved to date.<sup>61</sup>

This is not to assert that the Kosovo prison situation is problem-free or that there have been no disagreements with the PISG regarding the rate at which operational authority for the prisons is transferred to Kosovar personnel.<sup>62</sup> As with all Kosovar institutions and public services, the KCS is in its infancy with severely limited resources and, therefore, it is unreasonable and unrealistic to expect it to be able to perform to the standards of Western

prison services possessing hundreds of years of accumulated experience. Nevertheless, the British review of Kosovo's security sector concludes that the KCS performance "is well above the regional norm", implying that UNMIK's SSR support has achieved its objectives.<sup>63</sup>

As of February 2007, of Kosovo's two prisons and five detention centres, all but the Dubrava Prison have been transferred to the control of the KCS. The Dubrava Prison holds Kosovo's male prison population of over 800 persons. According to the ISSR, "this figure is expected to rise by up to 50 per cent as the courts backlog reduction programme comes into effect".<sup>64</sup> The KCS has 1,200 staff and 400 support workers, approximately 18 per cent of them women, which is considered to be an "acceptable proportion given that women are only a small proportion of the prison population".<sup>65</sup> In-service training is conducted among KCS staff, but KCPSD has assumed responsibility for basic corrections instruction.

One of the key ingredients of UNMIK's successful prison SSR programme is that a comprehensive prison management plan was formulated at the start of the integrated peace operation and then systematically carried through. Each year specific organisational and operational targets were established and, as the plan unfolded, annual development plans were updated. Job descriptions and a full range of standard operating procedures and managerial policies were systematically introduced ranging, for instance, from separating "prisoners on committal... depending upon the seriousness of their crime and risk to the community" to emergency response to serious incidents to financial management and procurement.<sup>66</sup> Social workers and medical staff were hired to ensure adequate health care, given existing resources.

Management training for the KCS was not delayed, but commenced in 2001, supported by the government of Switzerland. It was originally believed that the major components of prison development would be completed by 2004. Comprehensive roll-out plans for transferring prison authority facility by facility to the KCS were developed early and thereafter followed. Each transfer entailed three months of twinning international staff with KCS personnel during which UNMIK staff retained authority, three months of "co-work", and finally three months of mentorship during which the KCS manager already possessed executive powers. At the same time, each department of the KCS was progressively turned over to Kosovar authority: social work, personnel, engineering, recruitment, etc.

This phased prison management development programme continued in 2005 and 2006, as KCS Prison Directors selected to be Deputy Commissioners were given further training. The same occurred again in 2006 when the KCS Commissioner was chosen. It should also be



acknowledged that each of these selection processes was designed with interview and evaluation protocols to emphasise job performance and operational expertise as criteria for promotion rather than level of formal education. More than once, senior Kosovar Albanian officials and others complained about these promotion procedures, claiming that a less-educated KCS officer was promoted above a more-educated one. Though this may be a political issue, it is an indication that promotions were based upon operational qualifications rather than a paper trail or political patronage.<sup>67</sup>

Of special importance was that the PMD rapidly established an “internal prison inspection, audit and compliance system”.<sup>68</sup> This managerial step cannot be underestimated. As indicated earlier, the PMD was the only UNMIK unit that was able unequivocally to state the criteria with which the performance of the Kosovo institution, to which they were providing SSR support, was being evaluated. Without hesitation, the PMD listed more than half a dozen indicators, including, but not limited to: (1) number of attempted escapes; (2) severity of fines for guards and inmates; (3) number and type of prisoner complaints; (4) quality of intelligence information about inmate population; (5) number and type of medical complaints and treatments; (6) number of prisoner visits; and (7) number of inmate self-harming incidents.

UNMIK’s successful support to the development of the KCS, however, is an exception that proves an underlying rule. Development for the KCS has been handed over by UNMIK to a single, cohesive team, the PMD, which conducted the UN’s SSR support to the KCS for the entire duration of the peace operation. This is extraordinary, exceptional, and unheard of in UN peace operation history, thoroughly different from what occurred with the UNMIK Police and the UNMIK Department of Justice (DoJ) with their constant turnover of leadership, approximately once every year. One and only one person has been responsible for SSR support to the KCS from the early days of peace operations.<sup>69</sup> Of comparable importance is that the head of the PMD personally interviewed his international corrections officers prior to their being assigned to Kosovo to ensure, as far as possible, not only uniformity and consistency in penal practice and development perspective, but appropriateness of skills to the function that individual staff are expected to perform.

Although it cannot be claimed in a “technical” sense that the development of the KCS was “outsourced”, in a practical and operational sense it was. With complete responsibility for selection, recruitment and management of personnel; resource mobilisation; and the design and implementation of a prison management development plan, the head of the PMD, for all practical purposes, functioned as an independent project

manager of a cohesive team. By exercising full managerial control and assuming the entire responsibility for conducting its SSR activities over a period of more than seven years, the PMD functioned no differently from an independent contractor, whose sole obligation to its contractor, UNMIK, was to meet an agreed-upon set of outcomes, i.e. the goals enumerated in its long-term and annually-updated prison management plan. The only practical difference between the PMD and that of an “outsourced” team was that each member of the PMD had an individual employment “contract” with the UN while an “outsourced” team would have had their employment contracts with an independent consulting company, international NGO, or some other legally constituted non-UN organisation.

#### Justice and Judicial Development

Whereas the KPS is relatively trusted and the public perceives that the KPS is performing its public services relatively satisfactory, Kosovo’s judges and prosecutors are uniformly decried for theirs. A frequently-heard opinion in Kosovo is, as stated by a senior EU official, that “the justice system is in an appalling condition”. A senior UNMIK official concurred, claiming that “we have failed with justice”.

An analysis of the actual situation reveals a very different picture. Due to a series of political decisions made early in UNMIK’s tenure, the operations of justice in Kosovo have been, admittedly, poor. There is, for example, a significant case backlog, corruption is reported to be rife, and continued ethnic bias persists, particularly with regard to property cases and criminal prosecutions.<sup>70</sup>

Nevertheless, in stark contrast to the UN’s inability to support the development of the KPS, a number of the basic judicial reform building blocks are, albeit slowly, being assembled. The key to what may prove to be a successful judicial development programme is that almost all development has been outsourced through, for example, USAID, DFID, EU, and the EC to consulting companies and is not conducted by UN staff.<sup>71</sup> In other words, UNMIK’s police and judicial SSR support may be mirror images of one another. Whereas the KPS appears to be a success, it is, as one interviewee said, “a house, but it has no contents”, the justice system seems to be a “disaster”, but because reform has been outsourced, long-term development is occurring and may be sustainable.<sup>72</sup>

During the initial period of UNMIK, judicial development was dominated by an absence of UN planning, by political violence and the realisation that persistent ethnic retribution (Kosovar Albanian on Kosovar Serbian) conducted with legal impunity was undermining efforts to rebuild

the territory. Faced with a pending catastrophe, UNMIK “working very quickly, with little chance to vet candidates thoroughly” appointed 55 Kosovar judges and prosecutors by October 1999.<sup>73</sup> Eleven months later, in September 2000, UNMIK “had recruited 405 judges and prosecutors and 724 support staff for all the courts of Kosovo... security for all those working in the system [was] precarious... and [ethnic] bias and prejudice, combined with a lack of knowledge or will to impose certain human rights guarantees... led to flawed judicial proceedings and unjust results.”<sup>74</sup> Many of UNMIK’s judicial initiatives since have been designed to rectify those early political decisions,<sup>75</sup> such as the concentration of resources almost exclusively on the exercise of executive judicial powers to the detriment of developing autonomous and democratic Kosovar judicial public services.<sup>76</sup>

Despite Resolution 1244’s clear and unmistakable mandate to build democratic judicial institutions, UNMIK has not effectively supported the development of Kosovar judicial services. As one senior DoJ official admitted, “UNMIK understood for a long time that its job was *not* to develop Kosovar judicial authorities, but to handle high-profile cases – corruption, ethnic impunity, war crimes.... Our job was *not* to train or build capacity [emphasis added].” The unintended consequence has been that judicial SSR activities (court automation, court administration, ministerial development, development of Kosovo Judicial Council, legal writing, etc.) have been outsourced to consulting companies and NGOs, such as National Center for State Courts (US), DPK (US), ABA/CELLI (US), and Atos Consulting (UK), which has facilitated the slow growth of many of the basic building blocks of judicial development.

Although UNMIK largely abandoned support for SSR-related judicial activities, the ability to measure the performance of the Kosovar justice system is significantly further along than that of the KPS. There are, at least, four different methods by which judicial performance can be assessed. Taken together, they would present a relatively comprehensive analysis of the state of the Kosovar justice system. It must be emphasised, however, that none of these methods were undertaken by UNMIK and all were outsourced, in one way or another. First, UNMIK facilitated a 2003 baseline assessment and study (JART Report) of justice, the courts and court administration in Kosovo, conducted jointly by the US Department of Justice and the Council of Europe. The JART Report, as an international donor indicated, analysed the “basic needs... and what the future should be” in terms of numbers of judges, prosecutors and courts, as well as suggesting future law reform options. Second, recognising that it lacked the resources and expertise, UNMIK supported USAID’s analysis of court administration. The purpose of this study was to understand some of the “bottlenecks”

causing the high case backlog plaguing the judicial system and devise methods of resolving them. This is currently under way.<sup>77</sup> The third method of evaluating judicial performance is the OSCE's programme of judicial monitoring. Although individual reports may be anecdotal, the accumulation of such observations can, over time, provide accurate and invaluable information on the strengths and weaknesses of the judiciary. In fact the Kosovo Judicial Institute (KJI), another OSCE endeavour, uses these reports to determine what courses and training programmes it should offer judges and prosecutors. Finally, work has been undertaken to develop the performance of the Kosovo Judicial Inspection Unit (JIU).

The history of the JIU is illustrative of the UN's SSR capacities and the benefits of outsourcing. The JIU has a two-fold obligation: (1) to audit judicial performance and (2) to investigate allegations and complaints of judicial misconduct and malfeasance. At one point UNDP committed itself to fund and select personnel for two posts – a trainer/inspector and a pure trainer – to strengthen judicial audits and investigations. It took UNDP an extensive period of time to get the consultants on the ground<sup>78</sup> and a judicial consultant indicated that “the results and *outcomes* were a disappointment [emphasis added]”. UNMIK judicial staff concurred and indicated that the performance of the “local staff did not seem to have [been] improved”, thereby highlighting the distinction between an ‘output’ (existence of training) and an ‘outcome’ (actual performance).<sup>79</sup>

Since then, UNMIK, through USAID, has outsourced to National Center for State Courts (NCSC) the development of the Unit's auditing activities on an “as needed basis”, which has resulted in a progressive strengthening of the Unit's performance. According to UNMIK personnel, although the auditing section has “only completed a few audits... [the] branch has only within the last year [2006] become a functioning unit”. According to a Kosovar judicial authority, “auditing is now okay”. The same cannot be said for the investigation section, whose SSR support activities have not been outsourced and where three UNMIK staff work. As related, one of those staff members is “consistently surprised at the reports of judicial misconduct, given that she has personal knowledge of judges having been taught different things than what they are doing”, only further emphasising the difference between training as an output and performance as an outcome. The difference in *performance* of the two JIU teams clearly argues for the benefits of outsourcing judicial development.

Despite the evidence of judicial development in Kosovo, serious gaps exist in the criminal justice continuum, which can be directly attributed to managerial weaknesses within UNMIK and the absence of a coterie of SSR personnel in the Office of the SRSG to plan and manage the

development of Kosovo's security sector. The first gap concerns the Kosovo Prosecution Service and the second, the judicial police.

Simply put, the Kosovo Prosecution Service has been largely overlooked and forgotten. As a senior UNMIK staff person admitted, "prosecutors have been totally left alone. No one has done anything with the prosecutors: on how they do their jobs and manage themselves."<sup>80</sup> The effect this hole has had on the performance of the Kosovar justice system has been most problematic. When trying to understand why UNMIK forgot to develop the prosecutors and did not actively support the Kosovo judiciary, a senior DoJ staff member argued, "I don't think there was a high-level decision made. I doubt that there was a strategy, political strategic decision. I think [UNMIK] went from emergency to emergency."<sup>81</sup>

The consequence of the UN's lacking a strategy and coterie of SSR experts is evident on the micro-level as well. For evidence to be legally admissible and a successful prosecution "made", a secure "chain of evidence" must be established, certifying that the evidence has not been tampered with as it moves along the criminal justice continuum. In other words, how evidence is handled is one of the pivotal links in the criminal justice system, cementing the relationship between the crime scene and the police, the police and the prosecutors and, thereafter, the prosecutors and the courts. Unfortunately, as pointed out by an international donor, "evidence is so badly handled here... What prosecutors need to have is get them back to basics," and maintaining the chain of evidence is as basic a linking component as any other.

One of the many reasons why the chain of evidence is poor in Kosovo may be because there is no judicial police, even though UNMIK legislated the establishment of a judicial police. In this case, the absence of a coherent SSR support strategy and team of experts to manage its implementation meant that policies are decreed without planning how they are to be executed. The judicial police were intended to be the sworn law enforcement officers specially trained to conduct criminal investigations in cooperation with and under the supervision of prosecutors. While the new criminal code of procedure has been in existence for a couple of years, the judicial police remain missing in action. UNMIK wrote the law, but has consistently refused to implement it, which can be attributed only to an absence of managerial and performance accountability within UNMIK and DPKO.<sup>82</sup>

*UN Support to Management and Oversight Bodies*

Democratic governance issues of accountability, checks and balances, and civilian oversight lie at the heart of SSR. Embedded within a democratic governance approach is an active role for civil society. As the World Bank advocates, governance and accountability operate on three levels in the service delivery chain:<sup>83</sup>

- Between service providers and policy-makers (managing and ensuring that the delivery of service is effective, efficient and conforms to the constitution, legality and human rights standards).
- Between customers and policy-makers (raising citizens' voice through the availability of information about policy decisions).
- Between customers and service providers (increasing the voice and participation of citizens in determining what services are delivered and how).

The UN, however, has given scant attention to the development of accountability and oversight mechanisms and institutions. Once again, part of the failure can be attributed to the absence of a coterie of SSR experts residing within the Office of the SRSG and the similar lack of a team within the Office of the USG/DPKO.

*Executive Branch*

After authorising and establishing the basic structures and organisations of the PISG and civilian control of the security sector (Ministry of Finance, MoJ, MoIA, Office of Public Safety, etc), UNMIK had very little direct involvement in their development, outsourcing most governance activities. According to respondents, UNMIK's support of the MoJ, for instance, has been abysmal, with the donors conducting virtually all development activities. A Kosovar with in-depth knowledge of the situation inside the Ministry claimed that "[the Ministry has] not been given development in management [from UNMIK]. They were just transferred with their competencies from [UNMIK] DoJ to MoJ." The same applies to the Kosovo Judicial Council (KJC), which is one of the keystones of oversight, court administration and management of the judiciary.<sup>84</sup> It is within the KJC, however, that significant development initiatives are under way, albeit mainly outsourced and conducted by NCSC.

In the MoIA, UNMIK's support consists of a two-person team, which patently "does not have the time or resources", as one UNMIK staff

member conceded, to provide effective assistance. Consequently and appropriately, the team perceives its role to be one of “a lubricant... We are helping the Ministry get started because their human capital is very weak, very low.... We work on the [Ministry] organigramme with the donor[s]. We try to help coordinate and work through the donors on behalf of the Ministry and UNMIK... The nitty gritty of [the development of the Ministry] and working out the plan [has been given to the donors]. We open doors, facilitators with some knowledge.”

Despite the best efforts of the team, there is virtually no relationship between the MoIA and the KPS. For example, there are no representatives of the MoIA on the KPS team established to reorganise the police service. No one on the team could explain why that was the case, other than to assert that UNMIK retained reserved powers and executive authority.<sup>85</sup> It may be true that the MoIA has very little expertise, but to exclude them from the process of restructuring the KPS will not facilitate the development of democratic governance expertise and experience as mandated in Resolution 1244. It also contravenes good development practice with regard to local ownership.

#### Parliament

OSCE was directly responsible for the development of SSR support to the Kosovo Parliament and, therefore, this SSR activity lies outside the scope of this chapter.

#### Civil Society Participation

Civil society participation is similarly crucial for the development of an accountable justice and security sector whose performance meets local needs. The UN's record in Kosovo fostering civil society participation, however, has been as poor as its performance with regard to local ownership (see below) and for similar reasons. Some of the difficulties may also have to do with the history and culture of Kosovo in that, as one NGO staff member acknowledged, “there is a general lack of communication between local levels and central security institutions, including UNMIK and other security providers.” Once again, part of the issue may have to do with the desire of Kosovar civil society organisations to score political points. Nevertheless, the absence of a real effort on behalf of UNMIK to engage with civil society is telling and the perception among Kosovar NGOs of UNMIK is calamitous.

As one Kosovo NGO staff member claimed, UNMIK “did not cooperate with [NGOs... They didn't because UNMIK could not dismiss

NGOs, turn them back [like they could Kosovar politicians]. NGO's are partisan and therefore UNMIK wasn't willing to share with NGOs." Another senior NGO representative opined,

in my opinion, the relationship of UNMIK with civil society in SSR is very pathetic. It was at the same time judge, prosecutor, and executor and plus patronizing. I don't remember that UNMIK ever had sincere dialogue with civil society. UNMIK was there to deliver politically correct messages, but not to address the issues of citizens. If something was done, it was with pre-determined results. Like a façade and avoiding important stakeholders and representatives of civil society... UNMIK did not take into account that others existed.... It was unaccountable to anyone here.<sup>86</sup>

### Local Ownership

It is axiomatic that an SSR programme that is not "locally owned" will not be sustainable. This does not imply that local ownership at the outset of a peace operation must be at the same level as the ownership a couple of years into the process. Rather it suggests that "local ownership" must be progressively increased day-by-day and be one of the principal objectives and *outcomes* of SSR programming. As one Kosovar interviewee asked rhetorically, "How do you build democracy and self-government without democratic control and self-government of the security sector?"

It appears that UNMIK was unable to grasp the necessity of supporting local ownership as an outcome of its SSR initiatives. Furthermore, the organisation's culture seems to have been one of imposition rather than consultation, an opinion that is widely held throughout Kosovo. Admittedly, this may be a one-sided perspective and the bitterness expressed by Kosovar respondents may be political in nature. Nevertheless, it is an important perspective to take into account and coincides with the level of civil society participation in justice and security development, which will be discussed below. At the same time, asserting that UNMIK's culture was one of imposition rather than inclusion does not mean that UNMIK did not attempt to consult. UNMIK did consult, but the process of partnership is about the quality of that participation rather than its mere occurrence. It is one method of consultation to share drafts of a law, policy or set of regulations that have been pre-written and ask Kosovar stakeholders to comment. It is an entirely different method of supporting ownership to ask the local stakeholders to select a model of their choosing and write the initial draft, which would thereafter be discussed with



international partners, such as UNMIK. The former may be an appropriate policy during the early phases of a peace operation. It is not suitable to supporting the development of service delivery and the evidence strongly suggests that UNMIK never adequately supported local ownership.<sup>87</sup>

A senior UNMIK official concurred and believed that the only true consultation and dialogue process he knew of was one that was conducted by DoJ against the wishes of the head of Pillar One, who only acquiesced reluctantly, almost as a favour to one of his staff.<sup>88</sup> The fact that the MoIA has been systematically excluded by the UNMIK police from an active role in the restructuring of the KPS is clear evidence of the inability of the Kosovo UN to conduct SSR activities according to the very basic and commonly accepted principles of local ownership.

It is often claimed that UNDP's comparative advantage as an organisation is recognition and acceptance of the need to develop local ownership as an outcome of its programming. In a sense, capacity-building may be seen as strengthening one element of local ownership and, as a UNDP staff person claimed "capacity-building and governance perspective [is what we do]. We can build central government capacity."<sup>89</sup> If the experience of the UNDP-managed ISSR project is considered, however, it would appear that capacity-building may not have been UNDP Kosovo's strong suit. According to UNDP's own staff, as well as other observers, "the greatest failure of the ISSR is capacity-building... We didn't do it [and] in all honesty there was *little ownership* at the upper levels of the [PISG] too [emphasis added]." Even if the recommendations of the ISSR are to be deemed sound, Kosovar ownership of them may be slight at best and imposed from the outside at worst.

#### *UN support to SSR-Related and Cross-Cutting Activities*

There are a number of ancillary activities that support the overall SSR agenda, such as DDR, small arms, and programming specifically targeting gender issues, such as domestic violence. Unfortunately, the UN record on these issues, as of February 2007, has been far from exemplary.

#### **Small Arms**

The future of the UN's small arms initiatives may be brighter than its past efforts. For instance, the PISG and UNMIK convened a SALW inter-ministerial working group and participated in a 2006 SALW survey that outlined the dimensions of the issue. UNDP is also in the process of formulating and designing a SALW project, but as of February 2007 nothing

substantive had been achieved and no concrete activities undertaken. Significant political hurdles, however, may impede further development. A report prepared by The Forum for Civic Initiatives and Saferworld states, “evidence from a variety of sources indicates that there would be no purpose in organising a Kosovo-wide voluntary SALW collection until after Kosovo’s final status has been agreed.”<sup>90</sup>

Back in 2002, UNDP initiated a small arms initiative which, among other objectives, sought to collect 10,000 weapons. According to a UNDP assessment, “the project failed to understand the realities of Kosovo”, “project administrators did not listen sufficiently to local people”, and during a one-month amnesty period “only 155 weapons were surrendered”.<sup>91</sup> Once again, it seems that a UN SSR initiative performed poorly, in part because local ownership of the project was lacking or, as the UNDP assessment states, “the project stayed too much a UN initiative instead of being a Kosovo driven process”.<sup>92</sup> It may also have been the case that, as the Saferworld-funded 2007 report suggests, “the failure... [could have been] the result of a continuing fear of conflict and instability, and of minimal trust in security providers”, as many Kosovars believe.<sup>93</sup>

## Gender

Despite the ability of UNMIK to recruit women into the KPS and the KCS, the overall record of the UN’s gender mainstreaming achievements, with regard to SSR endeavours, is slight.<sup>94</sup> During the interviews, not a single respondent mentioned an ongoing SSR programme concentrating on gender.<sup>95</sup> This is not to claim that there were no such initiatives, but that no one from UNMIK, UNDP, the PISG or the NGO community mentioned the existence of one. This should not be entirely surprising. According to the Executive Director of the Kosova Women’s Network, “we assumed that the UNMIK would consult with local women regarding... in making decisions regarding the reconstruction of Kosova. We were wrong. Instead of bringing an inclusive model for democratic decision-making, UNMIK imposed a patriarchal system in Kosova.”<sup>96</sup> It should not be startling, therefore, that “violence against women (including domestic violence and rape)” was not a topic that the ISSR found in its extensive surveying that was frequently broached.

### *Summary of UN Support to SSR and Related Activities*

The UN has supported SSR in Kosovo by assisting in the development of the Kosovo Police Service and the Kosovo Corrections Service. In particular,

UNMIK's prison programme was successful as it was well planned and managed, and resulted in the development of a selection of standard operating procedures. UNMIK has also supported judicial development, although with mixed results deriving from deficiencies in planning. The UN's results in encouraging democratic oversight and accountability of the security sector is also poor. Overall, the UN's record in SSR in Kosovo paves the way for a number of lessons to be learned that will be further developed in section 5.

### **Lessons Identified**

Managing peace operations is a very difficult enterprise. Managing how the UN supports justice and security development is even more demanding. To do so in the highly political environment of Kosovo is yet more challenging again.

One way to address the almost insurmountable challenges faced by the UN in Kosovo would have been "to learn" the historical lessons from past SSR endeavours. It appears, however, that the UN in Kosovo was unable to absorb the lessons learned from past case studies and other analyses, as evinced by the fact that virtually all of the findings of this chapter have already been enumerated in the 2003 Kings College case study, Ambassador Eide's 2005 report, the 2006 UN inventory, and the 2006 UN SSR conference in Bratislava.<sup>97</sup>

The pertinent findings of the King's College study, for example, are:

- the "absence of [a] coherent strategy for establishing rule-of-law institutions in the immediate aftermath of conflict" (p, 9);<sup>98</sup>
- "in all key sectors [SSR included], capacity-building has been part of the rhetoric but has rarely been accomplished in practice... At the operational level there has been a noted lack of understanding of what is involved in capacity- or institution-building" (p. 11);
- "disregard for the complexities of security sector reform" (p. 12);
- lack of understanding of "local social structures and ideas of political authority and legitimacy" (p. 33);<sup>99</sup> and
- "the administration of justice appeared to be an afterthought" with regard to planning and mission structure (p. 34).

The issue, therefore, is not to rehearse another known series of lessons learned, but to come to an understanding of the more fundamental and underlying managerial challenges and weaknesses that impeded the UN's ability in Kosovo to develop successfully the territory's justice and security sector. No amount of lessons learned can be assimilated if sound managerial structures are not in place.

To evaluate the UN's performance in Kosovo requires an examination and understanding of how those field operations and activities were supported and directed by UN headquarters. The UN operates as one integrated system. Any one component of that system depends upon the whole and its performance cannot be divorced from those of its compatriots. Therefore, the evaluation of the UN's SSR performance in Kosovo must examine not only the specific activities of the mission, but also the manner in which Kosovo field offices were supported by the UN system as a whole.

### *Strategy*

Given that the concept of SSR did not gain sufficient international legitimacy until 2002/03, it is inappropriate to criticise the UN in Kosovo for not having formulated a SSR strategy prior to then. That the Kosovo UN did not begin to develop a SSR strategy until mid-2005, however, is relevant, for the absence of a UN corporate vision should not have precluded their development of one.

In mid-2005, DFID recommended that UNMIK establish the ISSR project, whose primary purpose was to conduct a thorough security sector review and needs assessment upon which the future UN SSR strategy and the activities derived from that strategy could be grounded. The importance of this project cannot be underestimated. The record indicates, however, that the ISSR initiative was initially opposed by DPKO and UNDP in New York. After the March 2004 riots, a senior UNMIK officer, who helped shepherd the project, explained, "We knew we needed external support to have a holistic vision, [but]... DPKO was resistant.... We didn't get a response and when we did, in 2005, it was heavily caveated... There was no guidance from New York. DPKO has no capacity on this subject and I interpreted the delay [as their] desire to get the issue to go away."<sup>100</sup> As for UNDP, the Bureau for Crisis Prevention and Recovery (BCPR) twice refused to support the ISSR initiative, even though the UNDP Kosovo office had politically and financially committed itself to the process, pledging \$1.5 million at an UNMIK Executive Committee meeting in 2005.<sup>101</sup>

### *Planning*

Without a strategy, it is difficult, if not impossible, to plan. It is also safe to say that, with the exception of the PMD, precious little systematic justice and security planning was conducted by UNMIK in Kosovo. The enormous gap in the criminal justice system due to UNMIK's inability to develop the KPS is emblematic of the planning vacuum that existed, as is the UN-family's failure to establish a judicial police.

The structure of UNMIK also precluded attempts at systematic and cohesive planning.<sup>102</sup> With an office consisting of 278 staff positions at the time, the SRSG had, in 2005, only four persons assigned to the Advisory Unit on Security (AUS). This unit was hard-pressed to meet its responsibilities, which included the provision of policy advice on security issues and coordination between the SRSG and Pillar I. The AUS, however, is not charged with any responsibility to offer advice or coordination on judicial issues and can therefore offer only extremely limited SSR advice to the SRSG.

### *Capacities/Resources*

Echoing the findings of the 2003 Kings College study and the 2006 UN inventory analysis, it is clear that the UN in Kosovo did not have the human resources to conduct effective and efficient SSR. Simply stated, the personnel policies of the UN continue to be inadequate and unable to supply the requisite personnel with the necessary skills for peace operations to perform their SSR responsibilities. A senior DoJ official noted that "we don't have people in DoJ with the management, project, administrative expertise and I can't get them. *It strikes me that UNMIK is running the mission with people who do not have the skills to do it. Not even close to having the right skills* [emphasis added]."<sup>103</sup> One of the reasons the PMD was so successful in supporting the development of the KCS was that it effectively assumed full responsibility for its own human resources, their recruitment, selection and training. The PMD was for all practical purposes an "outsourced organisation" precisely because it succeeded in hiving itself off from customary UN human resource procedures.

This is not merely a problem with judicial development, inside the DoJ, or pertaining to those UNMIK and UNDP staff assigned to work with the Kosovo Ministry of Justice. The issue reaches across virtually all areas of the UN's Kosovo SSR efforts. It is particularly acute within the UNMIK Police as its skewed and perverse ratio of sworn police officers to civilian positions suggests. It is for these reasons that one of the recommendations

detailed below is to open up the hiring of police development staff to non-sworn personnel.

The UN's personnel weakness originates in the senior leadership positions, not in the quality of those selected but in the duration for which they served in Kosovo. As one donor pointed out, "it doesn't help when the SRSG changes [on average] every 11 months". It should not be surprising, therefore, that the Kosovo UN has been unable to engage in effective SSR development support when, over the course of the peace operation, there have been five, six, seven or more UNMIK Police Commissioners, Directors of UNMIK DoJ, and heads of Pillar One (and its predecessor departments), few, if any, serving for more than two years. Once again, the one exception was the PMD, which only proves the rule. It is for this reason that one of the recommendations detailed below is that the heads of police, judicial and prison development be given contracts of 30-36 months to ensure a modicum of continuity and consistency of purpose.

#### *Cooperation/Coordination/Communication*

Much work has been accomplished within the UN over the past months redrawing the division of labour within the organisation and its sister agencies with regard to SSR.<sup>104</sup> With respect to Kosovo, these policy decisions do not seem to be adhered to and, perhaps because of it, the degree of communication and cooperation between the two organizations at headquarters and in the field may best be described as frosty and antagonistic. From the DPKO headquarters and Kosovo field perspective, UNDP appears to be irrelevant to peace operations because their timelines are considered to be too long and their resources too limited.<sup>105</sup> From the outlook of the field, UNMIK would have preferred not to have to cooperate with UNDP, but had few other viable options for the implementation of selected SSR initiatives, such as the ISSR, because only UNDP but not UNMIK was able to accept funds from donors.<sup>106</sup> Echoing the sentiment of UNMIK and donors, a number of UNDP's own staff acknowledged that its SSR role was tightly restricted because of an acute lack of expertise to acting "effectively as a bank", as "an implementing agency rather than a partner", operating in much the same manner as UNOPS does. The dire assessments voiced by DPKO and UNMIK staff about UNDP are reciprocated in kind. While UNDP personnel concede that their management may be "bureaucratic and slow", their opinion of DPKO's is worse, particularly in terms of its response times. Despite the division of labour agreed to in UN corporate documents, UNDP appears to be balking at assuming a secondary

position in post-conflict environments, claiming that if “DPKO will take the lead [in] SSR, then the entire UN system will ‘wither on the vine’”.

If the communication and cooperation across the UN is dysfunctional, that within departments and agencies is not appreciably better. The history of the Kosovo experience suggests a fundamental unwillingness and inability of DPKO headquarters to exercise its management responsibilities and supervise UNMIK’s SSR activities. As a DPKO staff member conceded, “we don’t weigh in so much [because in Kosovo] the weight of the expertise is in the field.” Comparable statements were made by the RoL team, who claimed that there is “not much on day-to-day operations with the missions... [We] cannot do day-to-day management. We do not have sufficient capacity beyond the truly critical.” In fact, it was reported by UNMIK and the RoL team that there was virtually no communication between the two. As far as the UN Police Division is concerned, it appears that the DPKO Police Adviser may have been, *personally*, involved in substantive SSR discussions with UNMIK, but that the Division, consumed with its administrative functions, provides virtually no substantive SSR advice. As one headquarters UN police officer stated, “we don’t know [UNMIK’s] objectives or activities... No one from UNMIK reports and no one in UNHQ asked for anything either.”

With respect to UNDP, the situation is notably worse. BCPR is the UNDP bureau responsible for providing transitional justice and security support in post-conflict scenarios. UNDP country offices come to BCPR for technical advice and money with which to launch SSR programmes. BCPR, therefore, has a fiduciary obligation to allocate and manage the distribution of funds to ensure that UNDP monies are spent effectively and efficiently. As a BCPR staffer confessed with regard to funding of Kosovo SSR endeavours, however, “we give the money [and if the country offices ask] you remain as involved as the project officer of the country office allows you to... BCPR is designed to rely on the good will and commitment of those people we give the money to, the country office.” After allocating the funds with which to initiate SSR projects, BCPR “washes its hands of it”, which was especially true with respect to the ISSR as no bureau staffer was conversant with the project’s findings or challenges. Contravening good development practices, it appears that BCPR did not regularly insist upon including “monitoring and evaluation” provisions into its Kosovo SSR project documents prior to their approval. Another BCPR staffer acknowledged that the Bureau did not attempt to measure the performance of the projects in which it invested its funds in any coherent managerial manner, believing BCPR’s decision-making to be “problematic” and “unregulated” across the board.

This lack of coordination and cooperation between BCPR and the UNDP office in Kosovo was mirrored by equally problematic relations within UNDP in Kosovo.<sup>107</sup> One of UNDP's projects in Kosovo was its KPS Institutional Capacity-Building Project, an initiative that developed the KPS's managerial performance because the UNMIK police had not supported the police's asset management, budgeting, procurement, personnel and other back office functions.<sup>108</sup> According to an interim report, the project produced "exceptional results".<sup>109</sup> At the same time, it was reported to BCPR on a number of occasions that the UNDP Kosovo office was trying to have the project dismantled because it was unable to control it and that only the insistence of the donors kept it alive.

The relationship between the UN-family and donors varied tremendously, depending upon the project under consideration and the personnel involved.<sup>110</sup> On the whole, it would appear that good working relationships existed between UNMIK and the donors with regard to judicial development, though it needs to be pointed out that UNMIK experienced difficulties coordinating the donors and limiting duplication. It appeared that this was a problem particularly with regard to the court automation. The need to minimize donor competition was identified as an issue by UNMIK personnel working inside the MoIA, who indicated that addressing the challenge was one of their primary responsibilities on behalf of the Minister.

UNDP's relationships to its donors tended to be more problematic, particularly with regard to its two largest SSR projects – ISSR and KPS Institutional Capacity-Building. With regard to ISSR, as already discussed, UNDP's Kosovo Office made financial commitments that it could not fulfill in a timely manner, which necessitated a donor to take the lead in rescuing the project. Similarly with the KPS Institutional Capacity-Building initiative, the international donor, who was one of its principal backers, was compelled to intervene repeatedly to ensure that the project achieved its objectives.<sup>111</sup>

As suggested in the discussions concerning local ownership and civil society participation, the UN-family's relationships with Kosovar stakeholders were dismal, as further evidenced by the KPS staff's desire to change its structures immediately upon gaining executive authority, the current lack of functionality within the MoIA and MoJ, and the fact that the ISSR did not develop Kosovar capacity. The remarks of an international donor succinctly summarize the UN-family's failures: "UNMIK failed to take local partners on board and make them partners in the establishment of new institutions. [UNMIK] is the glass dome inside which everything happens and outside very little."



### *Summary of Lessons Identified*

Without a formulated strategy, lacking a comprehensive plan and labouring under severe human resources deficits, the UN in Kosovo was unable to deliver effective and efficient SSR support to its Kosovar counterparts to enable them to develop their justice and security sector. Perhaps the most pivotal lesson learned in SSR programming, though, is the need to ensure consistent and coherent management of the implementation and performance of initiatives, concentrating on delivering defined and measurable outcomes. This did not happen in Kosovo, as the UN had few, if any, reliable methods of measuring the effectiveness and efficiency of its SSR activities.

One institutional means the UN could have employed to measure performance would have been the Results-Based Budgeting (RBB) system, but as one UN Police official stated, “the RBB is a bit of a sham. It is about numbers and it’s not about capacity”. A DPKO desk officer concurred, claiming that “you can have all your RBB indicators, benchmarks, but you won’t know... Plans and indicators are nice but they are not indicative.” According to this staff person, “trust and faith in your colleagues”, appeared to be the most reliable performance yardstick.<sup>112</sup>

Another possible management tool to evaluate performance could have been the Kosovo Implementation Standards that UNMIK developed. That does not appear to have been the case either, in that no one in New York mentioned those standards when queried on how they assessed UNMIK’s performance. Furthermore, from UNMIK’s perspective, any reliance on the standards as a means of measuring performance would have been absurd. The goals are considered to be unhelpful, vague and aspirational. Furthermore, the masses of reporting going on meant that people had to be hired just for the reporting, which would exhaust anyone’s capacities. Therefore, rather than collecting all sorts of statistical data and measurement indicators, it may be more useful for the UN to focus on two or three areas deemed priorities.<sup>113</sup>

The same story applies to UNDP, as performance and outcomes were confused and conflated with outputs. With regard to the ISSR, as UNDP staff conceded “there were no measurement indicators for the project. No meaningful indicators”, other than the production of the report itself.

### **Conclusion and Policy Recommendations**

The objective of this chapter was *to evaluate the performance* of the UN’s support for justice, police and prison development in Kosovo and, thereafter,

formulate practical and pragmatic recommendations to strengthen that performance. One of the difficulties that had to be surmounted in the evaluation is that only one UN SSR component – the PMD – was able cogently and coherently to describe their method of measuring their level of service delivery. For all the other UNMIK and UNDP SSR programmes no objective, reliable, valid and measurable indicators appear to exist. It must be acknowledged that though the UN may not be measuring its performance, development of Kosovo’s security sector may still be occurring. This seems to be the case, for instance, within the Kosovo judicial system. Significant development appears to be taking place, for instance, in the JIU’s ability to audit and evaluate judicial performance and in the KJC’s governance and performance skills. It appears to be the case, however, that this development activity gathered momentum only after it was outsourced, stripping UNMIK and UNDP of direct developmental and operational involvement. As for the KPS, its development appears to be halting, at best.

This chapter finds that:

- the UN successfully stabilised the justice and security environment in Kosovo and established the contours and parameters upon which sustainable peace and further SSR development could be grounded;
- the UN has been unsuccessful in supporting the further development of the Kosovo justice and security sector as the UN system in Kosovo and in New York did not possess the skills, expertise and managerial capacity effectively and efficiently to support a locally-owned SSR process; and

It is the judgement of this chapter that the UN needs to undertake a series of reforms of its existing SSR programmes in post-conflict environments. Based on the UN experience in Kosovo, ten specific recommendations are proffered. If these recommendations can be successfully implemented, the UN may be able effectively and efficiently to support justice and security development in post-conflict environments by adopting a “project” orientation to its SSR endeavours. If these reforms cannot be successfully implemented, alternative methods and means of providing SSR support in post-conflict environments will need to be found so that SSR support activity is “outsourced” as much as feasible.

Of prime importance is the creation of parallel teams of SSR and civil administration experts in the Office of the USG/DPKO and the Office of SRSGs. These offices would be responsible for the establishment of overall SSR policy, strategic planning for and in each peace operation,

management of SSR initiatives, and evaluation of their performance. If the UN is unable to reform its operations and organisational culture, the teams of SSR and civil administration experts in the Office of the USG/DPKO and the Office of SRSGs would become responsible for outsourcing justice and security development in peace operations. They would be in a position to:

- establish the parameters under which justice and security development would take place;
- ensure that there is consistency and continuity across programmes between and among bilateral donors;
- contract private sector companies, NGOs and national partners to carry out specific SSR tasks; and
- monitor and evaluate the service delivery of the outsourced activity based upon agreed upon performance indicators and outcomes.

During the course of the two weeks of interviews in Kosovo, many UN SSR practitioners endorsed the possibility and practicality of “outsourcing” as much justice and security development activity as possible. Their logic was simple: the current UN SSR system did not perform effectively and efficiently in Kosovo and was unable to support the development or delivery of Kosovar justice and security, so that it was time to explore alternative methods of providing SSR support to national actors.

### *Recommendations*

A number of recommendations and lessons have been identified and highlighted throughout this chapter. In this context, it has to be noted that in a post-conflict environment, SSR simply cannot be conducted piecemeal, if it is to deliver an effective and efficient service. The same reasoning applies as to why a number of the following recommendations address reform issues outside the narrow confines of the Kosovo experience. Just as SSR must adopt a holistic approach, so too must reform of the UN’s SSR programmes. Reform must be tackled strategically and comprehensively. The key recommendations to the field and headquarters are as follows, presented in priority order *and* ease of implementation:

- It is recommended that in future integrated peace operations a cohesive team of SSR experts responsible for the development and managerial oversight of the implementation of the UN’s SSR strategy be located directly within the SRSG’s office to ensure its

possession of sufficient political and bureaucratic leverage. A primary reason for locating the team within the Office of the SRSG is that SSR requires an “integrated” approach, linking together such seemingly disparate activities and programmes as Ministry of Finance budget reform and the recruitment, selection and training of prison guards. The only office in a peace operation that has the possibility of adopting a strategic perspective is the Office of the SRSG. Second, only the Office of the SRSG has the capability to address the relationship between the UN and the agencies undertaking “outsourced” SSR activities. One of the core priorities of the team in the Office of the SRSG would be to ensure that the specific SSR projects are harmonised and complementary, and operate according to accepted “best SSR practices”. Third, only the Office of the SRSG will be able to facilitate effectively the coordination of bilateral governments who may be engaged in their own SSR programmes, as it cannot be assumed that bilateral donors will necessarily be willing to operate under a UN rubric.

- It is recommended that a cohesive team of SSR experts be located directly in the Office of the USG/DPKO. This will ensure that it possesses sufficient political and bureaucratic leverage commensurate with that of the SSR and public administration team which will reside in the Office of the SRSGs. The USG/DPKO team would be responsible for establishing SSR policy and guidelines for all peace operations engaged in military, police, judicial and prison development. Additionally, the team would be responsible for managerial oversight of the activities of the SSR teams located in the Offices of SRSGs.
- It is recommended that the teams of SSR experts in the Office of the USG/DPKO and Offices of SRSGs include staff experienced in managing and supporting the development of civil administrations and public service reform. In addition to strategic planning and hard-nosed civil administration experts, the teams will also need to include financial experts conversant in supporting the planning and development of long-term sustainable budgeting processes and procedures.<sup>114</sup> Finally, the teams of SSR experts located in the Office of the USG/DPKO and the Offices of SRSGs should include personnel experienced in fostering and supporting local ownership and civil society participation in SSR programming.

- It is recommended that all DPKO judicial and police development policies be rewritten to emphasise that SSR's primary objective is to strengthen service delivery rather than build institutional capacity. In light of this alteration, it is also recommended that all DPKO police development endeavours be accompanied by explicit methods by which the performance of indigenous/national security providers are measured as the means by which to assess the quality of UN SSR support programmes. Furthermore, these methods of measuring performance should not be conducted by UN personnel, but rather by local actors who are to be trained and mentored.
- It is recommended that one of the first tasks of the team of SSR experts to be located in the Office of the SRSG is to develop a set of measurement instruments that evaluate the performance of indigenous/national actors and institutions in delivering justice and security service, given that SSR is designed to support and strengthen their performance rather than those of the UN. Because numerous assessment schemes currently exist in the literature, there is no reason for the team to create new instruments. Rather the effort should be directed toward adapting what already exists to the needs of peace operations.
- It is recommended that DPKO thoroughly revise its staffing tables and personnel policies for future peace operations to reflect contemporary development practices so that police development positions are explicitly identified and the skills required for those positions clearly specified. It is also recommended that all police development positions, other than those explicitly designated as technical police training posts, be made open to sworn and non-sworn (civilian) personnel, the only criteria of selection being their possession of the requisite skill sets, with a particular attention paid to development experience. Furthermore, it is recommended that if these reforms cannot be put into place due to the existing rules and procedures of the UN, UN police development activities that fall under these categories be outsourced, as DPKO would not be in a position to conduct them effectively or efficiently.
- It is recommended that, given its acute deficit in capacity (human and financial) in SSR in post-conflict environments, UNDP would make better use of its resources if it were to hone its bureaucratic

procedures and abilities so that it can function effectively and efficiently in integrated peace operations as the implementing agency under the overall leadership of DPKO. It is also recommended that any increase in UNDP's substantive post-conflict SSR capacity be funnelled primarily into ancillary SSR activities such as small arms, land mine action, and DDR, where it currently possesses recognized institutional capacity, rather than into transitional justice and police reform activities, where such capacities are lacking.<sup>115</sup>

- It is recommended that DPKO develop a detailed series of standardised *operational* policing practices and procedures – stop and search, witness interview, crime scene preservation, etc. As it is likely that varying practices will be applicable to the differing regions in the world, it will be necessary to write four-five different standards. If this reform cannot be put into place, it is recommended that UN police development activities be outsourced, as DPKO would not be in a position to conduct them effectively or efficiently given its personnel policies.
- It is recommended that personnel who are to be engaged to conduct SSR development in peace operations be employed on a project basis rather than, as is currently done, for limited durations that coincide with Security Council mandates subject to repeated renewal. This implies that personnel are employed to conduct defined tasks over specified periods of time, according to defined budgets, with the concomitant assumption that the performance of those tasks would be evaluated according to explicit criteria. Concurrently, it is recommended that department heads of SSR development in peace operations (police, prison, judiciary, etc.) be contracted for a period of, at least 30-36 months to guarantee a modicum of continuity and uniformity of assistance. If these reforms cannot be put into place, it is recommended that UN SSR activities be outsourced, as DPKO would not be in a position to conduct them effectively or efficiently given its personnel policies.
- Given that achievements in judicial development in Kosovo are largely due to their having been outsourced, it is recommended that a majority of judicial development activities in peace operations be outsourced. This recommendation echoes a recent 2007 UN lessons learned paper that recognizes that “the appropriateness and

effectiveness of past efforts to strengthen the rule of law are discouraging”.<sup>116</sup> The role of a DPKO Rule of Law team, with regard to judicial development, should be largely circumscribed to establishing the parameters and guidelines by which outsourcing is conducted and evaluated. Further substantive judicial development capacity in DPKO should be built solely to assist the teams of SSR experts located within SRSGs’ offices in peace operations in developing their strategic plans and assessing their managerial oversight of the implementation of those strategies.

## Notes

- 1 Executive Office of the Secretary-General (2006), *Inventory: United Nations Capacity in Peacebuilding*, 2006, p. 6. A 2006 UN conference in Bratislava concluded that there is “limited [SSR] capacity in the UN system” and that peacekeeping operations, in view of their “lifespans” cannot “undertake a long-term, locally owned SSR process, but [can] only initiate reform and build the framework for local ownership.” *Developing a Security Sector Reform Concept for the United Nations*, Expert Workshop Conference Report, 7 July 2006, p. 5.
- 2 *Developing a Security Sector Reform Concept for the United Nations*, pp. 7, 9.
- 3 *Developing a Security Sector Reform Concept for the United Nations*, p.12.
- 4 *Developing a Security Sector Reform Concept for the United Nations*, p. 4.
- 5 Issues related to the definition of ‘integrated UN peace operations’ have been addressed in the introduction to this volume. Whether the UN Kosovo experience qualifies as an ‘integrated mission’ is beyond the scope of this report, which focuses on the ability of the UN to deliver effective and efficient SSR activities.
- 6 An evaluation of a particular UN peace operation’s SSR performance will need to examine the specific activities of the mission and the manner in which that mission has been supported by UN headquarters and the UN system as a whole. To strengthen the performance of a particular peace operation may, therefore, require systematic reform of larger managerial processes that have negatively affected the peace operation’s ability to deliver an effective SSR programme.
- 7 It should be noted that the author, while a UN staffer, periodically worked on Kosovo justice and security issues from 2000 through 2004. During those years, he visited the territory at least five times for several week-long periods on each occasion. It should also be acknowledged that the author conceived, designed, and developed one of UNDP’s major Kosovo SSR projects in 2002-2003 – the Kosovo Police Service Institutional Capacity-Building Project. The author also consulted, on an informal basis, with a number of individuals he worked with from 2000-2004 in order to verify facts and clarify the historical record.
- 8 As research for this report was conducted in early 2007, events that occurred after early March 2007 lie outside its scope. For instance, the arrival of a new UNMIK Police Commissioner in spring 2007 occasioned a number of developments within the KPS. It should also be noted that the new Police Commissioner, as part of his deployment briefings, read an early draft version of this report and the author was asked to meet and discuss the report’s findings with the Commissioner.

- 9 SSR practitioners and individuals involved in the provision of justice and security in Kosovo were interviewed, as well as personnel from OSCE, EU, the Kosovo Provisional Institutions of Government, donor countries, and Kosovar NGOs. UN family headquarters staff were interviewed in New York.
- 10 It is empirically incorrect to assume that analyses and progress reports written by UN family staff are inherently more objective than interview data, without taking into account the objectives of the report and the methodology employed. The regular UN reports to the Security Council issued by the SG, for instance, cannot be considered to be objective accounts of the Kosovo experience as they are primarily 'political documents,' whose conclusions are essentially negotiated judgements. In that sense, UN family analyses, themselves, cannot be taken at face value and need to be verified for objective accuracy and reliability. It is for that reason that this report has consulted and primarily relies on the 2003 Kings College case study and Ambassador Kai Eide's 2005 Secretary-General's Report for purposes of verification. Other documentary evidence, however, has been used where appropriate, such as PISG MoIA Police Inspectorate, PIK Interim Reports; the UK's SSDAT Kosovo Review; OSCE Kosovo Reviews of the Criminal Justice System; and the Final Report on the UNMIK/UNDP-Sponsored Kosovo Police Service Institutional Capacity Building Project.
- 11 This report implicitly accepts and adopts the conclusion of the 2005 Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change that divides post-conflict peace operations into two distinct phases: (1) stabilisation and reconstruction and (2) development and reform. It is the conclusion of this report that acknowledging and understanding the distinction between the two phases is important not only to review and evaluate the UN's SSR experiences and approaches in Kosovo, but to understand what SSR activities the UN and its individual departments may be most capable of effectively conducting.
- 12 This does not imply that the level of local ownership at the outset of a peace operation can be extensive. Rather it suggests that a crucial objective of all SSR initiatives is progressively to increase the level of local ownership.
- 13 See *The Kosovo Report: Conflict, International Response, Lessons Learned*, (Oxford: Oxford University, 2000).
- 14 *A comprehensive review of the situation in Kosovo*, Eide Report (2005), S/2005/635 pp. 9-10.
- 15 Colum Lynch, U.N. Mediator Calls for Kosovo Independence, *Washington Post*, March 21, 2007; p. A10.
- 16 Colum Lynch.
- 17 Eide Report, pp. 14-15. It should also be noted that "ethnic violence ... [is also] the top security concern" for Kosovo Albanians (see ISSR, 2006, p. 25).
- 18 Internal Security Sector Review, UNDP Kosovo Office, 2006 p. 12.
- 19 ISSR, p. 28.
- 20 World Bank, *International Development Association Interim Strategy Note for Kosovo for the Period FY06-FY07*, March 2006.
- 21 Eide Report, p. 9.
- 22 Kosovo Standards Implementation Plan, Executive Summary, UNMIK, 31 March 2004.
- 23 Kosovo Standards Implementation Plan.
- 24 Ambassador Eide's Report claimed that the PISG has not been committed to the implementation standards. He argued that "among Kosovo Albanians there is also a tendency to see standards implementation as an exercise imposed from outside.... Genuine support for its underlying principles and objectives is often lacking" (p. 8). If



genuine Kosovar support has been lacking, a political fault line underlies one of the cornerstones of UNMIK's efforts. Ambassador Eide recognised this lack of local ownership, stating that "international efforts have – as so often in post-conflict situations – been sporadic and driven by short-term initiatives from the outside rather than long-term requirements inside the institutions" (p. 10).

- 25 It could be argued that the Kosovo experience cannot be considered under the SSR rubric in that there were no institutions to "reform" as all Kosovo institutions had to be established *ad nihilo* from June 1999. Such a claim may be "technically" plausible, but it profoundly misunderstands that the objective of SSR is to develop the effective, efficient, and rights-respecting delivery of justice and security. In fact, the term "develop" is preferable to "reform," as the former concept does not have any pejorative political or normative connotations as does the latter, since there is no country in the world that cannot further "develop" its delivery of public goods, such as justice and security.
- 26 This sequencing and division of objectives – establishment and development – coincides with a two-phase understanding of peacebuilding as laid out in the 2005 Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change.
- 27 It is not the purpose of this report to question the validity of UNMIK and the international community's political decision to delay construction of Kosovo's PISG and subsequent devolution of authority to them, though that decision is one that can be severely debated. The repercussions of that decision, however, will be discussed.
- 28 The 2003 King's College case study found an "absence of a formal relationship between UNMIK and UNDP" (p. 31). See Nicola Dahrendorf, ed., *A Review of Peace Operations: A Case for Change*, London: King's College, London University, 2003.
- 29 Given the findings of a 2006 Global Report, UNMIK's posture vis-à-vis UNDP is not surprising. As the Report concluded, "the overview suggests, UNDP is over extended... The result is, that while several programme models are in practice replicated from country to country (e.g. community based reintegration and development programmes and the building of civil police capacity), mistakes and shortcoming in terms of programme design and implementation are often repeated" (Evaluation of UNDP's Activities in Conflict-Affected Countries, p. 50). It should be noted that UNDP does possess a reservoir of expertise in some SSR-related fields, such as landmines, small arms and DDR.
- 30 It should be noted that UNMIK undertook such capital "capacity-building" endeavours as refurbishing prosecutors' offices, paying salaries, and providing prosecutors with means of transport and communication, but there was no assistance of any substance towards strengthening the actual delivery of their service. Despite this "capital improvement", as of December 2006, there were only 80 Kosovar prosecutors for the entire territory, and that number speaks for itself and for the efficacy of the UN's support to Kosovo's prosecutorial service.
- 31 This report does not address issues pertaining to the Kosovo Protection Corp (KPC), which was established by UNMIK Regulation 1999/8 and has been placed under the supervision of the Office of the KPC Coordinator, who although he reports to the SRSB is also operationally related to NATO.
- 32 ISSR (2006), pp. 114-115.
- 33 United Kingdom, Security Sector Defense Assistance Team Kosovo Review, 2006, p. 2.
- 34 SSDAT Kosovo Review, p. 4. A high percentage of the initial recruitment and selection of personnel for the KPS came from the Kosovo Liberation Army (KLA), which is understandable given the political exigencies of the time. A comprehensive disciplinary

- and professional standards system alongside a thorough vetting of the KPS for allegations of war crimes and human rights abuse during the period of conflict is now imperative to compensate for what many recognise as the necessary political shortcuts required during the initial establishment period.
- 35 SSDAT Kosovo Review, p. 113.
- 36 SSDAT Kosovo Review, p. 115.
- 37 SSDAT Kosovo Review, p. 115. This report is not in a position to evaluate the statistical reliability or validity of any of the aforementioned surveys and passes no judgement on their accuracy. Furthermore, none of the satisfaction studies were conducted by or in conjunction with the PISG, Ministry of Internal Affairs (MoIA), or KPS, which indicates not only a fundamental weakness of planning UNMIK's SSR support, but in the development of local ownership on the part of essential Kosovo stakeholders.
- 38 According to an audit of KPS human resource management, "over the period of an entire month there is just one incident on average for every 5.9 KPS officers, the work demand in reactive (as opposed to proactive) policing does not appear to be very great," PISG MoIA Police Inspectorate, PIK Interim Report #3, (2006), pp. 4-5.
- 39 The lack of reported crime does not necessarily reflect the level of insecurity felt by the citizens and residents of Kosovo and the Eide Report indicates that high levels of insecurity do exist in Kosovo. Second, invariably, there is a discrepancy between reported crime and real crime rates. What that divergence is in Kosovo is unknown, but it can be assumed to be relatively high given the history of Kosovo, the historical attitudes of Kosovars to authority and policing, and the current less-than-robust condition of the criminal justice system, all of which could be presumed to lower the rates at which citizens report incidents of crime. Third, it is widely acknowledged that corruption is rife in the KPS. It is also widely accepted that organised crime is well established within the territory. Taking these two perceptions together suggests the strong likelihood of a significant organised crime challenge in Kosovo, a situation which would not be reflected in reported crime rates.
- 40 SEESAC. *SALW Survey of Kosovo*. (Belgrade: SEESAC., 2006).
- 41 SSDAT Kosovo Review, p. 4.
- 42 An OSCE representative remarked that "to my knowledge there is no system of measuring KPS performance." The UNMIK Police Commissioner, at the time of writing, went further, arguing that "I do not think that the KPS are being measured." According to an international prosecutor, "in Kosovo, there are no reliable criminal justice statistics or data. We are trying to collate correct numbers on certain categories of crimes, but most statistics are not verified."
- 43 PISG MoIA Police Inspectorate, PIK Interim Report # 4, (2006), p. 2.
- 44 PIK Interim Report # 4, p. 3.
- 45 PIK Interim Report # 4, p. 10.
- 46 PISG MoIA Police Inspectorate, PIK Interim Report #1, (2006), p. 8.
- 47 PISG MoIA Police Inspectorate, PIK Interim Report #2, (2006), p. 7.
- 48 PISG MoIA Police Inspectorate, PIK Interim Report #3, (2006), p. 12.
- 49 PIK Interim Report #3, p. 6.
- 50 PIK Interim Report #3, pp. 7-8.
- 51 PIK Interim Report #3, p. 8. In 2004, KCPSSED sought to develop training materials based upon the job profiles of KPS lieutenants, but had to abandon the project because, as an OSCE staff person said, "the KPS officers had no idea what their jobs were and had never been told by UNMIK what they were."

- 52 It could be argued that significant police development has not occurred in Kosovo because of intransigence on the part of Kosovars themselves, for political as well as other reasons. This argument holds little water given that the UN possessed executive authority throughout the period under review and still retains such authority. Furthermore, it is evident to all that one of the key factors in Kosovo's attaining independence is the KPS' ability to provide reasonable safety and security to non-Albanians. Consequently, there is scant political interest among Kosovo's Albanians, who comprise the vast majority of the KPS, to resist police development.
- 53 The pessimism of the UNMIK Police Commissioner was seconded by a Kosovar member of the PISG who said, "KPS is okay in terms of basic concepts and principles... but I am pessimistic. I hope that we still have a chance to create and establish a real KPS. I hope that we did not miss all the chances or opportunities. Maybe my expectations were false in the beginning, but considering the amount of money and attention... You have to look at what was spent and what the efficiency is."
- 54 It should be noted that an UNMIK police officer attended the author's meeting with the KPS reorganisation team. At no point during the meeting did the officer contradict the perspectives of the KPS team. After the meeting concluded, the UNMIK police officer stated that he fully concurred with the opinions of his KPS colleagues.
- 55 As with the meeting with the KPS reorganisation team, a UNMIK police officer attended the meeting with the PSU. His response after the meeting was that what the "officers said was pretty much accurate and what happened here is basically the same across the KPS." He added that "every Commissioner wants to put his stamp down, do his thing his way and, therefore, there are constant changes and constant changes."
- 56 It should be noted that as of December 2006, there is no PISG legislation authorising and establishing the KPS or the MoIA. The legal documents are UNMIK regulations, 1999/1 and 2005/53.
- 57 It ought to be noted that KPS officer's perception of a lack of "ownership" echoes the assessments and conclusions of the 2003 Kings College Kosovo case study, Ambassador Eide's Report of 2005, and the UN's own 2006 inventory, all of which called into question the UN's experience, expertise and ability to build "sustainable and legitimate state institutions."
- 58 It is noteworthy that not a single UN staff person interviewed made or recognised this developmental and managerial distinction, which raises the question as to the depth of understanding of development within the organisation.
- 59 A distinction needs to be made between operational policing practices and generalised policing principles/values. The former refers to a standardised way of conducting police activities, such as taking a witness statement, conducting a traffic stop, handling criminal evidence, and establishing a clean crime scene. For example, most police services will have a use of force and firearms policy that adheres to international policing principles/values. A standardised operational policing practice guideline, however, will specify how a car chase is to be conducted and in what manner, whether a police officer can shoot into a moving vehicle, and if the presence of hostages in the vehicle alters procedures, etc. Within the UN system numerous police principles/values have been issued. On the other hand, virtually no standardised operational guidelines have been developed, distributed or introduced in peace operations by the UN police. The list of policing principles/values includes, *inter alia*, relevant provisions in the following legal instruments: *Universal Declaration of Human Rights* (Adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948); *International Covenant on Civil and Political Rights* (adopted by the General Assembly of the United

Nations on 16 December 1966; treaty in force since 23 March 1976); *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (adopted by the General Assembly on 10 December 1984; treaty in force since 26 June 1987); *Standard Minimum Rules for the Treatment of Prisoners* (Economic and Social Council Resolution 663 (XXIV) of 31 July 1957); *Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment* (General Assembly Resolution 43/173 of 9 December 1988); *Code of Conduct for Law Enforcement Officials* (General Assembly Resolution 34/169 of 17 December 1979); *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, welcomed by General Assembly Resolution 45/121 of 18 December 1990); *Convention on the Rights of the Child* (General Assembly Resolution 44/25 of 20 November 1989); *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (General Assembly Resolution 40/33 of 29 November 1985); *Guiding Principles on Internal Displacement* (contained in the annex of document E/CN.4/1998/53/Add.2 dated 11 February 1998); *Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials* (Economic and Social Council Resolution 1989/61 of 24 May 1989); *International Code of Conduct for Public Officials* (General Assembly Resolution 51/59 of 12 December 1996); Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (recommended by the General Assembly resolution of 4 December 2000).

- 60 One example should suffice to underline the point, as related by an OSCE staff member: “About 2.5 years ago, ICITAP [a US DoJ agency] funded a two-week training for a Special Weapons and Tactics Team (SWAT) with two very experienced trainers... The tactics applied have been mostly out of the US system. However, the trainer team operated also for many years in Europe and, therefore, I would assess the curriculum more or less a mixture between a US and International system... Then the International CIVPOL who was responsible before (US American CIVPOL) changed and new ideas have been brought in with the new replacement. I cannot remember what nationality, however, the KPS were told that KPS will not apply the American approach to SWAT. In the meantime all of the SWAT members joined the Riot Unit, which got trained according to Danish Riot Tactics. Within this time a certain KPS officer got promoted and was more or less the focal point and trainer for SWAT and Riot Training. In the meantime, we had about three different modules/tactics and trainers conducting selection for SWAT or... Anti-Terrorist-Unit or... Special Intervention Group for the same and new KPS officers. Two trainers ago, an Egyptian and German CIVPOL have been responsible for the training, which got cancelled after they wanted to dismiss the KPS team leader in the training and the whole group of [KPS] participants basically quit the training. Currently, we have a team of French and Americans again training the KPS on new tactics. I talked many times to the KPS Captain, who is not selected for the latest group, because he was on official travel (training at the Marshall Center in Germany). The KPS officers are totally frustrated due to the change of new tactics they have to learn, the waste of time, and the pressure of every new selection for every new training. It seems that UNMIK arbitrarily chooses the tactics to be applied according to the responsible Commissioner or Head of Operations [and that changes every 11 months or so].”

61 ISSR, p. 131.

62 A European Commission 2006 report, for example, outlined a number of problematic areas: “there is a lack of specialised institutions to receive... [mentally disabled inmates].”

Due to security reasons, Kosovo Serb prisoners are not sent to Dubrava prison to serve their sentences, therefore... [they] remain in detention centres. There are also still frequent complaints that juvenile perpetrators, mentally incapacitated prisoners and regular prisoners and detainees continue to be detained in the same facilities,” EU Commission Staff Working Document Kosovo (under UNSCR 1244) 2006 Progress Report, p. 12. Similarly, an international donor mentioned that there are “weaknesses in the prisons: they don’t keep good records, security. But this is not alarming because they are a young institution.”

63 SSDAT Kosovo Review, p. 9.

64 ISSR, p. 130.

65 ISSR, p. 131.

66 PMD, Strategic Plan, 2002, pp. 10-12.

67 To verify the conviction that the PMD-directed promotion process was fair and appropriate, the author heard that within the PISG, there has been discussion about replacing the trained KCS senior management, which would, regrettably, politicize the service.

68 PMD, Strategic Plan, p. 16.

69 It should be noted that the other PISG institution that is heralded as the most successful and developed is the Kosovo Customs Service. It is no surprise to discover that management leadership of customs has resided in the hands of only two internationals since the establishment of UNMIK. The other PISG institution of merit is the OSCE-supported KCPSED. Once again, it must be emphasised that the international leadership of the KCPSED has stayed constant since the inception of the peace operation and it is the expertise and continuity of that leadership that has made success possible.

70 A March 2006 OSCE review of the judicial system provides a partial but actual appraisal: “Breaches of due process and fair trial norms occur regularly throughout Kosovo, despite specific recommendations indicating which practices need to change... [J]udges at all levels consistently fail to properly and fully reason their decisions on detention and punishment. The courts have failed to introduce recommended practices and procedures designed to ensure that trials are heard without undue delay: there remain problems in ensuring the attendance of witnesses at trial, organising the municipal court prosecutors, and obtaining expert evidence.” OSCE Kosovo Review of the Criminal Justice System, 1999-2005: Reforms and Residual Concerns, 2006, p. 8

71 Since 1999, the European Agency for Reconstruction has, for example, implemented €43 million in EU funds to strengthen the justice and interior affairs/police sectors in Kosovo.

72 This report does not address each and every judicial development programme undertaken by the UN. For example, there was not sufficient time in the field for the author to examine the progress made in such activities as support for the victims of crime.

73 OSCE Kosovo Review of the Criminal Justice System.

74 William O’Neill, *Kosovo: An Unfinished Peace*. (Boulder, CO.: Lynne Rienner Publishers, 2002), p. 82.

75 As a Kosovar Ministry of Justice (MoJ) staffer said, “we still have problems with judges and prosecutors, with ethics and codes of conduct and now we have to vet them to correct the appointments of 2000 and 2001.”

76 The lack of resources allocated to judicial development by UNMIK was breathtaking, as one senior DoJ staffer with years of Kosovo experience acknowledged: “UNMIK justice resources went disproportionately to the international judges and prosecutors. The Kosovo Judicial and Prosecutorial Council [KJPC] was run by one UNV and one local

- staff between 2002-03. [*In those years,*] court administration never had anyone in it, who had ever any court administration experience anywhere in the world (emphasis added).” It should be noted that in an earlier period, 1999-2002, the UN did reconstruct many court facilities and attempted court administration initiatives.
- 77 One of the methods is to establish a notary system in Kosovo.
- 78 There is disagreement as to how long it took UNDP to recruit the personnel. One source indicated it was as long as a year, while another denied it took so long. Nevertheless, the second informant did verify that UNDP was “entirely unhelpful.”
- 79 This “disappointment” also underlines the difference between “training personnel” and “personnel learning.” It is irrelevant how long and how often individuals are trained. The only relevant indicator for SSR programming is what those “trained individuals” *learned*, which is another way of distinguishing between an output (numbers trained) and an outcome (what those trained individuals learned and utilised in their work).
- 80 There have been occasional efforts to develop the Kosovo Prosecution Service. For instance, ABA/CELLI supported the development of a Prosecutor’s Association and the US DoJ funded the compilation of jurisprudence for prosecutors. There have also been OSCE-supported training sessions conducted by the KJI, but “this was also one-off,” as an international prosecutor acknowledged, “because it’s not in terms of long-term structure and systematic continuity.” But these efforts have been one-off and non-systematic initiatives.
- 81 Even when UNMIK attempted to support the development of the KPS, it faced difficulties, though not necessarily of its own making. In late 2004 the DoJ, recognising the gaps in the development of prosecutors, particularly in relation to the pursuit of serious crimes, decided to form a Special Prosecutors Office. The intention was to twin international prosecutors with Kosovar ones, thereby providing the necessary mentoring and development while still actively pursuing cases. Unfortunately it has been more than a year since the plan was devised and the Office has yet to be established. According to a senior UNMIK DoJ official, the bureaucratic and administrative delays within UNMIK to form the Office were horrendous. Once these bureaucratic obstacles were overcome, DoJ confronted the difficulty of recruiting Kosovar prosecutors. Among other reasons, recruitment has been hampered by the fear prospective Kosovar prosecutors have for their personal and family’s safety and security. The necessity for court security cannot be underestimated and it appears that this is another significant gap in UNMIK’s judicial SSR support programme. As a result, as of December 2006, there are 80 Kosovar prosecutors for the entire territory.
- 82 The bureaucratic warfare within UNMIK that stymied the implementation of the judicial police is reported to have been fierce and remains so. One of the key issues is “command and control” over this police unit and the inability of UNMIK personnel to resolve the dispute. UN Police, for example, have been adamant that although “we see a need for specially trained investigators assigned to prosecutors,” it is impossible for them to be organisationally outside “the Kosovo Police Service [and not] under overall Police supervision and administration.” Ignoring the fact that many countries do have judicial police under the command and control of prosecutors, the UN Police insist that to do so in Kosovo would mean “we would have a new police force which would open new gaps in training, command and control, budget, legal justification and powers etc”.
- 83 See World Bank (2003B), pp1-30.
- 84 In an earlier incarnation, the KJC was the KJPC and, as had been discussed, it was given almost no resources or support by UNMIK.

- 85 There is a widespread sentiment within Kosovo that UNMIK treated the PISG “like a child and in patronising ways,” a Kosovar NGO representative argued. “For security, this patronising was worse than in any other field.”
- 86 The sense of UNMIK patronizing civil society was echoed by an international donor, who claimed that UNMIK was “imperial. Most UNMIK mentality is that we don’t have to consult fully with Kosovars. Working in partnership is never the style. Civil society has never been considered a partner. In fact, it has been true that civil society has been completely ignored.”
- 87 As one Kosovar explained, many came to believe that “all these sharing of plans, draft laws and regulations were a façade. This was the driving logic of UNMIK. ‘I show it to you. Just show and get your comments.’ ... It was always with very little timeframe; very few people. And by sharing with very few people, they were justifying that consultation with local shareholders took place... I am not aware of any situation when UNMIK said to its partners, you choose the models and then we will proceed together in drafting regulations or policies.”
- 88 The method with which consultations were customarily conducted by UNMIK was to share a draft document with its local stakeholders. The drafting of the law on courts, as described by a participant in the process, may be illustrative. A working group was organised with many, if not all, the relevant partners and stakeholders participating but, as one judicial adviser observed, “I felt I was watching a show. It was that they were trying to show that [UNMIK and its assembled team] were listening and drafting according to the ideas of the working group – Kosovar judges, lawyers, prosecutors in the working group – and that they were just note-takers, moderators. But then [the assembled team] went back and did all the drafting. And when I read the law it was definitely the [team’s] law and didn’t emanate from the working group. It was said during the working group, the impression that this was all a show... It is pure and simple colonialism. It is so much easier drafting yourself. And that is what UNMIK did, even ‘with participation’.”
- 89 When questioned, however, another UNDP staffer could not recall a single project where BCPR funded an SSR oversight or parliamentary training project in a post-conflict environment that could be deemed successful.
- 90 The Forum for Civic Initiatives and Saferworld, *Small Arms and Human Security in Kosovo: An Agenda for Action* (February 2007), p. 6.
- 91 UNDP, *BCPR Strategic Review 2006*, pp. 8-9.
- 92 UNDP, *BCPR Strategic Review 2006*, p. 8.
- 93 The Forum for Civic Initiatives and Saferworld, p. 6.
- 94 The percentage of women in the KPS and KCS compares very favourably with the percentage of women as Ministers in the PISG (6.5), as mayors (0) and deputy mayors (3), as of 2006.
- 95 Only in late spring 2007 did UNDP let out an open bid for contractors to engage in a women’s safety programme.
- 96 See statement of Igballe Rogova, [www.glow-boell.de/media/en/txt\\_rubrik\\_2/Igballe\\_Rogova.pdf](http://www.glow-boell.de/media/en/txt_rubrik_2/Igballe_Rogova.pdf).
- 97 King’s College Case Study, Eide Report, Inventory UN Capacity in Peacebuilding (2006), and *Developing a Security Sector Reform Concept for the United Nations*, Expert Workshop Conference Report, 7 July 2006.
- 98 Within the UN there is no corporate agreed-upon definition of SSR, see footnote 100 below.

- 99 This conclusion echoes the findings of the 2006 UN inventory with regard to the UN's ability to build "sustainable and legitimate state institutions."
- 100 The slowness of DPKO's response could have been little more than bureaucratic lethargy and the political need to relabel the initiative from a "security sector review" to an "internal security sector review", thereby obviating the need to discuss questions of "national defence."
- 101 BCPR's rejection of the ISSR project is indicative of the claim raised by numerous respondents that, as a UNDP staff person argued, "UNDP in New York simply don't understand SSR. They lack the expertise, the linkage between development and security... [T]here is very little concrete technical, real operational knowledge and understanding in BCPR... No strategic sense in BCPR of what is important or when."
- 102 A senior UNMIK political officer also observed that "UNMIK was in the silo mode without overall vision or strategy, with the top [trying] pulling it all together. Though there were security objectives and goals at the high level, they didn't amount to SSR because they didn't look at all institutions and the threats."
- 103 The failure of the UN with regard to human resources was a constant theme throughout the interviews. Those working inside the MoJ concur with that assessment. "UNMIK is not terribly good at development because not a lot of people with a lot of experience... There are bright, young men and women, but they don't have the background," to do what they are being asked to do. Another concluded, "UN people don't have the government experience or technical knowledge or management expertise."
- 104 See final project report.
- 105 "Forget about UNDP," a senior DPKO staff member said. "We cannot sit around and wait for their 5-year plans." Another insisted that, "UNDP will not be a big player when the big boys are there." The Police Division concurred, admitting that they "don't coordinate at all with UNDP." Similar comments came out of the DPKO Rule of Law (RoL) team. "It is unusual for UNDP to call us. They are so thinly resourced and so thinly staffed in capacity... They never show up," was the concluding remark. From within UNMIK the unanimous judgment was that "UNDP wants to create a SSR profile, but it has no right to get into it... UNDP doesn't have strength or depth with SSR. I'm pretty unimpressed with UNDP capacity in SSR... But UNDP has lived up to expectations. They were remarkably inefficient. It was chronic."
- 106 To rectify this situation, one of the recommendations below is to enable DPKO to convert police and judicial development activities into defined projects with specific timelines, task-to-function management, and defined budgets.
- 107 According to UNDP's own assessment of the ISSR project, "UNDP operations staff was at times unhelpful... and was largely related to the way in which UNDP Kosovo operations staff treat all projects and was not just directed at the ISSR project." As problematically, the UNDP assessment asserts that the "RR [Resident Representative] and DRR [Deputy Resident Representative]... were both exemplary in their approach, being totally hands off," when, in fact, the project was calling not only for their political support, but also their managerial supervision to rectify the problems caused by unhelpful operational staff. It is for these reasons that the recommendation is made below that UNDP thoroughly revise its operational processes and procedures to make them more operationally and managerial sound.
- 108 An unintentional consequence of the success of the project is the serious imbalance within the KPS that it produced. Because, as has been discussed, the UNMIK police did not support the KPS's SSR development, the KPS's administration functions outweighed



those of the operational side of the service, as the UNMIK Police Commissioner stated when he said he had to “fillet the budget and make it fit purpose.”

- 109 Terry O’Neil, Final Report: Phase II of the UNMIK/UNDP-Sponsored Kosovo Police Service Institutional Capacity-Building Project, 2005, p. 4.
- 110 The relationship between UNMIK and OSCE was generally understood to be poor, with the relationship between the UNMIK Police and KAPSED best described as a cold war.
- 111 As a donor official recounted the history of the project, the project’s implementation “team complained about the attitude of UNDP and we had to have a meeting to iron it out. I plainly demanded that UNDP and [UNMIK] Pillar One leave the team alone and let them work according to plan. I told them not to interfere other than to administer the project. The team will submit its new project proposals directly. If you [UNDP] want to stamp them, that’s fine, but leave the team alone and the team will make policy because the team knows what it is doing and no UNDP project officer has any experience. And that was a change for the positive.”
- 112 From UNMIK’s side, using the RBB to measure performance is a non-starter. “The RBB by the end of it is pretty silly,” as one political officer recited. “No one actually uses it... It is too unfocused from what you should be working on.”
- 113 A consultant working embedded in the Kosovar MoJ said, in reference to the implementing standards, “I came in new and I couldn’t see the data that was being collected and the objective that was to be achieved. I sat in on the standards working group and there was no context for the statistics... I am not aware of any UN-sponsored way of measuring MoJ performance. The UN collects all sorts of statistical data and measurement indicators that is gobbledygook. We need only two or three or maybe only one measure that focuses you on a top priority.”
- 114 Although not addressed in this study, it is also recommended that the SSR teams become well versed in the development of non-state justice and security systems, given the likelihood that in post-conflict environments these systems will be the most sustainable, legitimate, accountable and effective means of providing justice and security for the short and intermediate term. See: OECD/DAC, *Enhancing Security and Justice Service Development*. (Paris: OECD, 2007).
- 115 It should be noted that this recommendation is entirely consistent with the UN Policy Committee SSR Working Group Submission of 14 February 2007, Annex B, which indicates that the UN lead agency/department for police and law enforcement, as well as legal and judicial institutions in peace operations is DPKO. Furthermore, it also closely adheres to the recommendations of the UN High-Level Panel to Strengthen UN Performance in Development, Humanitarian Assistance and the Environment, which urged that UNDP “should withdraw from sector-focused policy and capacity work being carried out by other United Nations entities,” (A/61/583), 2006, p. 11.
- 116 Jamal Benomar, Rule of Law Assistance: Lessons Learned from International Experience, UN, 2007, p. 1.

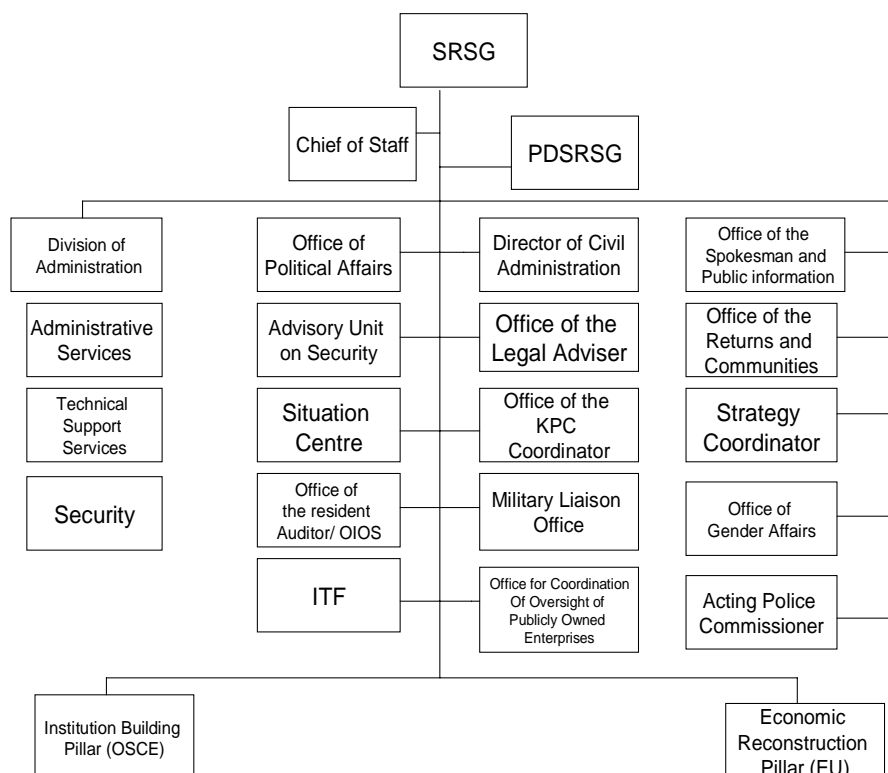


# **ANNEXES**



## A. Organigramme of UNMIK<sup>1</sup>

(as of 1 November 2006)



Source: UN Department for Peacekeeping Operations

<sup>1</sup> For more information on UNMIK's operational structures, please see the Kosovo Case Study Report at: [http://www.dcaf.ch/un\\_ssr\\_pcpb/un-integrated-ssr-kosovo-case-study.pdf](http://www.dcaf.ch/un_ssr_pcpb/un-integrated-ssr-kosovo-case-study.pdf)

## B. List of People Interviewed

(Please note that interviews were conducted under the condition of anonymity.)

Advisor, Ministry of Justice, Kosovo Provisional Government, Kosovo, Pristina

Advisor, Ministry of Internal Affairs, Kosovo Provisional Government, Kosovo, Pristina

Advisor, Office of the Prime Minister, Kosovo Provisional Government, Kosovo, Pristina

Member, Security Committee Kosovo Parliament, Kosovo, Pristina

Director, Professional Standards Unit, Kosovo Police Service, Kosovo, Pristina

Police Officers of Professional Standards Unit, Kosovo Police Service, Kosovo, Pristina (x2)

Head, KPS Review Team, Kosovo Police Service, Kosovo, Pristina

Police Officers, KPS Review Team, Kosovo Police Service, Kosovo, Pristina (x5)

Deputy Director General, Kosovo Customs Service, Kosovo, Pristina

Acting Director Kosovo Judicial Institute, Kosovo, Pristina

Staff, Kosovo Institute for Policy Research and Development (Kipred), Kosovo, Pristina (x3)

Staff, Forum of Civic Initiative (Fiq), Kosovo, Pristina (x2)

Kosovo Citizens, Kosovo, Pristina (x2)

Chief of Staff, Office of the SRSG, UNMIK, Kosovo, Pristina

Office of the SRSG, UNMIK, Kosovo, Pristina

Advisor to the D/SRSG, UNMIK, Kosovo, Pristina

Deputy Head, Advisory Unit on Security, UNMIK, Kosovo, Pristina

Police Commissioner, UNMIK, Kosovo, Pristina

Deputy Commissioner, UNMIK, Kosovo, Pristina

UNMIK Police Officer, Executive Officer to Police Commissioner, UNMIK, Kosovo, Pristina

UNMIK Advisors to the Ministry of Internal Affairs, UNMIK, Kosovo, Pristina (x2)

UNMIK Police Officer, Advisor to the KPS Professional Standards Unit, UNMIK, Kosovo, Pristina

UNMIK Police Officer, Advisor to the KPS Review Team, UNMIK, Kosovo, Pristina

Director, Department of Justice, UNMIK, Kosovo, Pristina

Legal Officer, Office of Director of Department of Justice, UNMIK, Kosovo, Pristina

Head, Judicial Development Division, UNMIK, Kosovo, Pristina

UNMIK International Prosecutor, UNMIK, Kosovo, Pristina

Director, Penal Management Division, UNMIK, Kosovo, Pristina

Head of Operations Penal Management Division, UNMIK, Kosovo, Pristina

Military Advisor to Kosovo Protection Corps, UNMIK, Kosovo, Pristina

Senior Political Officer, Department of Civil Administration, UNMIK, Kosovo, Pristina

Programme Analyst, Security Sector Team, UNDP, Kosovo, Pristina

National Programme Analyst, UNDP, Kosovo, Pristina

Programme Analyst, Small Arms Team, UNDP, Kosovo, Pristina

Deputy Resident Coordinator, UNDP, Kosovo Pristina

Security and Transitional Justice Staff, Bureau for Crisis Prevention and Recovery, UNDP, USA, New York (x2)

Kosovo Desk Officer, Bureau for Europe and CIS, UNDP, USA, New York

Security Sector Advisor, International Security Sector Review, UNDP, Pristina (x2)

Former staff, UNDP Kosovo Office, USA, New York

Former staff, UNDP Kosovo Office, USA, Florida

Police Advisor, Police Division, DPKO, USA, New York

Police Division staff, Police Division, DPKO, USA, New York (x4)

Rule of Law Team, DPKO, USA, New York (x2)

Office of Operations staff, DPKO, USA, New York (x3)

Deputy Head of Mission, OSCE, Kosovo, Pristina

Programme Officer Security Issues, OSCE, Kosovo, Pristina

Chief of Rule of Law Section, OSCE, Kosovo, Pristina

Director Kosovo Center for Public Safety Education and Development (KAPSED), OSCE, Kosovo

Senior Advisor, KAPSED, OSCE, Kosovo

Special Projects Advisor, KAPSED, OSCE, Kosovo

Project Manager, Police Inspectorate, OSCE, Kosovo, Pristina

Special Advisor to Kosovo Judicial Institute, OSCE, Kosovo, Pristina

Consultant, Programme for Parliamentary Oversight of the Security Sector, OSCE, Kosovo, Pristina

Deputy Head, Department of International Development (DFID), UK Government, Kosovo, Pristina

DFID project staff , Kosovo, Pristina (x2)

SSAT staff, UK Government, England

Deputy Head of Office, Netherlands Government, Kosovo, Pristina

Director – Democracy & Governance Office, United States Agency for International Development (USAID), US Government, Kosovo, Pristina

USAID project staff , Kosovo, Pristina (x5)

Head of Planning Team for Kosovo, European Union, Kosovo, Pristina

Political Advisor, Planning Team for Kosovo, European Union, Kosovo, Pristina

Customs and other International Advisors, Kosovo, Pristina (x3)

Project Co-ordinator, Saferworld, Kosovo, Pristina



PART III  
CONCLUSION



## Chapter 6

# UN Integrated Missions and Security Sector Reform: The Way Ahead

*Heiner Hänggi and Vincenza Scherrer*

For almost two decades, UN multidimensional peacekeeping missions have become increasingly involved in a wide range of peacebuilding activities. This also includes security sector reform, an area which has recently been recognised by the Security Council as being of growing importance for post-conflict stabilisation and longer-term development.<sup>1</sup> At its Open Debate held on 20 February 2007, the Security Council noted that the UN system has made significant contributions to the re-establishment of functioning security sectors in post-conflict environments. Acknowledging the fact that UN peace operations are increasingly involved in SSR support, the Security Council further recognised the need to consider national SSR priorities when mandating a UN operation and noted the importance of close interaction among different UN system entities and other relevant actors, in order to ensure that SSR considerations are adequately addressed during the implementation of Security Council mandates.<sup>2</sup> The growing engagement of UN integrated missions in supporting SSR processes in host countries, however, contrasts with the lack of available strategic guidance.

The central argument of this volume is that the absence of a common, comprehensive and coherent UN approach to SSR hampers the ability of UN integrated missions to assist national authorities in restoring and reforming their security sectors; a crucial requirement for the successful transition from post-conflict recovery to longer-term development. In order to contribute to the development of such a common UN approach, which would provide integrated missions with much needed strategic guidance on SSR, this volume has examined from a comparative perspective the experience of UN integrated missions in SSR in four cases, namely Burundi, the DRC, Haiti and Kosovo. This concluding chapter summarises the key lessons drawn from these cases and offers a set of recommendations for future UN engagement in post-conflict SSR.

### **Developing a Common UN Approach to SSR**

For many years now, the United Nations system has been engaged in a wide range of SSR activities although not necessarily under the label of SSR. As in most international organisations, SSR assistance provided by the UN system is fragmented – it is scattered across different entities, delivered in the context of various policy frameworks and subject to different funding mechanisms. There is a lack of conceptual clarity amongst relevant actors within the UN system over what SSR is, coupled with a lack of expertise, and appropriate human and financial resources dedicated to these efforts.

The cases examined in this volume show that the absence of a common, comprehensive and coherent UN approach to SSR is not the only, but a major cause of incoherence and inconsistencies in the way the UN supports SSR in the context of integrated missions. It has resulted in an inconsistent usage of SSR terminology across and even within mission mandates; in a bewildering range of SSR understandings within headquarters and across the various missions; in the – often delayed – development of SSR strategies within missions on an *ad hoc* basis (if at all); in uncoordinated support for SSR activities by various UN entities within the mission and the UN family on the ground; and in insufficient implementation of SSR assistance due to a lack of appropriate guidelines as well as human and/or financial resources.<sup>3</sup>

The challenge for the UN will be to elaborate a common SSR approach that effectively provides a strategic framework to the whole range of UN actors engaged in SSR activities, taking into account their specific mandates, expertise and capacities. In this context, the UN may have to review the way the human, material and financial resources at their disposal are organised, as well as their internal procedures. In this view, the UN should develop a common, system-wide approach to SSR, providing a strategic framework through which all the various actors could address the various components of SSR, depending on the specific context, in a coherent way. In developing such an approach, the UN should, first, reach consensus on a concept of SSR; second; determine what and where is its comparative advantage in SSR and consequently define requirements for its engagement in SSR and address the current gaps; third, generate lessons learnt and best practices and develop implementation guidelines on an inter-agency basis;<sup>4</sup> fourth, determine an appropriate allocation of roles and responsibilities for SSR among the various UN entities; fifth, allocate the necessary capacity and expertise; and finally, establish coordinating mechanisms within the UN family and with other external actors delivering support for SSR.

### **Addressing SSR in a Holistic Way**

Given its broad agenda, SSR necessitates a holistic approach as acknowledged by the UN Security Council.<sup>5</sup> At the same time, the width of the SSR agenda calls for modesty because no single actor can be involved in all areas of SSR but must rather set priorities and identify core tasks. Thus, SSR programmes do not have to encompass all actors and dimensions of what is broadly understood as the security sector. They do, however, need to be designed and implemented in full awareness of the complex interdependencies that characterise it. Compartmentalised or piecemeal approaches to SSR ignore how SSR activities affect each other and may ultimately have detrimental effects because the “neglect of one [aspect of SSR] inevitably leads to the weakening of others”.<sup>6</sup> This is exactly where SSR support delivered by integrated missions exhibits considerable deficiencies. All four case studies show that integrated missions prioritise certain aspects of SSR to the detriment of others, or leave key dimensions of SSR under- or even unaddressed. For example, support for overarching activities such as security sector reviews and the development of SSR strategies which should precede any specific SSR activity are still the exception rather than the rule, although some integrated missions have recently been assigned with such tasks (e.g. UNMIK, UNMIT).

Another recurrent problem is that efforts of integrated missions sometimes focus on enhancing the capacity of the police services, while paying scant attention to judicial or prison reform, thereby undermining efforts aimed at improving security and justice delivery (e.g. MINUSTAH). Furthermore, experience of integrated missions shows that the governance dimension of SSR, particularly support for parliaments or civil society, has frequently been left to the side in favour of re-establishing the capacity of basic security actors such as police and armed forces. While at the outset of a mission it may not have been logistically and politically practical, a greater understanding and focus on the importance of supporting the broader governance aspect of SSR might have assisted in sowing the seeds for the creation of civilian and democratic oversight mechanisms. Moreover, with very few exceptions (e.g. MINUSTAH), cross-cutting issues such as gender mainstreaming and child protection did not play a role in the SSR support activities of the integrated missions examined. Finally, there is a lack of understanding of how related activities such as DDR and transitional justice are linked to SSR, a key requirement to success for post-conflict peacebuilding.<sup>7</sup>

In short, the integrated missions examined largely failed to address SSR in a holistic way which in turn reflects the absence of, and the urgent

need for, a common UN approach to SSR. UN integrated missions should develop a holistic approach to SSR. In particular, there is a need to ensure (1) that support for overarching activities such as periodic security sector reviews and the development of SSR strategies begins at the outset of an integrated mission and is carried out in close consultation with local actors, including civil society; (2) that judicial and prison reform are considered an integral part of SSR, and that these are not treated as entirely separate components of reform; (3) that SSR programming is carried out in a way that takes fully into account the governance dimension – civilian management and democratic oversight – in order to balance most integrated missions' prioritisation of the capacity-building of security forces; (4) that cross-cutting issues such as the diverse security and justice needs of women and girls are addressed in all areas of SSR; and (5) that the linkages between SSR and SSR-related activities such as DDR are systematically explored and factored-in.

### **Prioritising Local Ownership in SSR**

It is axiomatic that an SSR programme that is not shaped and driven by local actors is not sustainable.<sup>8</sup> According to the UN Security Council, SSR “should be a nationally-owned process that is rooted in the particular needs and conditions of the country in question”.<sup>9</sup> International actors should therefore avoid the imposition of external models and concentrate on strengthening the capacity of local stakeholders to develop, manage and implement SSR. This may be extremely difficult in immediate post-conflict settings when the ability to implement reforms resides essentially with external actors such as UN peacekeeping operations. However, this does not imply that local ownership at the outset of a mission must be at the same level as the ownership a couple of years into the process. Rather it suggests that local ownership must be progressively increased and be one of the principal objectives and outcomes of UN support to SSR programmes. It also implies that the UN mission considers national frameworks and local knowledge already in place before embarking on SSR processes. This includes support for nationally-led needs assessment and consultation processes with key national stakeholders.

The cases examined in this volume identified some important factors that must be taken into consideration. For example, the case of Haiti highlighted the fact that transitional governments often operate in sensitive political contexts that may constrain their ability or will to engage in SSR. In this case, careful political leverage should have been applied from the outset

to encourage the early implementation of some SSR activities under the transitional government. In the case of Burundi, the importance of evaluating the UN's relationship with national authorities according to the legitimacy they have (i.e. whether or not it was a transitional government or an elected government) was also underlined. This is because transitional governments are likely to be replaced by elected authorities which may not share the same priorities as those underlined by the transitional government. Therefore, local ownership should not be limited to government ownership, which is often difficult to achieve in a transition period, but should also involve non-governmental actors and civil society.

In all the integrated missions under study, major obstacles have stood in the way of ensuring local ownership of the SSR process. In the case of MINUSTAH and UNMIK, the organisational culture seemed, initially at least, to have been one of imposition rather than consultation in the sense that SSR activities were prepared or carried out with the consent of the local government but without involvement of local stakeholders, which added to the alienation of the latter. Missions have also suffered from difficulties in developing local ownership because national governments were not willing to engage in SSR at all, or in the way suggested by the UN (e.g. MINUSTAH, MONUC, ONUB). In Burundi, for example, the national authorities rejected ONUB's proposal for a holistic approach to SSR and insisted instead on a piecemeal approach, whereby each reform area (police, defence, intelligence) was undertaken separately from one another. This case illustrates the tension which may occur between local ownership and the need for a holistic approach to SSR.

UN integrated missions should prioritise the development of local ownership of SSR by supporting local stakeholders developing and implementing a joint SSR strategy. Support for comprehensive needs assessments and inclusive consultation processes led by local stakeholders should play a key role in this process. In this respect, it is revealing that only one of the missions under study has been involved in an inclusive SSR needs assessment exercise: The Kosovo Internal Security Sector Review (ISSR) process which involved broad sectors of the society was initiated by UNMIK and administered by UNDP's Field Office in Kosovo, with funding support from donors channelled through UNDP. In this context, UN missions should also strive to expand local ownership beyond the government and core security institutions to include non-security ministries, parliament and other statutory oversight bodies as well as civil society, including women's organisations. Public information campaigns may be used to raise awareness and thereby generate support for the SSR process.

### **Issuing Coherent and Consistent Mandates for SSR**

In recent years, the Security Council and UN Member States have repeatedly stressed the importance of SSR to peacekeeping and post-conflict peacebuilding. This is illustrated by the fact that UN integrated mission mandates now more regularly refer to SSR or contain SSR-related terminology, though rarely in a coherent way. In most cases, integrated missions are only implicitly mandated to carry out SSR-related tasks (e.g. MINUSTAH, ONUB, UNMIK), although in recent years explicit SSR mandates have become more regular (e.g. MONUC).

The scope of SSR varies significantly in the respective Security Council resolutions, from very narrow to sometimes broader understandings of the concept, in some cases even comprising SSR-related tasks such as DDR (e.g. MONUC, ONUB). More often than not, SSR-related tasks are compartmentalised in different areas such as police, judicial reform or armed forces restructuring. Reflecting a lack of clarity by the Security Council on the significance of SSR in post-conflict settings, SSR mandated tasks are subsumed under different headings such as rule of law, law and order, security, or DDR. Mandated tasks related to the governance dimension of SSR are still an exception to the rule, although they are more frequently to be found in the most recent mandates. Measured by the mandates it has issued, the Security Council has yet to realise its commitment to pursue a holistic approach to SSR, based on a broad but consistent understanding of the concept, which could provide more coherence in tailoring SSR-related mandates for integrated missions according to the specific needs and context of the country in question.

The adoption by the Security Council of incoherent and inconsistent mandates for SSR results, in part, from the absence of a common UN understanding of, and approach to, SSR. It might also reflect the novelty of the concept and the institutional learning process of the UN in this regard, as well as shifting political interests among the members of the Council. Nonetheless, the lack of clarity in the use of the SSR concept in mission mandates risks further undermining the efficiency and effectiveness of UN support to SSR in the framework of integrated missions. For this reason, the Security Council should issue coherent and consistent mandates in the area of SSR, applying a holistic notion of SSR as described above, while tailoring SSR mandated tasks to the requirements of the specific context and with a view of prioritising local ownership. In particular, it should define the scope and priority of SSR within a specific mission, the specific SSR activities the mission is tasked to support, and how SSR mandated tasks are linked to



SSR-related and cross-cutting activities carried out by the mission such as rule of law, DDR and gender mainstreaming.

### **Adopting an Integrated SSR Support Strategy on the Ground**

A common theme that emerged from the case studies has been the lack of a SSR strategy either within the field mission or emanating from headquarters. Indeed, SSR strategies mostly evolved on an *ad hoc* basis within the field missions without guidance from headquarters. While in Burundi, the DDR/SSR Unit had established its own mission-specific understanding of SSR from the outset of the mission, in MONUC and UNMIK, a SSR strategy was only developed at a very late stage of the mission.

The absence of an integrated SSR support strategy has resulted not only in a proliferation of different SSR concepts in integrated missions but also in serious deficiencies in the delivery of SSR support as evidenced by the lack of attention for the governance dimension of SSR, or the prioritisation of one SSR activity to the detriment of others in almost all missions under review (see above). This has led to a variety of *ad hoc* structures for SSR support within missions and the UN family on the ground, resulting in a lack of coordination and sometimes duplication of work. Different UN entities may work on the same topic, without attempting to integrate their distinct but related programmes. The absence of an integrated SSR strategy risks complicating the transition from short-term stabilisation to longer-term reconstruction and development, reflecting the all-too-familiar tensions between the “logic of peacekeeping” (SSR as an exit strategy) and the “logic of development” (SSR as an entry strategy). In Kosovo, for example, the UN system successfully stabilised the security and justice environment but was much less successful in supporting the further development of the local security and justice sector. Although the importance of “quick wins” has been recognised, SSR is a long-term process that cannot adequately be planned for in a short one-year timeframe. Hence the need for an integrated SSR strategy that cuts across the conflict cycle in taking a long-term vision.

The case studies highlighted the need for integrated SSR support strategies on the basis of a common UN approach to SSR whilst taking into account the respective Security Council mandates. Such a strategy would reflect a holistic and long-term approach to SSR, approaching SSR in all its dimensions and emphasising linkages between SSR and related tasks. It would assign specific roles and responsibilities for all UN actors involved, guide SSR planning and implementation from the outset of the mission, and

ensure that SSR is perceived by the UN system as an entry strategy for long-term development assistance rather than a short-term exit strategy for peacekeeping. The implementation of an integrated SSR strategy should be facilitated through joint programming between HQ and field mission and within mission components.

### **Establishing SSR as a Core Priority in Mission Planning**

Until recently, SSR has not been seen as a core priority in mission planning, reflecting the novelty of the concept, the absence of a common UN approach to SSR and the lack of sufficient resources to support mission planning. In most cases to date, integrated missions did not have dedicated SSR expertise in their mission planning, although specific expertise on certain areas of SSR such as police or judicial reform has always been available and resulted in strategic planning for these sub-sectors. The lack of adequate SSR planning was present in all missions under study. Planning deficits often resulted in poor mission design concerning the implementation of SSR mandated tasks and in a compartmentalised, ill-coordinated and inconsistent approach to SSR.

There has, however, been improvement. Mission planning was made a core priority in new peace operations (e.g. BINUB, UNMIT). Also, strategic planning for SSR was undertaken in the later phase of long-standing missions (e.g. MINUSTAH, MONUC). The establishment of a dedicated inter-agency SSR capacity at headquarters should further improve mission planning for SSR, providing minimal human resources needed for short-term assessment visits to host countries. Mission planning must evaluate how the fragile political contexts will impact on the ability of the UN to undertake SSR, and preliminarily assess the specific SSR needs of the host country.

It follows from the above that SSR should be consistently integrated into the strategic and operational planning of new integrated missions. Strategic planning for SSR support should take place at the earliest phase of the mission, possibly even in the context of negotiations on peace agreements with UN involvement, and an inter-agency headquarters entity with an SSR focus should be involved in the planning stages early on. SSR experts should be included in every mission planning team. Mission planning assessment visits should carry out preliminary stock-takings of the security sector and respective reform requirements, keeping in mind that one of the key tasks of the mission may be to support nationally-led SSR needs assessments and consultation processes later-on.

There are two key elements that run through the programming cycle and therefore should be mainstreamed from the outset. These are the need to emphasise service delivery in SSR programming, and the need to integrate efforts to measure the performance of SSR support activities.

#### *Emphasising Service Delivery in SSR Programming*

UN integrated missions tend to view capacity- or institution-building as being the objective of SSR rather than a means to an end. The primary goal of SSR, however, is to support the provision and equal access of all to security and justice in ways that foster democratic governance and human rights. The distinction is crucial because the existence of a capacity says nothing about whether that capacity is used and whether it is used in an effective, efficient and accountable way commensurate with democratic standards. Although based on the findings of the four case studies, this lesson is not specific to the SSR support activities of UN integrated missions but applies to external assistance to SSR in general. All SSR-related UN development policies should be (re-)written to emphasise that SSR's primary objective is to strengthen service delivery rather than build institutional capacity.

#### *Measuring Performance of SSR Support Activities*

Perhaps the most pivotal lesson learned in SSR programming is the need to ensure consistent and coherent management of the implementation and performance of initiatives, concentrating on defined and measurable outcomes. This was something that was lacking in the field missions examined in this volume as no monitoring teams existed for SSR, and specific SSR performance indicators were largely underdeveloped. Without such monitoring and evaluation there is a risk of implementing programmes without assessing their chances for success, or of overlooking opportunities to improve their performance. It is recommended that a UN-system wide set of criteria for measuring SSR performance be developed, and that this criteria be anchored in qualitative indicators. It is also recommended that UN SSR programmes measure the performance of national security and justice providers as the means by which to assess the success of the UN's SSR activities in the field. Furthermore, this monitoring and evaluation could be carried out by trained local actors in order to increase ownership and credibility.

### **Strengthening UN HQ SSR Capacity to Support Field Missions**

Apart from the lack of a common UN approach to SSR and SSR related strategies, the absence of a dedicated SSR capacity at headquarters to provide adequate support for SSR programmes in integrated missions was a recurrent theme in the four case studies. This is not to say that HQ capacity is lacking in all areas of SSR; the situation is different with the support provided in the specific areas of police reform (DPKO Police Division) and, to a lesser extent, judicial reform (DPKO CLJAU). What field staff interviewed particularly missed was a HQ based SSR structure that: provides an overall body of knowledge to tap into; collects and filters lessons learned; provides the field with concrete examples of best practice and performance indicators that they can apply; develops general instructions and guidance on how a SSR unit should operate in the field and, in particular, its structure in terms of human resources and expertise; and supports field staff in SSR training and selection of SSR experts. This institutional deficit weakened the importance attributed to SSR in mission planning; the selection of SSR experts with appropriate skill-sets; the ability of the field mission to design, fund, implement, monitor and evaluate SSR assistance programmes; the ability of the UN system to ensure an integrated approach to SSR and to coordinate its support to SSR with local and other international stakeholders. This may change with the recent establishment of an inter-agency UN SSR Task Force and the recommendation of the Secretary General's Policy Committee to create an inter-agency SSR support unit administratively located within the new DPKO Office for the Rule of Law and Security Institutions to serve as a system-wide focal point and technical resource.

Ideally, the HQ based structure should be responsible for establishing SSR policy and guidelines for all peace operations engaged in military,<sup>10</sup> police, judicial and prison development (including civilian control, democratic oversight and gender mainstreaming). Additionally, the structure should be responsible for managerial oversight of the activities of the SSR units/teams located in the field missions (see below), and provide specialist advice and guidance to the missions. The structure that is created at HQ level should be supplemented by the creation of a network of SSR focal points in all entities involved in SSR support tasks across the UN system.

### **Strengthening SSR Support Capacity in Field Missions**

With the exception of police reform related activities, SSR capacity in most integrated missions is comparatively weak and fragmented across the various mission components. The common theme that emerges from all four case studies is the lack of a dedicated and adequately staffed SSR structure in the field which would permit the mission to deliver the required support for the SSR process. Even when such a structure is in place (e.g. MONUC), SSR capacity is very small in proportion to the rest of the mission components. In terms of human resources, integrated missions are often understaffed in the area of SSR. In the case of ONUB, the DDR/SSR section was one of the smallest sections of the mission and faced difficulties in refilling existing positions. In the case of MINUSTAH, UNPOL only had 44 per cent of its required staff while the justice section was operating at less than 50 per cent in key posts.<sup>11</sup> In addition to the problem of understaffing, the existence of a dedicated SSR structure in an integrated mission does not necessarily mean that there is sufficient capacity, capable of addressing SSR in a holistic and coordinated way. Given the broad scope of SSR, there are always other mission components involved in specific SSR activities, often to a much greater extent than the SSR component, such as UNPOL in the case of police reform. This is further complicated by the fact that SSR-related and cross-cutting activities are often carried out by mission components which are under the command of different DSRSGs. All case studies concluded that the creation of a strategic SSR unit within the mission would facilitate the development and implementation of an integrated SSR strategy in the field.

Integrated missions involved in SSR should have a strategic unit of SSR experts responsible for the development and managerial oversight of the implementation of the UN's SSR strategy to be located directly within the DSRSG's office to ensure its possession of sufficient political and bureaucratic leverage to permit an "integrated" approach to SSR programmes. This unit or function should serve as a hub for ensuring coherence and coordination of SSR activities, and should be responsible for charting and monitoring progress of the SSR process, for liaising with national counterparts and international actors, and ensuring that actions are taken at different levels concurrently and sequentially. The unit should also feed policy advice and project proposals into existing structures, such as SSR Joint Commissions or other sections of the missions not traditionally involved in SSR.

**Providing Sufficient SSR Experts with Adequate Skill-Sets**

SSR is a very sensitive area of intervention for external actors, and for this reason should be conducted by staff experienced in promoting and supporting local ownership in SSR programming and capable of adapting to the local political, technical and linguistic requirements. The case studies highlighted the difficulty of finding and recruiting people with specific SSR as well as programme management, training and language expertise. In particular, language skills were often lacking in integrated missions deployed to French speaking countries (e.g. MONUC, MINUSTAH, ONUB) necessitating the use of translators during political negotiations or in training sessions with national stakeholders, thereby complicating UN assistance to SSR activities. Also, mission personnel involved in training local military, police, or judicial officers did not always have the necessary pedagogical skills to complement their professional experience.

Given the multidisciplinary skill-sets required for SSR, a fundamental problem is the lack of staff experienced in: managing and supporting the development of civil administrations and public service reform; the establishment of security sector oversight mechanisms; the promotion of civil society participation; and, the mainstreaming of cross-cutting concerns such as gender into SSR programmes. This expertise is rarely found among military, police and legal staff of integrated missions involved in defence, police or justice reform. Recruitment processes should therefore ensure that expert personnel Member States select for service in integrated missions possess the requisite developmental managerial skills. Finally, and not surprisingly given the absence of a common UN approach to SSR, there is a lack of training opportunities for staff involved in SSR programmes. The different backgrounds of mission staff, however, call for the provision of systematic SSR training at all staff levels and in all aspects of SSR. SSR training should be based on a series of standardised operational practices and procedures for the respective areas, adaptable to different local standards.

The case studies highlight the need for the UN to recruit staff for integrated missions' activities in SSR that possess the requisite skill sets, particularly with regard to language, pedagogical and developmental management skills. In this context, DPKO should amend its staffing tables for future peace missions so that positions are explicitly identified and the skills required for these positions clearly specified. Longer-term contracts should be encouraged to ensure institutional continuity of SSR efforts. Finally, staff involved in SSR programmes should have access to adequate training, and SSR modules should be included in pre-deployment training.

### **Increasing Financial Resources for SSR Support Programmes**

Peacekeeping missions which engage in peacebuilding tasks such as SSR often suffer from the constraints of limited financial resources. In particular, they have difficulty funding projects which are not included in the assessed budget, i.e. SSR support tasks going beyond the mere provision of advisers or trainers drawn from mission staff. Quick Impact Projects (QIP) may be viewed as a way to compensate for the lack of access to assessed funds, however, given their constraints in terms of timelines (short-term) and funding (small-scale), they are of limited use for long-term SSR interventions. In all missions examined, the non- or limited availability and the often slow release of funding has hampered the implementation of SSR support activities and thus undermined, in the face of national stakeholders, the credibility of UN interventions in this area. A prime example of this is the case of Burundi, where ONUBs UNPOL officers deployed to support police stations in the provinces were unable to provide any of the basic material required for the carrying out of their activities. Similarly, UNPOL faced difficulties in convincing Burundian police officers to attend UN workshops when no per diem compensation could be offered by ONUB, and at times the UNPOL officers themselves reportedly put money aside from their own salaries in order to contribute to these basic costs.

Another problem has been the slow release of funds which has contributed to hampering project implementation. For example, in Haiti 3.7 million USD was granted to the DDR unit of MINUSTAH in 2005, yet this was not made available until May 2006. This meant that the unit had only one month to spend the money before it had to be returned for the new budget period, resulting in over ambitious planning for the short period of time. UN programmes, funds and specialised agencies have an advantage over the peacekeeping missions in the sense that they are able to fundraise for their projects as they often have dedicated personnel with expertise on fund-raising and advocacy (which the missions do not). In practice, UNDP is one of the only mechanisms by which the UN can disperse donor funds for SSR in the field. In principle, donor funds for the SSR activities of integrated missions should have become more easily accessible since the expansion in 2005 of the OECD DAC guidelines on the eligibility of Official Development Assistance (ODA), which now covers a wide range of SSR interventions, particularly in the area of civilian management and democratic oversight as well as SSR-related and cross-cutting activities.<sup>12</sup> Even where SSR activities are now ODA eligible, however, there is often poor commitment on the part of the bilateral donors to support activities related to the security sector, either because they consider certain SSR activities as

politically too sensitive or as a component part of their bilateral assistance to the country in question.

Consequently, financial resources for UN integrated missions in the area of SSR ought to be increased. This should be done by facilitating access to assessed budget funds and, if appropriate, to QIP funds. Furthermore, DPKO and in particular, the mission leadership, should work more closely with UNDP in the field in order to achieve adequate funding for SSR projects. Finally, senior UN leadership should engage in a strategic dialogue with bilateral donors on how best to provide funds for the SSR activities of UN integrated missions. As difficult as it may be, the UN should explore ways and means of reinforcing its common approach to SSR by developing a common or integrated funding mechanism, following the example of some leading donor countries who have established cross-agency funding pools for SSR and related interventions.

### **Promoting an In-Country “One UN” Approach to SSR**

The large number of departments and agencies on the ground highlights the need to ensure a common approach to SSR within the UN family. A key partner on SSR of the peacekeeping missions has been UNDP; however, cooperation between the two has often been hampered by bureaucratic hurdles and perceptions of the missions having a short-term vision as opposed to the longer-term developmental goals of UNDP and other UN entities on the ground. In particular, the mission is often accused of arriving in a country where the UN Country Team is already established, and adopting an intrusive approach which involves dictating its plans without adequate technical awareness or political familiarity with the context on the ground.

In the missions reviewed, the lack of a coordinated, not to say integrated, approach of the UN family has undermined the ability of the UN to speak with one voice when cooperating with national authorities on SSR issues. Work on justice reform has often been particularly problematic because of the large number of UN actors involved. For example, in Haiti, a judicial reform plan was drafted by the Ministry of Justice and Public Security (MOJPS) with the support of the Justice Section at MINUSTAH, whilst UNDP drafted a completely separate judicial reform project document. Nonetheless, cooperation on SSR and SSR related programmes has at times been encouraged by integration, such as in the case of ONUB where the head of the OHCHR was also the head of the Human Rights division. Another example of integration is provided by the case of



MINUSTAH which possessed an integrated DDR unit formed of members of DPKO and UNDP. In this case, however, the workload was eventually separated, with UNDP taking on the violence reduction programme whilst DPKO focused on DDR per se. This split was due to several reasons, including the difficulty of adapting to different budget cycles, and the idea that this would streamline management and be more cost-effective. Nonetheless, following the unit's experience of integration, UNDP and MINUSTAH were able to maintain a similar vision for their work on DDR.

The "One UN" approach should be adopted in order to implement the integrated SSR strategy recommended above for each integrated mission involved in SSR. This implies the need for joint planning, joint programming, joint staffing policies, joint budgeting and joint programme locations (within the mission). In order for the UN to deliver coherent and consistent messages to national authorities, a senior level UN staff member (if possible with local language skills) should be appointed as a focal point for negotiations with government officials on SSR. This person should therefore be the single UN interlocutor on these issues, and ideally, be the head of the SSR strategic unit.

### **Strengthening Engagement with National SSR Stakeholders**

Cooperation with national stakeholders is of great importance in order to achieve ownership of the SSR process as well as to initiate activities in a timely fashion. The extent of cooperation between the UN and national stakeholders will depend greatly on the political and security context, the priorities and the actual power of the government, and the strength and preferences of non-governmental actors. Nonetheless, as illustrated by the case studies, efforts must be made to encourage successful cooperation by establishing coordination structures or improving those that are in place.

Following the model set by the police components of peacekeeping operations, the option of negotiating the deployment of liaison officers/teams within the main national structures (e.g. headquarters of the main security actors and/or the relevant ministries) should be considered as this could permit a well-informed assessment of capacities and national requirements and also facilitate confidence-building between the mission and national government. In each case, the impact this may have on national ownership should be well anticipated, to avoid cases where this is perceived as external interference.

It is also essential to closely involve members of civil society in the SSR process. Consultations with civil society groups provide an entry point

to effective outreach and enhanced transparency. This was something that was lacking in all cases examined, although relations with local stakeholders, and in particular, civil society were often better with the UN programmes, funds and specialised agencies than with the missions. Communication strategies and public information campaigns need to address the various security needs of the population, in particular in cases where there is a record of abuse towards vulnerable population groups by entities that are meant to be providing security. Negative perceptions have often developed in civil society due to a lack of information, transparency and understanding of the UN mandate and activities. This is particularly the case in the area of SSR, where the local population needs to be reassured about the steps taken and the consequences of the reform processes.

UN peacekeeping missions should establish from the outset a coordination structure with national stakeholders, involving other relevant international actors (see below), with precise terms of reference (responsibilities, chairmanship, management and periodicity of the meetings, etc.). Efficiency should be increased by separating the different levels of coordination – technical level separated from the strategic/political level. The terms of reference should also include baseline objectives that would need to be met for the handover of the coordination structure to national authorities. Supporting the development of a communications strategy and linking SSR to public information campaigns should also help improve communication with local stakeholders. In order to ensure that engagement with national stakeholders consists of a two way process, it should be inclusive and also embrace consultation with civil society.

### **Facilitating Coordination among International Donors**

International assistance to SSR requires a variety of different actors – multilateral, bilateral and transnational – each with their own capabilities and experience in a specific area of SSR, underlining the need for coordination of these efforts. Coordination is also important in order to prevent local stakeholders from potentially playing the donors off against each other in order to reap benefits for themselves. However, coordination between UN entities and other external SSR actors is frequently carried out in an ad-hoc manner. This is often due to a simple lack of political will, because international actors usually do not like being “coordinated” by others, rather than the absence of concrete measures for coordination.<sup>13</sup>

The UN has played a part in several structures for coordination with donors such as the Interim Cooperation Framework (ICF) in Haiti, the

International Coordination Group in Burundi or the Joint Commission on SSR in the DRC. However, the level of effectiveness of cooperation may differ according to a number of factors, such as, whether or not an actor is clearly in the lead, and if this has been agreed amongst the international community or is just assumed by other actors involved. In Burundi, for example, coordination was perceived by most bilateral donors as the area of comparative advantage of ONUB. Indeed, ONUB had the capacity to organise meetings, and to prepare a mapping of the different activities the UN, NGOs and donors were engaged in. In Haiti, on the other hand, cooperation between the UN and donors was problematic. This was also the case in the DRC, where the role of the UN in coordinating SSR efforts was not always clear, particularly as the EU was another strong player in the international community's efforts to support SSR in the DRC.

Given its mandate, legitimacy and presence on the ground, whenever an integrated mission is involved in substantive SSR activities, the UN should play a key role in the coordination of SSR activities amongst external actors. This could be as simple as signing a Memorandum of Understanding (MoU) with other major actors on the ground on who should take the lead on different issues, to actually taking a proactive role in the coordination of SSR efforts. For example, the UN could facilitate the mapping of the SSR activities of all the external actors engaged in SSR in the country in question, by defining the gaps in SSR engagement that need to be filled and by including other relevant international actors in its coordination structures with national stakeholders. The UN could also play a role in defining the guidelines by which training should be conducted so that these are harmonised and do not reflect the specific standards of each donor government providing the training.

### **Looking Beyond Post-Conflict Contexts**

This volume has considered experience from UN integrated missions' support to SSR in four post-conflict contexts. While SSR is certainly a key activity in the post-conflict phase, it generally constitutes a longer-term activity that spans the entire peacebuilding spectrum. Sequencing is an important element in this respect; although the seeds of successful SSR are often sown in the context of conflict termination or in the immediate aftermath of conflict, building the necessary political will, ownership and resources to drive the process and maintain its sustainability may only be possible at later stages. Today's fluid boundaries between peacekeeping and peacebuilding therefore suggest that SSR should be perceived as a long-term

process cutting across different contexts. There is a need to recognise that SSR is equally important in the immediate aftermath of a conflict (in view of favouring a secure environment), as it is in the longer run as a means of encouraging sustainable development and, ideally, conflict prevention.

This brief discussion of the UN's support to SSR beyond traditional post-conflict settings points to the need to broaden our understanding of UN support to SSR. This holds particularly true due to SSR's context-specific nature, which implies that the role the UN plays in supporting SSR should also change from context to context. For example, although the UN may have a legitimate role to play in coordinating efforts to support SSR in post-conflict contexts, this role should be primarily reserved for the national authorities in other contexts where it is imperative above all to encourage local ownership.<sup>14</sup> By taking a broad approach that seeks to understand the UN's engagement in SSR across the different conflict and development scenarios, it will also be possible to more clearly identify what these roles should be, and hence pinpoint the areas where the UN ought to focus its attention and resources.

This volume has shown that the UN is heavily involved in SSR through integrated missions in spite of the absence of a common, comprehensive and coherent UN approach in this area. For such an approach to be developed, it must be anchored in a broader understanding of the UN's role in SSR. There are a number of areas where the UN needs to achieve greater coherence, such as in its efforts to increase the democratic oversight and accountability of the security sector and to support local ownership. For this reason, analysing the UN's experience in supporting SSR in other contexts will be essential to achieving much needed coherence in the challenging area of post-conflict peacebuilding, as well as to promote a better understanding of the role of SSR more broadly. The forthcoming report of the UN Secretary-General on UN approaches to SSR should constitute an important step in this regard.

## Notes

- 1 As early as July 2005, in the framework of an open debate on its role in humanitarian crises, the Security Council emphasized "that security sector reform is an essential element of any stabilization process in post-conflict environments". Statement by the President of the Security Council, 12 July 2005, S/PRST/2005/30.
- 2 See: Statement by the President of the Security Council, 21 February 2007, S/PRST/2007/3\*.
- 3 Heiner Hänggi and Vincenza Scherrer, "Towards an Integrated SSR Approach in United Nations' Peace Operations", *International Peacekeeping* (forthcoming).

- 4 The most prominent example of such guidelines is the *OECD DAC Handbook on Security System Reform*, recently endorsed by OECD DAC Ministers and Heads of Agencies. See footnote 9.
- 5 See: Statement by the President of the Security Council, 21 February 2007, S/PRST/2007/3\*.
- 6 UN Security Council, *The rule of law and transitional justice in conflict and post-conflict societies*, Report of the Secretary-General, 3 August 2004, S/2004/616, para. 23.
- 7 See: Alan Bryden, "Understanding the DDR-SSR-Nexus: Building Sustainable Peace in Africa", Issue Paper commissioned by the UN Office of the Special Advisor on Africa (OSAA) as a contribution to the 2nd International Conference on DDR and Stability in Africa, Kinshasa, Democratic Republic of Congo, 12-14 June 2007. Available at: <http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=34308&nav1=4>.
- 8 See: Laurie Nathan, *Security Sector Reform and the Imperative of Local Ownership*, Birmingham: Global Facilitation Network for Security Sector Reform, 2007.
- 9 See: Statement by the President of the Security Council, 21 February 2007, S/PRST/2007/3\*.
- 10 Against this backdrop, DPKO may consider to build up a HQ capacity to support field missions in defence reform and to locate this activity clearly in an overarching SSR framework.
- 11 This is based on figures provided in December 2006 for UNPOL, and in June 2007 for the Justice Section.
- 12 According to the relevant OECD DAC guidelines, revised in 2005, the following activities in the areas of security and development are ODA eligible: (1) management of security expenditure; (2) enhancing civil society's role in the security system; (3) supporting legislation for preventing the recruitment of child soldiers; (4) security system reform to improve democratic governance and civilian control; (5) civilian activities for peacebuilding, conflict prevention and conflict resolution; (6) controlling, preventing and reducing the proliferation of small arms and light weapons. The supply or financing of military equipment or services and use of military personnel to control civil disobedience remains excluded from ODA eligibility. Accessible at: <http://www.oecd.org/dataoecd/8/39/31785288.pdf>.
- 13 See: Vincenza Scherrer, "Challenges of Integration: Cooperation on SSR within the UN System and Beyond", in David Law (ed.), *Intergovernmental Organisations and Security Sector Reform*, Münster: LIT, 2007, pp. 181-197.
- 14 *Enhancing United Nations Support for Security Sector Reform in Africa: Towards an African Perspective*, Proceedings of the International Workshop held in Cape Town, South Africa, on 7-8 November 2007 This theme of different UN roles was present during the discussions at the workshop.



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