

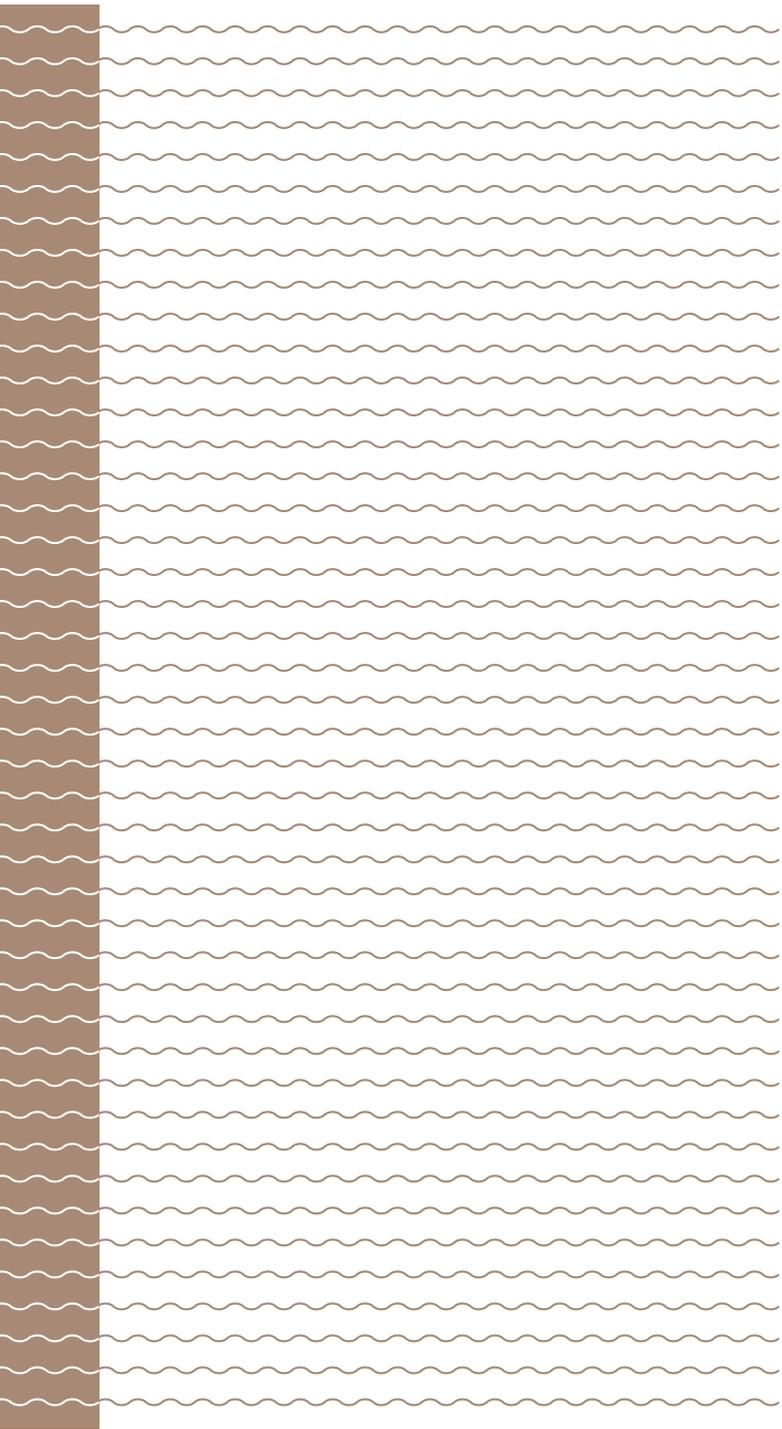
# Policy framework for Belgian development cooperation in the security sector



**Belgium**  
partner in development

.be

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# Executive summary

This note describes the framework for interventions of Belgian development cooperation in the security sector, including the justice sector. Since the 1990s, Belgian development cooperation has gained extensive expertise in the security and justice sector, and intends to build on this.

Security and development are closely linked and the presence of Belgian development cooperation in the security sector fits in with the Belgian *comprehensive approach*, the humanitarian - development - peace nexus approach of the OECD, and is in line with the Sustainable Development Goals (SDGs), especially SDG 16. Preventive actions abroad also indirectly contribute to the internal security of Belgium and can be linked to the national security strategy.

The projects of development actors in the security sector offer high added value, but they also entail risks. Firstly, there is the risk of reputational damage for Belgium in the event of derailments in which the security sector of the partner country is involved.

This note will first define the scope. The Belgian law on development cooperation (2013) and the law on Enabel (2017) stipulate that Belgian development cooperation and the interventions of Enabel (also for third parties) must be ODA-eligible. Belgian development cooperation will never provide exclusive support or allow Enabel to carry out projects for third parties that are not part of a broadly supported policy framework or supported by a group of countries.

To be able to start development programmes in the security sector, the basic conditions at country level and criteria at the level of the intervention need to be sufficiently outlined. As these interventions are taking place in fragile contexts, it should be reckoned that there will always be shortfalls. Given the importance of the local context, a context-specific analysis needs to be drafted to determine the criteria to be met and the scope of the risks. Ultimately, the advantages and disadvantages of an intervention will have to be considered on a case-by-case basis.

If, on the basis of this analysis, it is decided that the advantages outweigh any disadvantages, it is in the first place important to integrate any necessary activities into the intervention so that the identified risks are optimally managed. For those aspects where the intervention has little influence, it may be decided that accompanying measures are needed. For example, this may be stricter monitoring of the project, possible conditionalities or a multi-donor political dialogue with the partner country on the concerns that emerge from the analysis. It is also possible to clearly formulate in advance the possibility of suspension or termination and include this in the agreement with the partner country.

Once it has been definitively decided that the project can be initiated with possible accompanying measures, it is up to the implementing partner to ensure good risk management. It is expected from implementing partners to have a risk analysis and risk management tool, with attention to continuous monitoring of risks and adjustments when needed.

This note also identifies a number of result areas, with accompanying standard indicators and areas of action on which Belgian development cooperation intends to focus as a matter of priority, based on Belgian policy and the expertise it has already built up.

Finally, we indicate other Belgian and international actors active in the security sector, with whom there are potential synergies and complementarity.

# Introduction



This note describes the policy framework for interventions of Belgian development cooperation in the security sector, including the justice sector. Since the 1990s, Belgian development cooperation has gained extensive expertise in the security and justice sector, and intends to further build on this.

This policy framework defines the scope for interventions in the security sector that can be financed by Belgian development cooperation, the specific steps to be taken to decide on financing, and the aspects which require particular attention during the implementation phase. It also establishes which interventions in the security sector the Belgian development agency Enabel may implement on behalf of third parties and how the decision thereof will be taken. Both roadmaps for these processes are visualised at the end of this document (Annex VI and VII).

The framework also includes the results on which the Belgian development cooperation intends to focus as a matter of priority and the associated indicators to measure their realisation. It also indicated with which other actors synergies and complementary partnerships can be developed.

# Defining the scope

## What is security?

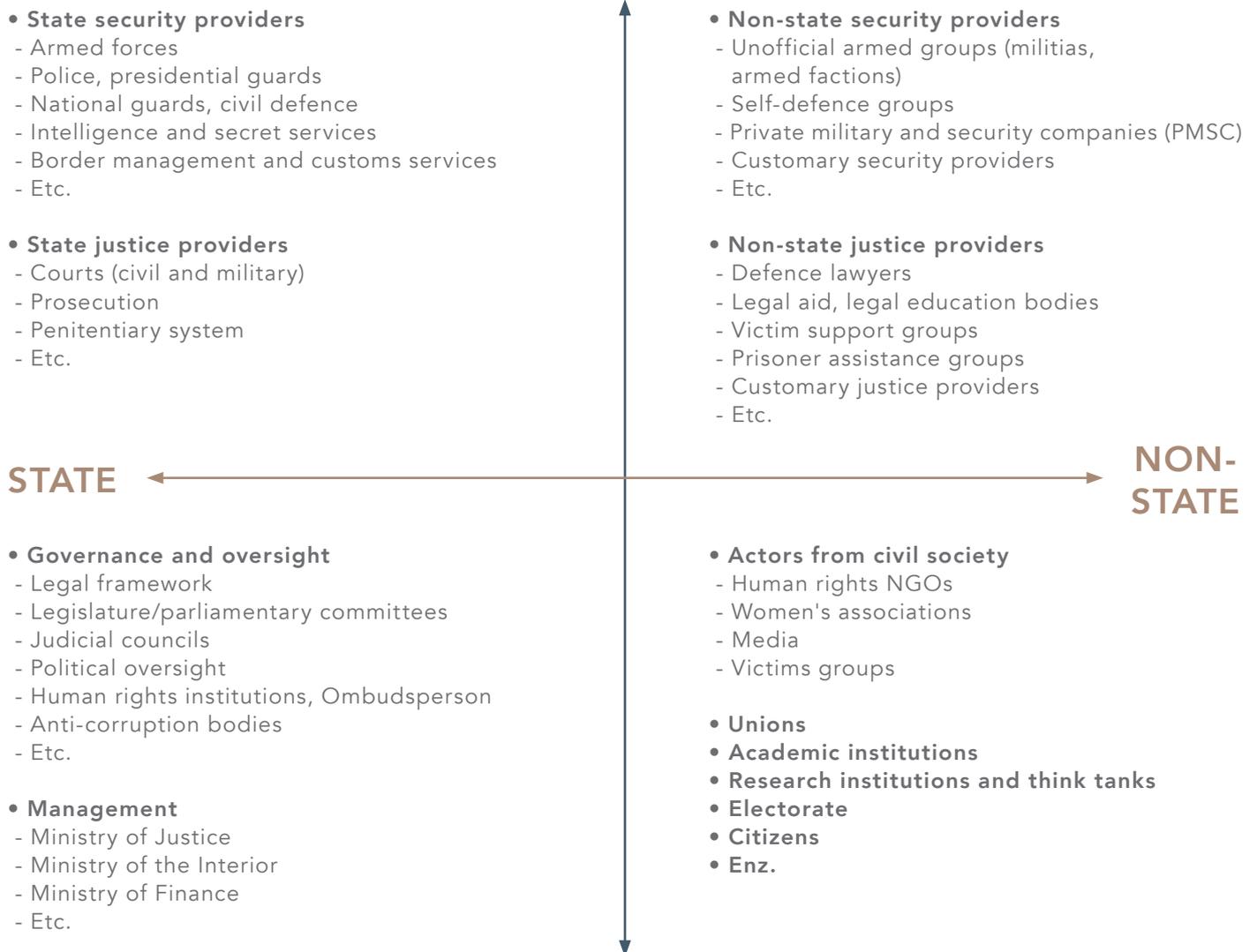
Security covers a very broad scope. Since the 1990s, there has been an evolution from a strict interpretation of traditional security, the security of a state against military threats, towards the concept of 'human security', being the security of the population (DCAF, 2012).

The security concept goes beyond physical security, **it is about the survival, livelihood and dignity of people**<sup>1</sup>. In addition to military aspects, other such as economic, social, political and environmental aspects are also to be taken into account. For example, security is linked to food security, health care, human rights, governance, education, the living environment, etc. Moreover, it encompasses a wide range of actors, both state and non-state actors.

## What is the security sector?

The security sector traditionally includes all actors who guarantee the internal and external security of the State (army, police, paramilitary organisations, intelligence services, border guards, customs, etc.).

### SECURITY AND JUSTICE PROVIDERS



<sup>1</sup><https://www.un.org/humansecurity/what-is-human-security/>

The number of actors has increased with the broadening of the concept of security. DCAF (see diagram above) makes a distinction between state actors and non-state actors and between security/justice services and oversight bodies/management bodies (governance). The link with the justice system is strongly emphasised.

There are various definitions of the security sector. DCAF (2012, see table below) distinguishes between six possible definitions, ranging from narrow to broad. **The "broadest" definition is used for this note.** We must, of course, be cautious when dealing with armed groups that are not under the control of the state, but it is not advisable to rule out all contact with them a priori. When the state has no control over the entire territory, sometimes such "self-defence groups" fulfil a security function for the local population. Open dialogue with such groups is also often advisable in order to work towards peaceful and sustainable solutions.

| Not compatible with SSR  | Narrowest | Narrow | Broad | Broader | Broadest |
|--|-----------|--------|-------|---------|----------|
| State security providers only<br>e.g.: police, armed forces, intelligence, etc.  |           |        |       |         |          |
| State security providers AND security oversight and management bodies, including civil society and justice institutions involved in oversight<br>e.g. parliaments, ministries, courts, ombuds-institutions, women's groups, academia, media, among others. |           |        |       |         |          |
| State justice institutions closely linked to security provision<br>e.g. actors in criminal justice or entire justice sector.   |           |        |       |         |          |
| Non-state security and justice providers<br>e.g. commercial security providers, community security groups, customary justice providers.  |           |        |       |         |          |
| External actors supporting national SSR efforts<br>e.g. in transition or post-conflict contexts.   |           |        |       |         |          |
| Armed non-state actors<br>e.g. armed groups that use force to achieve political or criminal goals outside the remit of state control, including criminal or political organizations.   |           |        |       |         |          |

# Security and development

“The truth is, development without security is not possible; security without development is only temporary.”

(Hilary Benn, Secretary of State for International Development)<sup>2</sup>

As a member of the United Nations, Belgium has committed itself to Agenda 2030. A central element of this is the promotion of peaceful, just and inclusive societies free from fear and violence. This is specifically targeted in Sustainable Development Goal (SDG) 16, but several other goals also include *targets* that pertain to peace and security. **Security has therefore become an essential component of the development agenda**, and vice versa.

At European level, promoting human security through an integrated approach is an essential component of the “Global Strategy for the European Union’s Foreign and Security Policy” (2016): “Implementing a multi-dimensional approach through the use of all available policies and instruments aimed at conflict prevention, management and resolution is essential.” (p.28)

In the Belgian strategy note for the **Comprehensive Approach**, as approved by the Council of Ministers in July 2017, it is also stated that peace and security interests play an important role that requires the coherent deployment of the various pillars of Belgian foreign policy (diplomacy, development, defence, etc.). The importance of a national security strategy to help orient that deployment is mentioned in the note. After all, unstable regions abroad can also jeopardise our internal security. Furthermore, the Belgian Civilian Crisis Management Strategy (2017) states: “Our internal security is determined by promoting peace, security and stability beyond our borders and will also have an impact on priorities, for instance through the increased focus on the fight against terrorism, on the prevention of violent extremism or the fight against organised crime or irregular migration flows in fragile states. The added value of an integrated approach is more than evident”. (p.1)<sup>3</sup>

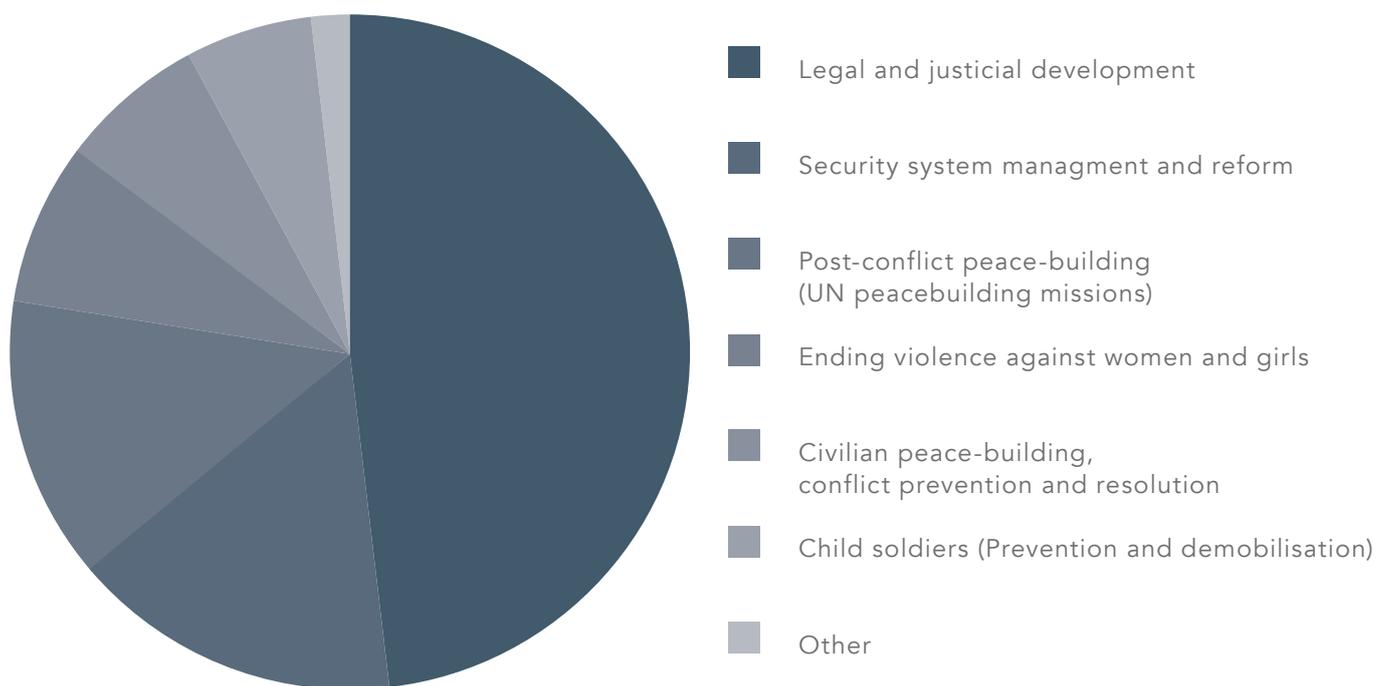


<sup>2</sup>[https://www.cgdev.org/sites/default/files/archive/doc/weakstates/WeakStates\\_Benn.pdf](https://www.cgdev.org/sites/default/files/archive/doc/weakstates/WeakStates_Benn.pdf)

<sup>3</sup>FPS Foreign Affairs e.a., 2017, Belgian Civilian Crisis Management Strategy

The **Belgian development sector has long been active in the security sector**. Between 2008 and 2019, € 175 million were dedicated to it. Around half of this was via multilateral partners (including UN peacekeeping missions and the EU), a third was via Enabel (formerly BTC) and a fifth was via NGOs. The figure below shows the distribution across the various sub-sectors. The multilateral organisations which are partners of the Belgian cooperation and active in this sector include UNDP in particular. Belgian cooperation supports the strategic priorities of UNDP, in particular governance for peaceful, just and inclusive societies, as well as crisis prevention and strengthening resilience. The OHCHR – Office of the High Commissioner for Human Rights – is also an important partner in this context. Belgium supports these organisations with contributions (core and earmarked).

Enabel<sup>4</sup> has more than twenty years of experience in the sector, particularly in West Africa and the Great Lakes region. The development agency also has various public-public cooperation agreements with the aim of mobilising the expertise within all Belgian administrations. In such cases, Enabel plays the role of mentor guidance for people who have technical expertise, but little or no experience with development cooperation. Belgian partners are also active in non-governmental cooperation in the sector, particularly in the area of justice. These include *RCN Justice et Démocratie*, *Commission Justice et Paix* and *Avocats sans frontières*.



The link between security and development also fits within the Nexus approach of the Organization for Economic Co-operation and Development (OECD), which believes that security and development cannot be seen in isolation from one another. The **DAC recommendation for the Nexus humanitarian aid - development - peace**, which was adopted in February 2019 and also endorsed by Belgium, contains eleven principles on how development donors can actively contribute to conflict prevention and peace building.

The evolution of state security to human security also enhances the importance of development interventions in the security sector. Indeed, this means that it covers the security of the state and the well-being of people at the same time.

The OECD report “Investing in Security: a global assessment of armed violence reduction and prevention initiatives” (2011, p.14) also demonstrates that the most effective direct and indirect interventions to reduce armed violence are multi-sectoral, operate at different levels and depend on extensive partnerships between multiple actors. Such activities promote both security and broader development goals, with the two being mutually reinforcing.

<sup>4</sup>For an overview of the projects of Enabel, see the note ‘Memo – Paix & Sécurité (&Justice)’

# Rule of law, justice and development

*Security Sector Reform* and the *Rule of Law* are two complementary and strongly connected domains. Strong rule of law is needed for an effective and responsible security sector and vice versa. Reforms in one domain therefore reinforce reforms in the other. DCAF (2012b) explains how both domains are interconnected at the level of the overall objective of peace-building, at the level of the process and at the level of the end result.

Justice is a sector that is often mentioned as part of the security sector in the context of development cooperation. Indeed, a fair and well-functioning judiciary is necessary if the development goals are to be achieved.

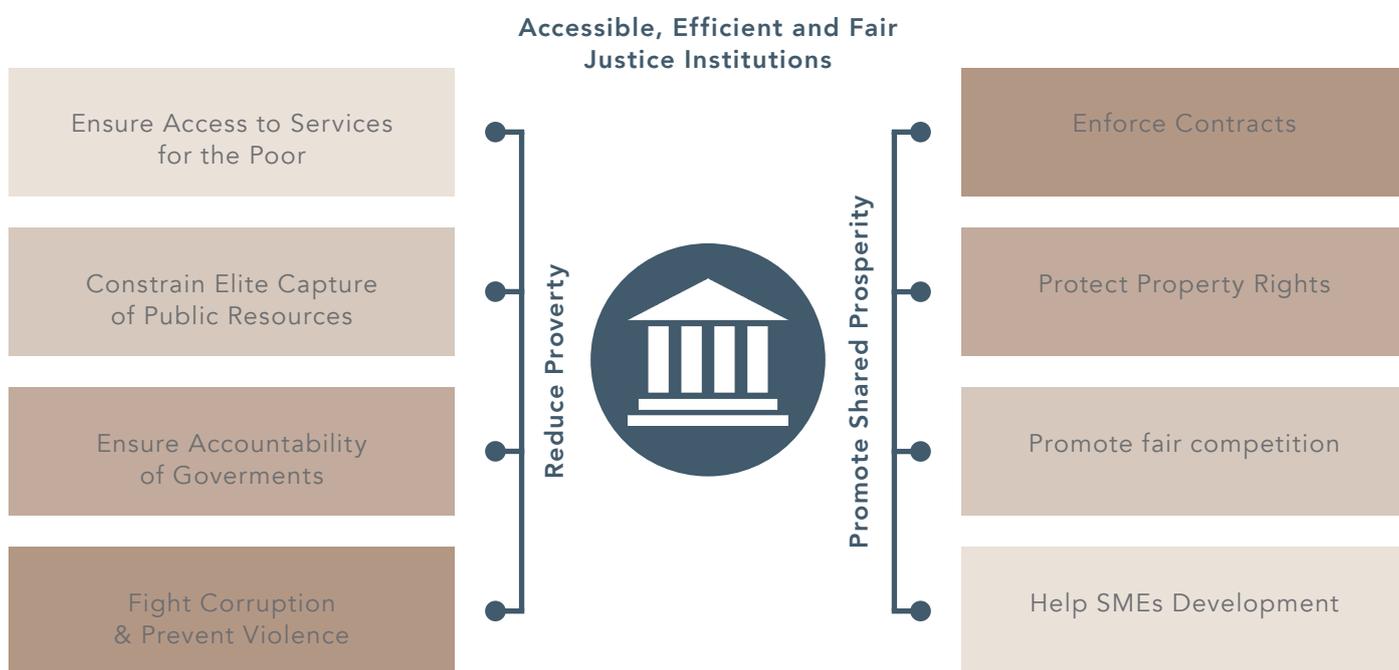
Empirical research shows that the judiciary plays a crucial role in “a healthy business environment, enhancing growth, improving access to public services (particularly for the poor), curbing corruption and restraining the abuse of power.”<sup>5</sup>

For the World Bank, “accessible, efficient and fair justice institutions” are essential in achieving the two central objectives of poverty reduction and the creation of shared prosperity (see figure below).

As for the security sector, there is also an evolution towards a broader concept of justice. That means it is not only about the institutions, but also the legal empowerment of vulnerable groups, justice in other sectors that are essential in achieving the development goals, developing analytics and diagnostics for policy support, etc.

For the rest of this note - in line with the definition used in section 1.2 - the **judiciary is therefore considered as an integral component of the security sector.**

## WHY DOES JUSTICE MATTER FOR DEVELOPMENT?



<sup>5</sup><https://www.worldbank.org/en/topic/governance/brief/justice-rights-and-public-safety>

# Security, climate change and development

Climate change is an increasingly prominent element in the security debate. The report "A New Climate for Peace" (2015), commissioned by the G7, claims that climate change increases fragility, partly due to a shortage of natural resources such as water, energy and food.

“When the impacts of climate change interact with other stresses, the combination can overburden weak states, spurring social upheaval and sometimes violent conflict. Even seemingly stable states can be pushed towards instability if the pressure is high enough or shock is too great.”

(Adelphi e.a. 2015, p.6).

risks are included in risk analyses and that initiatives to be better armed against risks as a result of climate change are built into development programmes. Disaster risk reduction, food security and facilitating peaceful solutions for transboundary water disputes are also points of attention.

“Integrating policies and programs in three key sectors — climate change adaptation, development and humanitarian aid, and peacebuilding — is necessary to help strengthen resilience to climate-fragility risks and realize significant co-benefits.” (Adelphi e.a. 2015, p.xi).

## Principles for intervention in the security sector

The ten Fragile States Principles of the OECD (2007c)<sup>6</sup> are of course applicable to interventions in the security sector, as these are by definition implemented in fragile contexts. In addition, we have used the guidelines of the DAC regarding 'Security System Reform and Governance' (OECD, 2005) and the DAC Handbook on Security System Reform (OECD, 2007a) to formulate some important principles.

Given the overlap between development and peace, and often also with humanitarian aid, it is also self-evident that the principles of the DAC recommendation for the nexus humanitarian aid - development - peace<sup>7</sup> are being taken into account. Attention for the comparative advantage of development actors and actors in the security sector, and the added value of cross-fertilisation between them, is essential.

The risk with security sector reform is that the focus is put too much on 'hard security', infrastructure, personnel, etc. When development funds are used for security objectives, it is important that the development dimension is sufficiently present. There also needs to be a **soft approach** to **conflict management** in parallel: community building, social cohesion, peace and reconciliation, participation, a relationship of trust with the population, etc. The development lenses through which development actors view interventions in the security sector are therefore an opportunity to emphasise such a complementary *soft approach*.

Moreover, for interventions in the security sector, it is especially **important to take an incremental approach based on a thorough understanding of the local context**. During the inception phase, it is important to carry out a thorough analysis, but also to establish contacts, encourage political support and build trust in order to bring about sustainable and supported

The study summarises 7 security risks of climate change:

- Local resources competition
- Livelihood insecurity & migration
- Extreme weather events & disasters
- Volatile food prices & provision
- Transboundary water management
- Sea-level rise & coastal degradation
- Unintended effects of climate policies

Firstly, the authors call for mitigation, but where the consequences of climate change are inevitable, adaptation will be necessary. For development cooperation, this means, among other things, that **climate fragility**

<sup>6</sup> See also Belgian Strategy Note Fragile Situations (2013) and *Guidance on Fragility* (Acropolis, 2017)

<sup>7</sup> See <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-5019>

change. After all, reforms in the security sector affect vested interests, inevitably have an impact on the balance of power, and can potentially have a major impact on the lives of citizens.

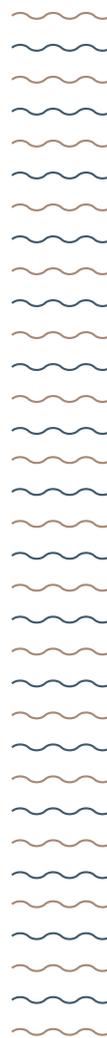
The added value of donor support needs to be considered. Working with smaller-scale pilot projects ('start small and scale up') can be useful in challenging environments. They entail less risk for donors, require less initial investment, they are an opportunity to try out innovations, and at a later stage the project may be extended.

Preference is given to cooperation with other donors in difficult contexts, in the context of burden sharing and risk-sharing. For example, a project with the EU or the UN poses considerably fewer risks for Belgium as a donor. **Collaborating with a broad range of actors**, both state actors and non-state actors, provides insights from people who are familiar with the local context. Indeed, in many countries, elements of justice and even security are carried out by non-state actors. Partnerships with other actors lead to a more efficient and lasting reform process (because it has more support and is rooted in the local context). Moreover, this fits in with the human rights approach by striking a balance between support for right holders and rights givers.

It is **desirable to start out from a long-term strategy based on a (cross-government) assessment which takes into account the whole security and justice sector and also involves other public sectors**. Projects that are part of a broader political, social, economic and institutional process are more likely to succeed in the long term. In practice, such an approach is often not self-evident in fragile contexts. The process often starts from an initial demand, and attempts are made to build from there.

**A focus on democratic oversight and accountability in the security sector is important**, both during interventions and in the long term. When security is seen as the security of people and not just the security of the state, it is by definition not just a matter for the security services themselves.

**Multidisciplinary teams often represent great added value**. Not only is there a need for technical expertise, but also expertise in change management, governance, communication and politics. These different skills are not always found in the same people or the same teams. This can be partly mitigated by good recruitment with sufficient incentives and training where necessary.



# Defining the scope

## ODA-eligibility

The Belgian Law on Development Cooperation (2013) defines the role of the latter as the federal policy and federal actions on development cooperation determined by the OECD Development Assistance Committee (DAC) as eligible for Official Development Assistance (ODA).

**The guidelines on what is ODA-eligible therefore define the scope in which Belgian development cooperation can provide support to the security sector.** The Law on Enabel (2017) also limits its missions – both for the federal state as for third parties – to “development cooperation interventions”.

This also means that international actions carried out by other federal departments (defence, justice, police, etc.) to promote peace and security that are not ODA-eligible cannot be financed from Belgian development cooperation resources, but can, of course, be financed with own resources of these departments.

The Belgian Federal Police also puts its expertise at the disposal of civilian crisis management. According to a study from 2017 the Police uses the list of the most unstable countries as a basis. A decision making matrix was instrumental to identify priority countries. These priority countries are not the most unstable, since a certain level of stability is needed for civilian crisis management. This was followed by a SWOT analysis for each priority country. Participation is almost exclusively in missions in the context of European civilian crisis management. For the list of criteria used in the decision matrix, see Annex II.

The Ministry of Defence does not work specifically on the basis of country categories, but, pending a national security strategy, possible intervention areas are identified on an annual basis. This is done on the basis of criteria such as the security situation in areas of geostrategic importance for the Ministry of Defence, respect for international law, the presence and role of other international/multilateral actors, etc. A decision is always submitted to the minister or ministerial council following consultation between the strategy, intelligence and operations departments.

Therefore; this note will merely deal with the activities that could possibly be financed as development cooperation. The Belgian contribution to the financing of multilateral peace-keeping missions will not be taken into consideration either.

## ODA-eligibility in the security sector

For the purpose of determining the ODA-eligibility of expenditure on peace and security activities, the same principle applies as for other funding: the main objective is “the promotion of the economic development and welfare of developing countries”. Under no circumstances can development budgets serve as a vehicle to support the security interests of the donor country. In today's context of globalisation, enhanced security in developing countries obviously also has an indirect positive impact on the security of donor countries and there is convergence of mutual security interests in certain regions.

The Reporting Directives (OECD 2018) go into more detail on the activities that are ODA-eligible and the limitations that apply to them. Concrete examples can be found in the 'ODA Casebook on Conflict, Peace and Security Activities'(OECD 2017), detailed information can be found in the “Reporting Directives”. It contains the following activities:

- Activities in the security sector of the partner country
  - Security system management and reform [CRS-code 15210]
  - Reintegration and Small Arms and Light Weapons-control [CRS-code 15240]
  - Removal of land mines and explosive remnants of war [CRS-code 15250]
  - Child soldiers [CRS-code 15261]
- Provider engagement in peacebuilding and peace-keeping
  - Civilian peacebuilding, conflict prevention and resolution [CRS-code 15220]
  - Bilaterale kosten deelname aan internationale peacekeeping operations (niet de kosten voor de militaire deelname maar wel een aantal ODA-aanrekenbare activiteiten in het kader van peacekeeping) [CRS-code 15230]
  - Multilaterale bijdragen aan VN-peacekeeping operations na toepassing van een ODA-coëfficiënt en met uitsluiting van bepaalde peacekeeping operations [CRS-code 15230]
- Preventing violent extremism through non-coercive, intentional and targeted use of development assistance approaches
  - No funding for the armed fight against extremism<sup>8</sup>
  - The main objective is development and the partner country takes the lead. The intervention is not intended to achieve the security objectives of the donor country.

<sup>8</sup>The fight against extremism covers a wide range of actions, but interventions that do not fall under the armed (military or civilian) fight against extremism are eligible. See below Chapter V.2 Preventing Violent Extremism/Countering Violent Extremism.

## Military

In the exceptional case that the defence apparatus of the donor country has to be used for humanitarian<sup>9</sup> or development actions because there is no civilian alternative, **additional costs** resulting from this can be qualified as ODA-eligible. The same applies, under strict conditions, to the defence apparatus of the partner country.

Given that ODA cannot be used to strengthen the military capacity of the partner country, the financing of military equipment or services is generally ruled out. The Directives allow several exceptions. For example, training for military personnel, including non-military training, is in principle not ODA-eligible, except under civil supervision and on a number of specific themes, such as human rights or anti-corruption. Support for civilian oversight or democratic control of the military system is however ODA-eligible.

## Policing

In the case of cooperation with the police, a broader range of funding is ODA-eligible. This includes the deployment of police staff of the donor country or equipment for development activities, but only costs directly related to the mission are eligible.

As regards the policing operations of the partner country, funding of routine civil policing functions such as safeguarding public security and tackling crime, as well as the provision of training or non-lethal equipment, can be ODA-eligible.

Funding of and training for equipment intended to convey a threat of, or deliver, lethal force is not ODA-eligible. Training in counter-subversion methods, suppression of political dissidence, or intelligence gathering on political activities is not ODA either, nor is deploying the police of the donor country to control civil disobedience.

## Intelligence

As previously stated, intelligence gathering on political activities is not ODA-eligible. However, not all intelligence-related activities are ruled out. For example, projects relating to data collection in the context of routine policing can be ODA-eligible<sup>11</sup>.

“Intelligence gathering does not refer to data collection for development purposes nor to preventative or investigatory activities **by law enforcement agencies in the context of routine policing** to uphold the rule of law, including countering transnational organised crime.” (OECD 2018, p.28).

<sup>9</sup> Respect for international humanitarian law, humanitarian principles and international agreements such as the *Oslo Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief* remain essential in such cases.

<sup>10</sup> For the purpose of these Directives, the term police refers to all civilian (non-Defence Ministry) law enforcement agencies that exercise police powers, especially the power of arrest and detention within a broader rule-of-law system (such bodies may include immigration/border, customs and other specialist civilian law enforcement agencies). The term also covers actors such as the gendarmerie, the guardia civil and the coast guard in their civilian police law enforcement functions even if they are administratively under the Ministry of Defense.’

<sup>11</sup> *Intelligence Led Policing* is the basis of modern police work; information gathering has traditionally been part of normal police work and makes it possible to achieve success in a number of basic functionalities of police work (judicial investigations, law enforcement, etc.). Managing civil disobedience is not the hallmark of the Belgian police: their philosophy stresses the “negotiated management of the public space”; the key is cooperation and communication; it is based a priori on strict respect for the constitutional rights and freedoms.

The Casebook with examples of ODA-eligible and non-ODA-eligible projects in the security sector describes several examples of intelligence-related projects.

Training in intelligence gathering in the context of EUTM Mali (OECD 2017, p.20), is non-ODA-eligible because it concerns training for military personnel as described in the Reporting Directives (see above).

However, a Swiss project in the Western Balkans (OECD 2017, p.36) for regional police cooperation with a component “capacity development of analysts in criminal investigations to enhance intelligence led policing and information and data exchange across countries” is ODA-eligible.

“Capacity building programmes for law enforcement and intelligence agencies focusing on how to engage with the public” (OECD 2017, p.46) of the European 'STRIVE Horn of Africa', which is part of the fight against extremism and financed by the Instrument contributing to Stability and Peace (IcSP), is also ODA-eligible.

# ODA-eligibility of projects for third parties

Concerning Enabel, it is useful to make a distinction between projects with Belgian financing and projects for third parties. Indeed, projects for third parties can also cause damage to Belgium's reputation in the event of derailments.

In practice, these are projects in the security sector with European funding via the IcSP and the Emergency Trust Fund for Africa. Projects funded through the IcSP do not have to be ODA-eligible for the European Commission. The EUTF permits a limited percentage of projects that are not ODA-eligible.

This means that projects with European funding via these two instruments<sup>12</sup> are not necessarily ODA-eligible, but conversely, it does not mean that such projects should a priori be considered as non-ODA-eligible. It is therefore necessary to verify<sup>13</sup> which projects are ODA-eligible based on the beneficiary country and the nature of the intervention, and not based on the source of the funding. **Enabel is only authorised to carry out projects for third parties that are fully ODA-eligible.** Any non-ODA-eligible components will therefore have to be scrapped or implemented directly by another actor.

The majority of non-ODA-eligible European projects, in particular peace-building initiatives<sup>14</sup>, will in future probably be financed through the extra-budgetary European Peace Facility. It does not require compliance with the DAC criteria regarding ODA, but this does not rule out the possibility that some projects may be considered ODA-eligible. We can already see this with the comparable African Peace Facility. There is no ODA requirement there either, but subsequent analysis has shown that around 14% of the projects financed were ODA-eligible.

## Broadly supported policy framework necessary

Considering the sensitivity of the security sector and the desirability of sharing the associated risks with other countries and donors, **Belgian development cooperation will never provide exclusive support, or allow Enabel to carry out projects for third parties that are not part of a broadly supported policy framework.** It is therefore required that there is a documented policy framework for development/strengthening the security sector that is formally endorsed by the partner country and various donors (i.e. not just one donor + one implementing body).

<sup>12</sup> In all likelihood, the new 'Neighbourhood, Development and International Cooperation Instrument' (NDICI) will not be fully ODA-eligible either, but at least 92%. EU funding is therefore not always ODA, but in principle the derogations are geographical (funding of activities in countries that are not ODA recipients or in overseas territories of Western countries). Thematic derogations are possible within the limits of the ODA criteria and Article 41.2 of the TFEU. For example, not all activities of the IcSP and *Capacity Building in support of Security and Development* (CBSD) are ODA-eligible, but can be funded through the NDICI.

<sup>13</sup> Within DGD, it is department D4.2 that can verify this or give advice in case of doubt.

<sup>14</sup> With the exception of CBSD and the IcSP, which are included in NDICI.

# Basic conditions and criteria

Given the importance of the specific context in which an intervention takes place, it is not appropriate to include rigid basic conditions and red lines in this note that apply to all interventions in the security sector. However, we can identify a number of criteria that have an impact on the chances of success of interventions in the security sector and prevent the risks associated with them.

In considering whether to support projects in the security sector, it is advisable to start from a context analysis that takes into account a number of basic conditions at the country level (see III.1) and criteria at the level of the sector and the intervention (see III.2).

Given that the interventions occur in fragile contexts, there will always be shortfalls, but **there must be a minimum basis to be able to build on them**. The final decision whether or not to start a programme is always context-specific, and never black and white. The criteria below therefore do not form a checklist that can be ticked off, but a guideline for a context-specific analysis.

Based on this analysis, it is then possible to identify concrete programmes and the associated reputational risks for the Belgian development cooperation. Control measures can then be formulated in the second phase (Chapter IV). These may be conditionalities or closer monitoring. It is also important to include the possibility of termination in the agreement with the partner country.

## Basic conditions relating to countries eligible for development assistance for the security sector

Within the broad framework of ODA-eligibility, possible interventions of Belgian development cooperation in the security sector must also meet a number of basic conditions. Indeed, the security sector is a sensitive sector that is inextricably linked to the state. Support for this sector, as in the case of budget aid, is therefore often seen as legitimising the political authorities. However, in fragile states, the legitimacy of the political authorities is often questioned or they sometimes pursue pervers goals that are not compatible with the 2030 Agenda.

On the other hand, the ideal preconditions for support to the security sector will never be fully met and a balance has to be struck between the risks associated with intervention and those that would arise if there were no support. In fact, non-intervention can lead to higher costs if insecurity adds to the humanitarian needs, nullifies the accumulated development gains or has a negative impact on neighbouring countries (spread of the conflict, refugee flows, negative impact on the regional economy, increase in crime, etc.). Non-intervention may have a negative impact on the security of Europe in general and of Belgium in particular.

'The OECD DAC Handbook on Security System Reform' (2007, p.28) states that "Ideal preconditions for reform rarely exist. Keen awareness of the dilemmas and risks involved in providing security system assistance is required on a case-by-case basis."

This dilemma therefore means that Belgium has **to take a political decision which must be informed by an analysis of the fundamental values and political will of the country in which the intervention would occur, as well as an analysis of the security sector**. This analysis needs to assess the following criteria:

1. **The international engagements:** the signature, ratification, transposition and implementation of key regional and international human rights conventions and their protocols. The recommendations of the *Universal Periodic Review* (UPR), the oversight bodies of the conventions and the Special Rapporteurs. The cooperation with regional and international bodies for the defence of human rights.
2. **Democracy:** the credibility and transparency of electoral processes, separation of powers, space for civil society, freedom of expression (including on the internet), freedom of assembly and association, independence of the press. Is it an internationally recognised, legitimate government with which we can cooperate? Is it a totalitarian regime, what is the 'degree of totalitarianism'?
3. **Rule of law:** independence of the judiciary, access to justice and the right to a fair trial and due process, application of laws, transitional justice, impunity, corruption.

4. **Human rights:** the death penalty, torture and other cruel, inhuman or degrading treatment, slavery and repression, the rights of women and children, non-discrimination.
5. **Security services:** Are there human rights violations or acts of violence? Is there sufficient democratic oversight and accountability? Are specific population groups targeted?

Specifically for the analysis of the security sector (point 5), the World Bank has put forward the following key questions in its *Securing Development* report:

- Are there clearly defined executive and legislative responsibilities for external and internal security?
- Are the security forces subject to democratic citizen control?
- Are parliamentarians, the media, and civil society free and able to participate in the security debate?
- Are the security forces able to exercise political influence?
- Are the security services open to unnecessary political interference through political reach into the promotion system?
- Are the security forces more loyal to the regime or to the people?
- Are there budgetary checks, balances, and internal and external audit, and are these transparent?
- Are the duties and responsibilities of the security services enshrined in legal statutes, military law, and codes of conduct?

Input from the Ministry of Defence may also be called upon for this analysis, which itself carries out such analyses prior to the support it provides.<sup>15</sup> The analyses and documents of the European External Action Service, which are made available to the Member States on request, may also be used. Useful information can be produced in particular in the context of their Early Warning System.

The implementing actor will then also have to make a number of **feasibility considerations**. This includes not only the level of stability and working conditions in the host country, but also the security situation. How safe is the country, or parts of it, and what are the security risks? The absorption capacity of the implementing actors is also important.

Bear in mind that the above analysis will only provide a snapshot of the situation in the host country. **In the event of an intervention, it is important to continue monitoring the various parameters so that the right decisions can be taken in the event of significant changes.** We will go into more detail in the section on risk management.

Annex V (Different scenarios and changing situation) outlines the possible political and social contexts in which action can be taken and the types of interventions that can or cannot be implemented in these different scenarios.

## Criteria at the level of concrete interventions

Past experience (see Annex IV) has shown that derailments in the security sector often go hand in hand with negative political developments in the partner country. The risks are less severe when there is a political will to constrain any derailments. When there is a greater level of democratic oversight over the security sector, the risks are more limited than when the security sector is fenced off and evades any oversight. That is why it is important to always look at the criteria at the level of the sector and the intervention as well as the basic conditions at the level of the country.

At the level of concrete interventions in the security sector, the following criteria must be adequately met:

- **Political will.** Is there sufficient political will to apply and comply with the principles of good governance, as well as the will to gradually and sustainably develop good policing? Is there sufficient political support for development projects in the security sector, is there sufficient local ownership?<sup>16</sup>
- **Request from the partner country.** It is important that the request for cooperation comes from the

<sup>15</sup>The DGD can submit a *Request For Information* (RFI) with the Director of Intelligence services.

<sup>16</sup>'Political will' is seldom a homogeneous element. A mapping can be drawn up showing the influential actors who can bring about change and actors who can stop it. Such a mapping needs to be regularly updated to monitor whether there is sufficient support and where there are opportunities.

partner country. The form of the request is also important. Is the request broadly supported? Who is the requesting party? This criterion is, of course, linked to political will.

- Is the intervention in line with the relevant **Belgian policy** and with the priorities of Belgian development cooperation? Is there a clear link with the result areas and associated indicators that are highlighted in this note?
- Does Belgium have **relevant expertise** in this domain, possibly in cooperation with other public services?
- Is there adequate **cooperation with other donors and actors**? Are potential opportunities for complementarity and synergy fully exploited? Are the reputational risks shared with others?

If conditions are incorporated, it is often important to be flexible. Being able to freeze or release funds quickly can give impetus to political dialogue. The conditions may consist of general principles, but also of more technical conditions, such as the need to set up a police oversight body if there are fears of misconduct on the part of the security services. It may also be advisable to work with a rolling system, in which smaller technical changes are required in increments, to obtain more significant political evolution.

The advantage of **drawing up and communicating concrete conditions or concerns** is that there is already a foothold when a crisis situation occurs, which avoids having to react completely ad hoc. On the other hand, it is clear to the interlocutors what the important points are for our country, and that these concerns are not plucked from thin air.

## Measures

If, after analysing the above-mentioned basic conditions and criteria, it is concluded that there are risks associated with a project proposal, it is first and foremost important to formulate or adapt the project in such a way that the necessary activities or methods are included to optimally monitor or influence these risks. For the risks that fall outside the scope of the intervention, it is necessary to formulate measures to deal with those risks. At this stage, it is about managing the political risks. The implementing partner will be responsible for the management of operational risks at a later stage (see Chapter V).

In this case, too, the adage applies that every situation is different and that the necessary oversight measures are context-specific. Possible measures include any conditions and closer monitoring of the project. It is also possible to identify any red lines or alarm bells at this stage, that make it necessary to re-evaluate the project.

## Conditionalities

If the analysis shows that certain conditions are not met, the question arises as to which modalities<sup>17</sup> are used. Problems can be raised in a political dialogue with the partner country, or conditionalities can be applied.

The experiences with conditionalities in the Belgian development cooperation are analysed in the 'Concept Note on Incentives and Partner Commitments' of Acropolis. This note emphasises the importance of context, sets out principles and distinguishes four modalities: ex-ante incentives, ex-post incentives, ex-ante commitments, ex-post commitments. The first two are positive conditionalities, the other two are negative.

## Monitoring

If, based on the context analysis, it appears that an intervention in the security sector in a given country poses significant risks, it is advisable to envisage closer monitoring. Of course, it should be borne in mind that there are always risks and that many risks are unforeseeable. It therefore also needs to be possible, during the course of a project, to stipulate that closer monitoring is necessary.

Strict criteria can be laid down to determine when a project needs additional monitoring and when it does not, but given the importance of the local context, it is better to assess this on a case-by-case basis, using the principles set out earlier in this note.

This can however be based on 'alarm bells': important risks that warn that extra alertness is necessary for the start-up of a programme or in the event of a deteriorating situation during an ongoing programme. If these risks become reality, it may be necessary to take additional measures on top of the already-envisaged mitigating measures. **When there is a drastic change in terms of basic conditions of fundamental values and political will, or when it is no longer possible to adequately guarantee the principles of concrete interventions, it may even be necessary to re-evaluate the cooperation.**

It is up to both the Belgian embassy to keep an eye on these alarm bells (at the macro level) and the implementing partner (at the level of the intervention). When problems arise in the course of the intervention, it is again up to the embassy to take the initiative for political dialogue with the partner country and with input from the implementing partners. In this case, **we are pursuing as much as possible a joint approach with the EU and**

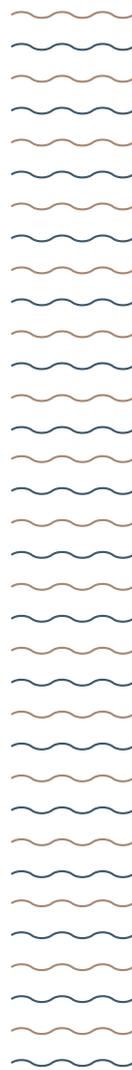
<sup>17</sup>De ervaring in Burundi, waar de samenwerking met politie en justitie in 2015 opgeschort en stopgezet werd, levert relevante inzichten op. Aan die beslissing gingen uitgebreide debatten vooraf over eventuele voorwaarden van een interventie. Daarnaast haalden we ook inspiratie uit het recente voorstel voor samenwerking met de politie in Bénin, waar een 'Note de accompagnement sur la gestion du risque politique' de modaliteiten schetst voor risicobeheer op politiek niveau.

**other donors** active in the security sector. It is important for Belgium to include its concerns for political dialogue in European coordination, so that they can be included in the political dialogue mechanisms in accordance with Articles 8 and 96 of the Cotonou Agreement.<sup>18</sup>

A **permanent open dialogue with the partner country is desirable** in the event of a crisis situation involving a Belgian intervention in the security sector. Concerns related to the intervention are also always taken into account in the existing dialogue between the embassy (ideally in a European or multi-donor context) and the authorities of the partner country.

These concerns are addressed in the context of wider cooperation with the partner country. Other potential development instruments may also be included in the discussion.

## Termination of the cooperation



The decision to terminate or suspend an intervention is highly context-specific and therefore cannot be linked to clear criteria in advance. Nonetheless, it is important to think beforehand about how to proceed in the event of such a decision in order to avoid major surprises.

One principle that is used in this regard is the principle of **progressiveness**. When drastic measures are taken right away and you upon withdrawal, one no longer has the leverage to influence the situation. Moreover, the same applies that staying (or having a limited) presence in a difficult situation is often more beneficial than just completely withdrawing. Eventually, if the situation is too dramatic, there is sometimes no other option than to fully exit. In some cases a risky part of the intervention can be left out, but other parts can be continued. If there are derailments within the police, it may be possible to remain active within the judiciary. However, derailments in the security sector are often an indication of broader problems. Sometimes, withdrawing from the security sector and remaining active in other sectors can exacerbate the derailments precisely because there is no longer an external presence within the institutions of the security sector.

It is also possible to temporarily suspend an intervention, with or without conditions for resuming it. If this is not possible, it may be necessary to terminate the intervention definitively.

The modalities for termination are clearly stated in the agreements with the partner country. As such, Belgium avoids giving the impression that it has failed to comply with the commitments it has made.

<sup>18</sup> Similar follow-up mechanisms are provided for in the successor to the Cotonou Agreement (after 2020), but these have not yet been validated.

# Risk analysis and management

## The importance of risk analysis and management

In fragile situations, it is impossible to reduce the risks associated with international interventions to zero. It is therefore important to clearly identify the associated risks and to manage them effectively.

Although the challenges in the security sector are often the same as in other sectors for development cooperation, the potential consequences are greater. The instruments available to the security sector (and the judiciary) can be used to impose decisions, they have a direct impact on power relations and even on the stability of a country. "When it comes to security and justice, the consequences of getting it wrong are likely to be much higher than with other development programmes", according to the OECD (2013, p.15).

In fragile situations, the actors (state and non-state) in the security and justice sector are often the cause of insecurity and injustice. When other public sectors function poorly, this often causes indirect damage, but in the security and justice sector, poor service or a lack of it is often a matter of life or death.

The police, army and militias in fragile situations can exert a great deal of power over the population and are often responsible for human rights violations. The security sector can maintain a system of exploitation, exclusion, inequality, discrimination or oppression, rather than protecting the population. The security sector is often an instrument for protecting the regime's position of power. One possible consequence of this is that (parts of) the population distrust their institutions and regard them as illegitimate.

That is why it is **important for development actors to identify, firstly, potential negative consequences of interventions, and secondly, existing mechanisms of insecurity and injustice.**

Risk analysis is **essential to inform the political decisions regarding the intervention.** When an intervention is approved, it must be clear which risks this entails and which risks are therefore accepted. The evolution of these risks must also be clearly reported and documented, in order to allow an informed decision on when the intervention should be adjusted or terminated early (see Chapter IV: operationalisation of risk management).

## Methodology

Risk analysis and drawing up mitigating measures are best addressed in the inception phase. This is an initial phase in which contacts are made, the context is analysed and the level of political support is examined. However, risk analysis does not stop once the project has started. Given that the context can evolve rapidly, it is essential to monitor the risks on a permanent basis and identify new risks in time.

**It is expected that implementing partners have a risk analysis and risk management tool, with attention to continuous monitoring of risks and adjustments en cours de route.**

The First management contract between the Federal State and Enabel (14/12/17) stipulated that the acceptable level of risk is to be stated in the instruction letter and that Enabel is to include the assumptions, main risks and mitigation plan in the country portfolio. In addition, with academic policy support (the former Acropolis programme), DGD has developed a risk management methodology and framework, called FRAME. The actors of Belgian development cooperation are strongly encouraged to use FRAME for their risk management, as this can facilitate consultation with Belgian embassies (common language on risk management based on best international practice) and given that the FRAME tool helps ensure that risk analysis and risk management is more complete and systematic.

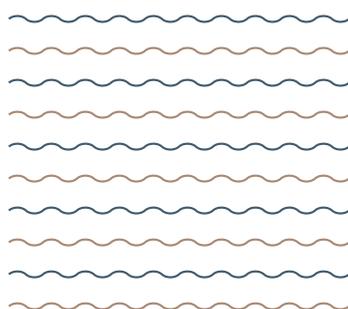
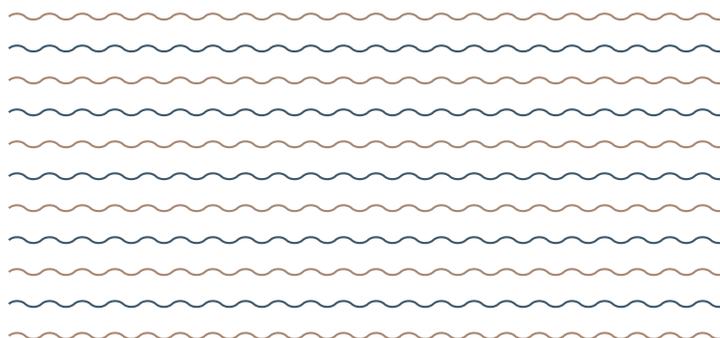
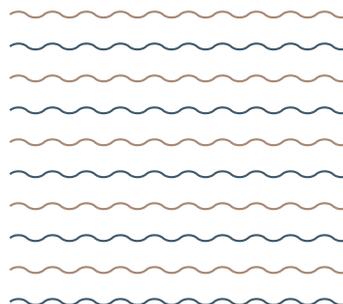
FRAME is primarily focused on risk analysis at country level. Analysing and managing operational risks is of course an important part of risk management. If necessary, implementing partners can provide a supplementary mechanism for this purpose.

# Types of risks

There are various types of risk, some of which have an impact on the population of the partner country, and others on the donor. Programmatic and institutional risks are related to development interventions, while contextual risks depend on the situation in the partner country. External actors have little influence on the contextual risks.

- Contextual risks are risks for the population in the partner country: risk of state failure, return to conflict situation, development failure, humanitarian crises.
- Programmatic risks: risk that the intervention fails, has undesirable consequences, does not have the desired effect.
- Institutional risks are risks for the donor: security, fiduciary risks, reputation risks, political consequences in the donor country.

A trade-off is sometimes necessary. It may be necessary to accept certain programme-related and institutional risks in order to reduce contextual risks.



## Risks and management measures

The risks are highly dependent on the context. Nonetheless, a number of risks are listed below, which are often associated to a greater or lesser extent with interventions in the security sector (inter alia OECD, 2013 p.29 and EU, 2016). A number of possible control measures are proposed for each of these, but these too will often be context-specific.

There is not always a strict division between institutional, programme-related and contextual risks; for example, a certain factor can have an impact in different ways. The table does not include any contextual risks, as external actors have little influence on them. Contextual risks are of course examined at length in the contextual analysis (see also Chapter II.3).

In order to arrive at a balanced risk analysis, opportunities are also identified, as is the case with the FRAME instrument. However, in this section we limit ourselves to possible risks.

| Type          | Risk   | Mitigation   |
|---------------|--|--|
| Institutional | Reputation damage                                    | Human rights and security sector analysis, stricter control over the reform process, specific training on human rights/negotiated management of the public space, support for human rights organisations and oversight bodies  |
| Institutional | Security risks                                       | Contextual analysis, exchange of information with security actors, political dialogue with partner country through EU embassy or delegation  |
| Institutional | Fiduciary risks                                      | Enhancing civilian oversight over the security sector, <b>accountability</b> , auditing and bookkeeping, correct budgetary process with security sector as part of the budget, Public Expenditure Review   |
| Institutional | Declining support in donor country                   | Investing in a nuanced image of the partner country and development interventions through communication with politicians, civil servants, opinion makers, public opinion, journalists  |
| Programmatic  | Too little political support                         | Analysis of the political context, analysis of existing action plans and reform programmes and their implementation, whole-of-government coherence, garnering support, encouraging national dialogue, identifying the persons/departments that have a positive attitude towards reform |
| Programmatic  | Too little capacity                                  | Assessment and possible remediation, management reform, specific training, attracting the right expertise (internal and external)  |
| Programmatic  | Too little coordination with other donors            | Shared analysis and objectives, identification of gaps and overlaps, consultation, multi-donor programmes  |
| Programmatic  | Too little involvement on the part of the population | Awareness-raising and information campaigns, local consultations, stimulating national dialogue  |
| Programmatic  | Government only reaches part of the population       | <b>Mapping gaps</b> , mapping all actors, partnerships with non-state actors and local communities, enhancing accountability of non-state actors   |
| Programmatic  | Undesirable negative effects                         | Contextual approach, participatory approach, monitoring  |
| Programmatic  | Lack of an overall strategy                          | Support for a national security and justice strategy, whole-of-government coherence  |

# Result areas, indicators and areas of action

## Result areas with corresponding targets of SDG 16+

The area covered by this note is very broad. Belgian development cooperation can primarily have an impact by identifying a number of priority areas in which clear results need to be achieved.

To this end, we use SDG 16 (peace, justice and strong institutions) as the basis, the sustainable development goal that relates to the security sector, among other things. In addition, we use the SDG 16+ concept as described by the alliance 'Pathfinders for Peaceful, Just and Inclusive Societies'. SDG 16+ contains the targets of SDG 16 and a further 24 targets from other SDGs that are closely connected to SDG 16.

We identify three strategic priorities in which the Belgian development cooperation aims to achieve results within the framework of SDG 16. The subdivision below shows which targets of SDG 16+ are related in this regard.<sup>19</sup>

### **Result A: Security and justice for women**

- 5.2 Violence against women and girls
- 8.7 Human trafficking
- 11.7 Safe public spaces
- 16.3 rule of law and access to justice
- 16.b non-discriminatory laws and policies

### **Result B: Security and justice for children and youth**

- 8.7 Child labor, child soldiers & forced labor, modern slavery and human trafficking
- 16.2 Violence against children
- 4.a Safe education facilities
- 16.3 rule of law and access to justice
- 16.1 reduce all forms of violence (CVE & PVE)

### **Result C: Effective, accountable and transparent institutions for a peaceful society**

- 16.5 corruption and bribery
- 16.6 effective, accountable and transparent institutions at all levels
- 16.a institutions for violence prevention

**Gender and women's rights** are a cross-cutting theme of Belgian development cooperation and are also central to Belgium's broader foreign policy. Our country implements UN Security Council Resolution 1325 through the third National Action Plan Women, Peace and Security

(2017-2021). This is focused on three countries (Burkina Faso, DRC, Mali) and has six objectives:

- Encourage the implementation of the international normative framework
- Integrate gender mainstreaming in Belgian initiatives regarding conflict, peace and security
- Combat all forms of violence against women and girls, specifically sexual violence
- Encourage the participation of women in processes relating to conflict, peace and security
- Support the Women, Peace and Security Agenda
- Ensure the follow-up and monitoring of the implementation of the Women, Peace and Security Agenda and the National Action Plan.

**Children's rights** are also a priority for development cooperation (cf. Law of 19 March 2013) and Belgium's broader foreign policy. During the Security Council mandate (2019-2020), our country will chair the Working Group on Children And Armed Conflict (WG CAAC). On the agenda of CAAC are twenty countries that require special attention with regard to children's rights.

The aim of the CAAC mandate is to tackle violations of children's rights in conflict situations. This entails the fight against six severe violations: recruitment and use; killing and maiming; sexual violence; kidnapping; attacks on schools or hospitals; denial of humanitarian access. Since 2010, Belgium has systematically funded the UNICEF 'Monitoring and Reporting Mechanism on grave violations against children' (MRM) through its humanitarian aid.

Like women, **young people** play a crucial role in conflict prevention and it is necessary to engage them positively in development processes with employment opportunities, in order to prevent radicalisation and violent extremism.

**Effective, accountable and transparent institutions** are crucial in bringing about lasting peace and preventing conflict. Institutions that can guarantee the safety of all citizens and are accountable to them are not only a prerequisite for stability, but also a driver of development. As such, our country attaches great importance to SDG 16 as an indispensable part of the development goals.

In Annex IV, we briefly look at current and past projects of Belgian development cooperation through the lense of these three result areas. However, a complete mapping of which result areas can be found in which projects falls outside the scope of this note.

<sup>19</sup>In terms of CRS codes, this can be done with a focus on 1513; 1521 and 1522; 15261 (see Annex I).

# Standard indicators

In order to effectively monitor the contribution of Belgian development cooperation<sup>20</sup> to the three results mentioned above, a number of clear standard indicators are defined here. These indicators are **closely linked to the indicators of the Sustainable Development Goals (SDGs)** to align ourselves as much as possible with this global framework and with national efforts to this end. At the same time, the indicators are formulated as concretely as possible, so that they can be measured at the level of the intervention and so that there is a clear attribution to the intervention.

The **standard indicators proposed below relate to the level of the specific objective** of the intervention and are therefore limited to the intervention zone. They need to be complemented by more comprehensive indicators for monitoring the impact over time (at the level of the general objective) and by more specific indicators for measuring the interim results (outputs). The proposed standard indicators **are not exclusive**. This means that interventions can also pursue other indicators. However, these standard indicators are key in the sense that they **need to allow the results achieved by the various interventions in the security sector to be aggregated** and thus provide an overall picture of what has been achieved with Belgian financing in the sector and how this has contributed to the SDGs.

**Indicator 1:** The number of persons satisfied with their last experience of security and/or justice public service which were supported by the intervention.

**Indicator 2:** The number of people who feel safe to walk around alone in the dwelling area.

→ For both indicators, the beneficiaries need to be **disaggregated by age and by gender**, to be able to measure the result for children, young people and women.

By disaggregating the indicator by gender, it is therefore gender-sensitive. Additional measures to take gender into account include monitoring the representativeness of women in the supporting departments and the extent to which their specific needs are taken into account. Special attention also needs to be given to gender-based and sexual violence.

Both indicators above measure the perception of the ultimate target group. These are influenced by the results of the intervention, but also by contextual factors. Measuring the indicators therefore also needs to take into account these contextual aspects and the underlying reasons for the perception.

Finally, this note leaves the possibility of further developing other meaningful indicators relating to the security sector open. A more in-depth analysis of the indicators currently used in the ongoing interventions and consultations with a wider range of implementing actors could provide useful additional insights in this regard.

# Several areas of action

A number of areas for action, where development actors (and others) in the security sector have a role to play, are listed below. For Belgian development cooperation, it is **important, in selecting areas of action and concrete activities, to always take into account the above-mentioned results and standard indicators** in order to avoid a fragmentation of our efforts.

**Conflict prevention** is defined by the UN as 'the avoidance of the outbreak, escalation, recurrence, or continuation of violent conflicts' (UN General Assembly 2016; UN Security Council 2016).

In 2018, the World Bank and the United Nations published a study entitled "**Pathways for peace**", with the aim of refocusing the international community's attention on the importance of conflict prevention by proving that it works and is economically preferable to conflict management. The study also stresses the role of the security sector in peacekeeping and conflict prevention.

Indeed, the lack of good governance within security and justice institutions, including a lack of accountability, transparency and responsiveness, can lead to the collapse of the rule of law and ultimately violence. **The effective functioning of the security sector is therefore crucial in preventing violence.** These are the issues addressed by SDG 16.

Belgium, in obtaining a non-permanent seat at the United Nations Security Council, also stressed the importance of conflict prevention and mediation.

In order to prevent violence more effectively, greater synergy between the various prevention tools and instruments, such as diplomacy and mediation, security and development, is necessary.

**Mediation** is a procedure whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop a mutually acceptable agreement<sup>21</sup>. It can be implemented at the state level (Track I) or at a less formal level between nations or opposing groups (Track II).

Mediation is a useful instrument for conflict prevention in the long term, but also in the short term: in high-risk contexts it is an instrument that can be deployed quickly to prevent an escalation towards violence.

Belgium aims to be present in the field of mediation. In addition, the DGM implemented a **Mediation strategy** in May 2019 that provides for:

- Including mediation in the training of all diplomats and domestic career agents
- Establishing a "Mediation Coordinator" within the DGM who will create a database of fellow Belgians

<sup>20</sup> The indicators do not therefore apply per se to missions for third parties.

<sup>21</sup> [https://peacemaker.un.org/sites/peacemaker.un.org/files/TrackOneandaHalfDiplomacy\\_Mapendere.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/TrackOneandaHalfDiplomacy_Mapendere.pdf)

who hold mediation functions in international organisations and NGOs, in order to create a network that can be mobilised at any time.

- Establishing a specific budgetary space for mediation
- The organisation of various events by diplomatic posts
- Identifying priority areas where Belgium could position itself as a mediator

**Security Sector Reform** (SSR) involves assessing and improving the efficiency and *accountability* of the security sector services. OECD sets out four principles (2007a, p.21):

- v) Establishment of effective governance, oversight and accountability in the security system.
- vi) Improved delivery of security and justice services.
- vii) Development of local leadership and ownership of the reform process.
- viii) Sustainability of justice and security service delivery.

In principle, all components of *Security Sector Reform* (SSR) can be covered in the result areas set out above. These components (OECD 2007a, p.10) are:

- Democratic oversight and accountability
- Defence reform
- Intelligence and security service reform
- Integrated border management
- Police Reform
- Justice reform
- Prison reform
- Private security and military companies
- Civil society

Within the broad domain of SSR, Belgium is recognised in particular for its expertise in areas of action such as *Police/justice de proximité, Réorganisation ou fusion de forces de sécurité; Gestion négociée de l'espace public; and Gestion de crise.*

**Countering Violent Extremism** (CVE) is the fight against violent extremism, usually from a military and/or political approach. **Preventing Violent Extremism** (PVE) focuses on the drivers of violent extremism, in which development actors have an important role to play. In the United Nations' 'Plan of Action to Prevent Violent Extremism', this is worded as follows: "the creation of open, equitable, inclusive and pluralist societies, based on the full respect of human rights and with economic opportunities for all, represents the most tangible and meaningful alternative to violent extremism."

The (reform of) the security sector is closely linked to PVE/CVE, not least because the absence of security services and other public services in certain areas is a breeding ground for violent extremism.

SSR can be applied in post-conflict situations as well as in more stable contexts. In the first case, it goes hand in hand with other efforts to bring about a lasting peace, such as **Disarmament, Demobilisation and Reintegration** (DDR). The aim of DDR is to facilitate the post-conflict reintegration of former combatants into society. There is therefore a clear link between

the security aspect and development. Especially in the area of reintegration, development actors have a clear role to play.

DDR and SSR are preferably implemented in parallel in a post-conflict situation. Among other things, this avoids a security vacuum being created during demobilisation and works with a clear vision on whether and how former combatants can possibly be incorporated into the security services.

# Possibilities for synergy and complementarity

Various other actors are of course also active within the security sector. The following Belgian and international actors may be relevant to further define possible synergies and complementarities, depending on the specific context.

## Belgian actors

Through **civilian crisis management**, Belgium contributes to the efforts of the international community in preventing or dealing with foreign crises by means of non-military actions. This is done in particular by sending out/detaching government staff and freelance or external experts in disciplines such as capacity building of (civilian) internal security services, strengthening the rule of law, border management, customs, irregular migration, combating organised crime, combating terrorism, monitoring and support tasks. They primarily participate in civilian missions under the Common Security and Defence Policy (CSDP), but also in initiatives by the OSCE, UN, NATO and others. The executive board of Security Policy within the FPS Foreign Affairs ensures the operational monitoring and coordination of Belgian civilian crisis management.

The thematic priorities for civilian crisis management can be summarized under a number of headings:

- Respect for human rights, including UNSC 1325 on women, peace and security, is a first priority. UNSC 1612 on children and armed conflict also fits into this framework.
- Promoting the rule of law and increased accountability, the fight against impunity, mediation and reconciliation, are other important priorities.
- Organised crime and the fight against terrorism and prevention of violent extremism, as well as irregular migration, have been added to the priority list.<sup>22</sup>

For more than 20 years, the **Federal Police** has worked with Belgian development cooperation in various contexts (from 1996 to 2000 in South Africa, from 2005 to 2015 in Burundi, from 2010 to 2014 in DRC, etc.). These projects are usually broader SSR programmes and activities aimed at improving the functioning of the police services for the benefit of the population, and with attention to the judicial processes; they also cover specific areas such as intelligence led policing, integrated border management, transnational data exchange, community policing, negotiated management of the public space, etc.

More recently, the Federal Police have mainly been involved in counterterrorism projects (e.g. in Burkina Faso and Benin). The aim is to strengthen the analytical capacity, professionalise the methods used by the intelligence services in cooperation with the police and use them, with an view on improving prevention. A second element is to increase reactivity in the event of attacks, since everything can not be prevented through prevention and accurate intelligence work.

In addition to the above-mentioned civilian crisis management missions (participation in EU missions & visiting experts) and the bilateral support (protocol Enabel - Fedpol), there are also activities to support UNODC, UN (peacekeeping & political missions), EUCT Experts in EU Delegations, DCAF Tunis, etc.

**The department of Justice** is especially involved in establishing the rule of law in the Sahel region:

- In Burkina Faso, an expert, within the framework of the PARSIB project, has provided the Burkinese State with support in optimising its internal security services for the fight against terrorism, while respecting human rights and democratic values.
- The department supports the EUCAP SAHEL Niger mission, by seconding an expert as Assistant to the Head of Mission.
- The department supports the EUCAP SAHEL Mali missions, by seconding an expert as a Counter-Terrorism/Criminal Intelligence Advisor.

Development cooperation is not one of the core tasks of the Ministry of Defence, which are defined as follows: collective defence, collective security and the protection of compatriots worldwide.

In addition to the core tasks, there are also auxiliary assignments such as the contribution to internal security or support for national and international humanitarian missions. The aim is that these missions serve national security policy.

The contribution of the **Ministry of Defence** to development cooperation must therefore be seen in this context. As such, the comprehensive approach strategy note rightly emphasises the importance of an integrated approach to foreign and development policy. A maximum effect can only be achieved if all actors involved are able to coordinate their policies.

In this context, a framework agreement was concluded with ENABEL on 12 February 2019. In concrete terms, this has already resulted in two specific cooperation agreements for Niger and Benin.

Through bilateral cooperation agreements, the Ministry of Defence therefore primarily contributes to capacity building in the partner countries it has identified. That way, the Ministry of Defence helps improve the security climate in strategic regions that are important to Belgium.

Furthermore, subject to the availability of personnel and resources, the Ministry of Defence may assign subject matter experts to support civilian crisis management or civilian missions carried out by multilateral organisations such as the EU, the UN or, to a lesser extent, NATO.

Ideally, the Ministry of Defence's contribution to foreign and development policy needs to be part of the broader framework of the implementation of a national integrated security strategy that protects vital national interests.

## European actors

The EU is active in the security sector through its development instruments, but also through other instruments. The Instrument contributing to Stability and Peace (IcSP) can be used, inter alia, to support SSR, mediation and justice. A recent addition also allows support for military projects in the context of Capacity Building for Security and Development (CBSD).

Civilian crisis management is part of the Common Security and Defence Policy (CSDP). There are currently ten civilian missions (including EUCAP Mali and EUCAP Niger) and six military missions (including EUTM Mali). For civilian missions, the Common Foreign and Security Policy (CFSP) budget can be used.

For the 2021-2027 period, the EU's military instruments will be brought together in a new European Peace Facility, while the development instruments and the IcSP, including the budget for CBSD, are expected to be consolidated in the Neighbourhood, Development, International Cooperation Instrument (NDICI).

### Sahel

Specifically in the Sahel region (EU 2019), which is important in terms of security for both the EU and Belgium, Europe has two priorities: counter terrorism & countering violent extremism (CT & CVE) and Security Sector Reform:

- SSR: "lay the foundations for security systems more oriented towards civilian service missions and aiming at ensuring effectively and ethically the protection of citizens." (p. 17, JSWD)
- CT & CVE: "implement an overall response to terrorism, including through improved judicial responses and socio-economic actions." (p.18, JSWD) "prevent and mitigate expansion of violent extremism, including through measures supporting community resilience" (p.19)

The CSDP missions EUCAP Mali, EUCAP Niger, and EUTM Mali aim to stabilize the region through strengthening support for a structural transformation of the security sector in the context of the integrated approach. Their current mandate is focused on capacity building.

The IcSP is deployed in Mali and Burkina Faso in the context of Capacity Building for Security and Development for building the capacities of the army.

Security is also an aspect that is taken into account in EU development interventions in the Sahel: "In addition to more traditional structural, long term objectives, development actions should be tailored to enhance effect of security action in priority areas, by contributing to delivery of basic services and opening employment opportunities beyond illicit activities. Support to the delivery of basic services, in the context of security operations needs to be considered as early as possible."

## United Nations

The United Nations includes Security sector reform in the whole spectrum of peace initiatives<sup>23</sup>. This can be a component of Peace Keeping Missions, but SSR can also be crucial in transition phases where peacekeeping operations are being wound down. SSR is also an important part of the peace and prevention agenda outside the context of UN peacekeeping missions, in particular by providing support to countries that wish to make use of it.

Within the UN's Department of Peace Operations there are departments for SSR, DDR, Justice, Police, demining, etc. that play a central role in their activities in the sector.

SSR, DDR and justice (Rule of Law) are also priorities of the United Nations Peacebuilding Fund<sup>24</sup>, a fund to support projects in post-conflict situations with a view to achieving a lasting peace and preventing the recurrence of violent conflict.

The United Nations Development System and in particular UNDP, OHCHR, UNICEF, UNFPA and UNWOMEN are partners that each according to their mandate, have an operational role in responding to this complex issue, and can contribute to SDG 16/SDG 16+. They have stipulated in their strategic plan how they intend to do this. For example, UNWOMEN is involved in particular in implementing Resolution 1325 on Women, Peace and Security. UNICEF is our main partner in children's rights and protection and is particularly active in countries in fragile situations and situations of armed conflict.

Moreover, a group called the *Pathfinders for peaceful, just and inclusive societies* has been set up, comprising 31 UN Member States and partners from all sectors who are committed to concrete actions towards achieving SDG 16. Belgium may join the group to make its commitment in this field a reality, and strengthen synergies with these actors.

<sup>23</sup> <https://peacekeeping.un.org/en/security-sector-reform>

<sup>24</sup> <http://www.unpbpf.org/what-we-fund/>

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# ANNEX I: CRS codes

The relevant CRS codes fall under three sub-divisions:

- 150 government & civil society
- 152 conflict, peace & security
- 16063 narcotics control

## 150 Government & Civil Society

### 15130 Legal and judicial development

Support to institutions, systems and procedures of the justice sector, both formal and informal; support to ministries of justice, the interior and home affairs; judges and courts; legal drafting services; bar and lawyers associations; professional legal education; maintenance of law and order and public safety; border management; law enforcement agencies, police, prisons and their supervision; ombudsmen; alternative dispute resolution, arbitration and mediation; legal aid and counsel; traditional, indigenous and paralegal practices that fall outside the formal legal system. Measures that support the improvement of legal frameworks, constitutions, laws and regulations; legislative and constitutional drafting and review; legal reform; integration of formal and informal systems of law. Public legal education; dissemination of information on entitlements and remedies for injustice; awareness campaigns. (Use codes 152xx for activities that are primarily aimed at supporting security system reform or undertaken in connection with post-conflict and peace building activities. Use code 15130 for capacity building in border management related to migration.)

### 15131 Justice, law and order policy, planning and administration

Judicial law and order sectors; policy development within ministries of justice or equivalents.

### 15132 Police

Police affairs and services

### 15134 Judicial affairs

Civil and criminal law courts and the judicial system, including enforcement of fines and legal settlements imposed by the courts and operation of parole and probation systems.

### 15137 Prisons

## 152 Conflict, Peace & Security

Further notes on ODA eligibility (and exclusions) of conflict, peace and security related activities are given in paragraphs 76-81 of the Directives.

### 15210 Security system management and reform

Technical co-operation provided to parliament, government ministries, law enforcement agencies and the judiciary to assist review and reform of the security system to improve democratic governance and civilian control; technical co-operation provided to government to improve civilian oversight and democratic control of budgeting, management, accountability and auditing

of security expenditure, including military budgets, as part of a public expenditure management programme; assistance to civil society to enhance its competence and capacity to scrutinise the security system so that it is managed in accordance with democratic norms and principles of accountability, transparency and good governance. [Other than in the context of an international peacekeeping operation (15230)].

### 15220 Civilian peace-building, conflict prevention and resolution

Support for civilian activities related to peace building, conflict prevention and resolution, including capacity building, monitoring, dialogue and information exchange. Bilateral participation in international civilian peace missions such as those conducted by the UN Department of Political Affairs (UNDPA) or the European Union (European Security and Defence Policy), and contributions to civilian peace funds or commissions (e.g. Peacebuilding Commission, Peacebuilding thematic window of the MDG achievement fund etc.). The contributions can take the form of financing or provision of equipment or civilian or military personnel (e.g. for training civilians). (Use code 15230 for bilateral participation in international peacekeeping operations).

### 15230 Participation in international peacekeeping operations

Bilateral participation in peacekeeping operations mandated or authorised by the United Nations (UN) through Security Council resolutions, and conducted by international organisations, e.g. UN, NATO, the European Union (Security and Defence Policy security-related operations), or regional groupings of developing countries. Direct contributions to the UN Department for Peacekeeping Operations (UNDPKO) budget are excluded from bilateral ODA (they are reportable in part as multilateral ODA, see Annex 9). The activities that can be reported as bilateral ODA under this code are limited to: human rights and election monitoring; reintegration of demobilised soldiers; rehabilitation of basic national infrastructure; monitoring or retraining of civil administrators and police forces; security sector reform and other rule of law-related activities; training in customs and border control procedures; advice or training in fiscal or macroeconomic stabilisation policy; repatriation and demobilisation of armed factions, and disposal of their weapons; explosive mine removal. The enforcement aspects of international peacekeeping operations are not reportable as ODA. ODA-eligible bilateral participation in peacekeeping operations can take the form of financing or provision of equipment or military or civilian personnel (e.g. police officers). The reportable cost is calculated as the excess over what the personnel and equipment would have cost to maintain had they not been assigned to take part in a peace operation. Costs for military contingents participating in UNDPKO peacekeeping operations are not reportable as ODA. International peacekeeping operations may include humanitarian-type activities

(contributions to the form of equipment or personnel), as described in codes 7xxxx. These should be included under code 15230 if they are an integrated part of the activities above, otherwise they should be reported as humanitarian aid. NB: When using this code, indicate the name of the operation in the short description of the activity reported.

#### **15240 Reintegration and SALW control**

Reintegration of demobilised military personnel into the economy; conversion of production facilities from military to civilian outputs; technical co-operation to control, prevent and/or reduce the proliferation of small arms and light weapons (SALW) – see para. 80 of the Directives for definition of SALW activities covered. [Other than in the context of an international peacekeeping operation (15230) or child soldiers (15261)].

#### **15250 Removal of land mines and explosive remnants of war**

All activities related to land mines and explosive remnants of war which have benefits to developing countries as their main objective, including removal of land mines and explosive remnants of war, and stockpile destruction for developmental purposes [other than in the context of an international peacekeeping operation (15230)]; risk education and awareness raising; rehabilitation, reintegration and assistance to victims, and research and development on demining and clearance. Only activities for civilian purposes are ODA-eligible.

#### **15261 Child soldiers (prevention and demobilisation)**

Technical co-operation provided to government – and assistance to civil society organisations – to support and apply legislation designed to prevent the recruitment of child soldiers, and to demobilise, disarm, reintegrate, repatriate and resettle (DDR) child soldiers.

### **Other**

#### **16063 Narcotics control**

In-country and customs controls including training of the police; educational programmes and awareness campaigns to restrict narcotics traffic and in-country distribution. ODA recording of narcotics control expenditures is limited to activities that focus on economic development and welfare including alternative development programmes and crop substitution (see 31165 and 43050). Activities by the donor country to interdict drug supplies destroy crops or train or finance military personnel in anti-narcotics activities are not reportable.

# ANNEX II: Federal Police

## Decision Matrix

To determine which countries are priorities for cooperation in the context of civilian crisis management, the Federal Police applies the criteria listed below as described in the document 'Instabiele landen. Beleid-sadvies voor de indicatieve planning 2018-2019' (Unstable countries. Policy advice for indicative planning 2018-2019) from 2017. In the decision matrix, the criteria are divided into different parameters. The presence of a parameter is seen as a plus point for intervention. The countries with the most plus points can be considered as priorities.

The most unstable countries are assessed against the following criteria:

- (1) Where does the Belgian police NOT go in principle? (Exclusion criteria, see below)
- (2) What is the multilateral framework?
- (3) Which Belgian interests are at stake?
- (4) What is the level of stability in the host country?
- (5) What are the working conditions in the host country?
- (6) What is (or has been) the specific added value for the Belgian police?

There are two exclusion criteria for participation in a mission.

- The first premise is that a country must not be in a state of generalised civil war in order to be eligible for Belgian international police support as a candidate country. In principle, the Belgian police, which is and intends to remain a civilian police force, cannot be deployed in a war zone. Only at a later stage, when the situation has stabilised and the country is once again under the control of a legitimate government, can the Belgian police consider participating in a multilateral civilian crisis management mission, or participating in a bilateral comprehensive approach. A country without a recognised government, with multiple governments or a government whose legitimacy is not recognised by Belgium cannot be considered for Belgian involvement in civilian crisis management either.
- A second premise for the deployment of police capacity is the so-called local ownership. The host country must demonstrate political will to accept, or even request, the offer of police support. The host country must also take ownership of the content of the services it offers and demonstrate the will to develop "good police practice" in a gradual and lasting manner.

The figure below gives an overview of the complete decision matrix, including parameters.

|  |                      |  |
|--|----------------------|--|
| (1) Exclusion criteria                     |                      | Insufficient local ownership                                   |
|  |                      | Generalised civil war/<br>No legitimate government             |
| (2) Multilateral framework CCM             |                      | European crisis management                                     |
|  |                      | UN PKO/Political mission                                       |
|  |                      | CA Belgian government  |
| (3) EU – Belgium interests                 | Politics and economy | Values – Human rights  |
|  |                      | Trade – Economy – Energy                                       |
|  |                      | Spread of jihadism   |
|  | Security             | Uncontrolled migration   |
|  |                      | Terrorism<br>Targets EU (citizens)                             |
|  |                      | CrimOrg  |
|  |                      | Piracy   |
|  |                      |  |
| (4) Stability in host country              |                      | Post-conflict  |
|  |                      | Pre-conflict   |
|  |                      | Peace process ongoing  |
|  |                      | Risk of conflict spillover/Rebels<br>from neighbouring country |
|  |                      | Political will for<br>good governance                          |
| (5) Working conditions in the host country |                      | LEA capacity: know-how,<br>literacy                            |
|  |                      | Freedom of movement  |
|  |                      | Own resources for equipment                                    |
|  |                      | Security at work and home                                      |
| (6) Added value for Belgian police         |                      | Goals of the mission<br>SMART                                  |
|  |                      | Benchmarking   |
|  |                      | Key function in mission  |
|  |                      | Interpol action sufficient                                     |
|  |                      | Complementarity of bilateral<br>projects/Region                |

# ANNEX III: SSR risk table (OECD)

In the DAC Handbook on Security Sector Reform, the OECD lists a number of risks for interventions in the context of Security Sector Reform. These risks are incorporated in the risk table in this document. The table of the OECD can be found below.

| Potential risk   | Mitigating action  |
|--|--|
| Political risk from donor government engaging in support of SSR.   | Develop inception phase to help assess level of local commitment. Ensure clear objective for supporting SSR. Ensure whole-of-government coherence. Make case for engagement to parliament and public in donor country. |
| Police utilise undue force when dealing with public demonstrations.  | Provide training in crowd control and proportionate use of force. Support human rights groups and bodies that can provide oversight.   |
| Lack of overall strategy means reforms could be piecemeal.   | Support development of national security and justice strategy to guide reform process.   |
| Partner government has requested training on specialised issues but lacks organisational structures to ensure this will be used. | Make support for training conditional on engaging in management reforms that address systemic problems.  |
| Support for SSR is driven by a few political figures.  | Encourage development of a national dialogue on security and justice issues to broaden political support for reform and engage the public.   |
| State security and justice institutions have limited outreach in rural areas.  | Assess the non-state security and justice providers in these areas. Target support to increase their accountability and develop partnerships with state bodies and communities for service delivery.                   |
| A large number of international actors means parallel assistance projects with same partners.                                    | Develop joint multi-donor assistance programme to co-ordinate support.   |
| Lack of public engagement in the issue.  | Support public education campaign and local consultations to engage communities.   |

# ANNEX IV: Belgian development co-operation in the security sector

This note applies to all Belgian development cooperation, regardless of the implementing organisation. It is therefore interesting to examine to what extent the above-mentioned result areas are already reflected in Belgian development cooperation projects (implemented by NGOs, multilateral partners as well as Enabel). This makes it no less useful for a particular partner to specialise in a more narrowly defined domain.

If we look at Enabel's projects in the security sector, we see that result area C in particular is strongly represented. This makes sense, as effective, accountable and transparent institutions are a central part of security sector reform. Within result area C, 'police de proximité' is a focus.

Some past and current projects have a gender and/or children and youth element. These are primarily projects in the justice sector. The project *Appui à la Justice* in Benin, for example, includes a part on training and awareness-raising in order to improve awareness of children's rights. The project *Appui central et périphérique à la Justice au Burundi* focuses on minors who come into contact with the judiciary and on victims of Gender-based Violence.

The FAMIKO, FAMIKI and FAMIKA projects fall within the defence sector and aim to improve the family life of military personnel in the DR Congo.

Human rights and citizens' awareness of their rights are also themes that are included in many projects.

## **Lessons learnt**

Belgian development cooperation was active in the security sector in **Burundi** following the Arusha Accords, often together with the Netherlands.

In 2014, the year before the elections in which Pierre Nkurunziza intended to run for a third term, there were concerns in Brussels and at the embassy in Bujumbura about the projects in the security sector. This was due to the tense political situation. It was then suggested to attach technical and political conditions to the release of new budgets, or that the intervention should be suspended or terminated if certain conditions were not met. In the end, this was not implemented, but a budgetary reserve was set up that would be allocated in the event of a successful outcome. However, this system proved not to be ideal, as the 'Note on Incentives and Partner Commitments' of Acropolis shows.

Finally, in the convention with Burundi, a paragraph was included on creating a police oversight body, a 'police de police'. This was accepted by the Burundian government. Belgium decided to remain present for two rea-

sons. Firstly, because the situation would certainly not improve if we were not present. Secondly, because the police that were trained by Belgium were not involved in the derailments.

In 2015, things rapidly deteriorated and civilians were killed in protests in Bujumbura. The European Union then initiated a political dialogue with the Burundian authorities under Article 96 of the Cotonou Agreement. As a result, all direct support from the EU and its member states to the Burundian state, and therefore also Belgian cooperation in the security sector, was terminated.

In **Benin** there has recently been concern about a project in the security sector that still needs to be set up. This was also due to political unrest. The government changed the voting laws, which prompted protests. There were fatalities when the army was deployed against the demonstrators. Belgium was only going to cooperate with the police, but there was a concern that something could degenerate with police involvement, which would reflect badly on Belgium.

The Belgian embassy felt the need to monitor the project more closely than would normally be the case. The possibility of setting up a monitoring committee was suggested. This was ultimately not retained as there was already a *comité de pilotage* and a *comité mixte de partenaires* and because it could be interpreted by the government as the wrong signal. Another problem is that there are not many *watch dogs* in Benin, organisations that investigate violations. Another option was to play a greater role in the existing working groups for dialogue between the government and donors in Benin. There are for example a dozen working groups on peace, health, agriculture, etc.

In response to the concerns of the post and based on its experience in Burundi, Enabel drew up a 'note d'accompagnement sur la gestion du risque politique' (support note on political risk management) in order to manage (reputational) risks.

Another recent case is a European project proposal on cooperation in the security sector in DR **Congo**, which was ultimately not put on the agenda of the EDF Committee due to a lack of unanimity among the Member States.

Here, too, there were concerns due to the political situation, with uncertainty regarding a possible third mandate for the President, the postponement of the elections and the repression of the population. Belgium, among others, pointed to a lack of political will to reform the justice sector and the instrumentalisation of justice for political ends.

# ANNEX V: Various scenarios and changing situation

The situation of fragile states varies from case to case. Moreover, the situation is continually changing. The OECD distinguishes between different scenarios and the associated development opportunities and priorities in the security sector. An important aspect in this regard is that it is often not an 'either/or' situation, but that, depending on the situation, there are more, fewer or different possibilities and needs. Development work is also possible in difficult environments, provided that the necessary mitigating measures are taken and that the situation is constantly evaluated.

In its 'Enhancing the Delivery of Justice and Security' report, the OECD (2007b) distinguishes between four global scenarios: deteriorating fragile states without political commitment, deteriorating states with political commitment, collapsed states and recovering states. A crucial aspect in this regards is the level of political will. We describe below how it is possible to remain active in the security sector in these different scenarios. These are not strict guidelines, but an illustration of the possibilities.

In the **scenario of deteriorating states and a lack of political will** it is important to maintain a presence where possible by working with actors who are in favour of reform and can play a positive role. A number of *building blocks* have been identified where, in such circumstances, development projects can be implemented according to a multi-layered strategy. These are the following elements, for which more concrete examples can be found in the OECD document.

- Non-coercive elements of the security system, such as state-delivered justice
- Activities of community organisations, non-governmental organisations, bar associations and independent lawyer groups engaged in the protection of human rights, the monitoring of allegations of abuses and the defence of victims.

In addition, the *multi-layered approach* enables providing support for *non-state structures* in situations where direct support to the government is difficult. At local level, *non-state security and justice providers* are sometimes the only existing solution to the current needs.

Another recommendation for this scenario is support for women's organisations and women's access to justice. Here the focus is on women both as *recipients* and *providers* of justice. Indeed, research has shown that women often play an important role in fragile situations, for example through their participation in *non-state justice systems*.

A final recommendation addresses the issue of political pressure and conditionality. Political instruments form a crucial component of the multi-layered approach. However, political requirements can also be counterproductive, for example when a fragile state shows little enthusiasm for strengthening the judiciary in any case, whereby political requirements make the will to cooperate diminish even further. That is why, according to the OECD, it is important to make careful use of political pressure and conditionality, from a long-term perspective.

Another scenario covers **deteriorating states with political will**. In some cases, the state itself is not fragile, but the security situation is deteriorating due to problems in the security and justice sector.

In this scenario, it is important to support the development of a National Security Strategy, where problems are identified, a wide range of stakeholders is involved and the support of different donors is coordinated.

An important focus point is to strengthen legitimacy in the eyes of the population in situations where we can work with a government that demonstrates political will to tackle security and judicial problems. This can be done by focusing on tackling local needs, strengthening trust between citizen and government, social and economic initiatives and a focus on accountability. Where the situation allows, donors need to support government initiatives and provide direct support to the relevant ministries.

In states where the security situation is deteriorating, a fragmentation of the public space often occurs, whereby citizens in a certain area or even district no longer have access to public services. That is why it is important to apply an area-based approach focused on selected communities.

If the political will exists within the government, donors need to support a more balanced recruitment process, allowing for various factions/groups to be better represented. Positive discrimination against members of groups who have been excluded or discriminated against in the past can be an instrument in this respect.

In **collapsed states** there are no government agencies, or very few, that are responsible for security and justice. Non-state actors partly fill this gap. Such 'traditional' systems have various flaws (favouring those in power, discrimination against women, overlap and contradiction between different systems, unclear jurisdiction), but they also offer opportunities.

However, the OECD points out that the availability of informal justice in *collapsed states* is surprisingly widespread and reaches far more people than the official justice system.

It is important, first and foremost, to provide a picture as complete as possible of the actors responsible for security and justice (both *state actors* and *non-state actors*), where they do it, when, how and for whom. The OECD report gives the example of East Timor, where the "UN Transitional Administration East Timor did not commission any detailed and systematic study of local legislation in the course of its mandate."

In such a comprehensive assessment, it is crucial to start from the needs of the local population and ask what the impact of international interventions on fragility will be.

For international actors, it is important to work 'realistically and modestly' in *collapsed states* and to realise that even in such contexts we do not start with a blank canvas. In other words, it is crucial to take the existing context into account. That way, efforts to build a central justice system at the expense of local systems used by citizens can be counterproductive and generate conflict.

Even in the most fragile states and where the state has little or no capacity to participate in development projects in the security sector, it is important to work with a long-term strategy. In the first phase, international actors will often have to take the lead. This must be done in cooperation with *non-state actors* and with input from local stakeholders, who have a better understanding of the highly complex local situation.

Working with less risky pilot projects that can possibly be expanded later can be a useful method. A strategy of islands of dependability, where in very difficult regions, a number of small initiatives are launched that can later be extended to nearby locations, is also part of this philosophy. It is also important to identify *priority issues* that can generate visibility and trust.

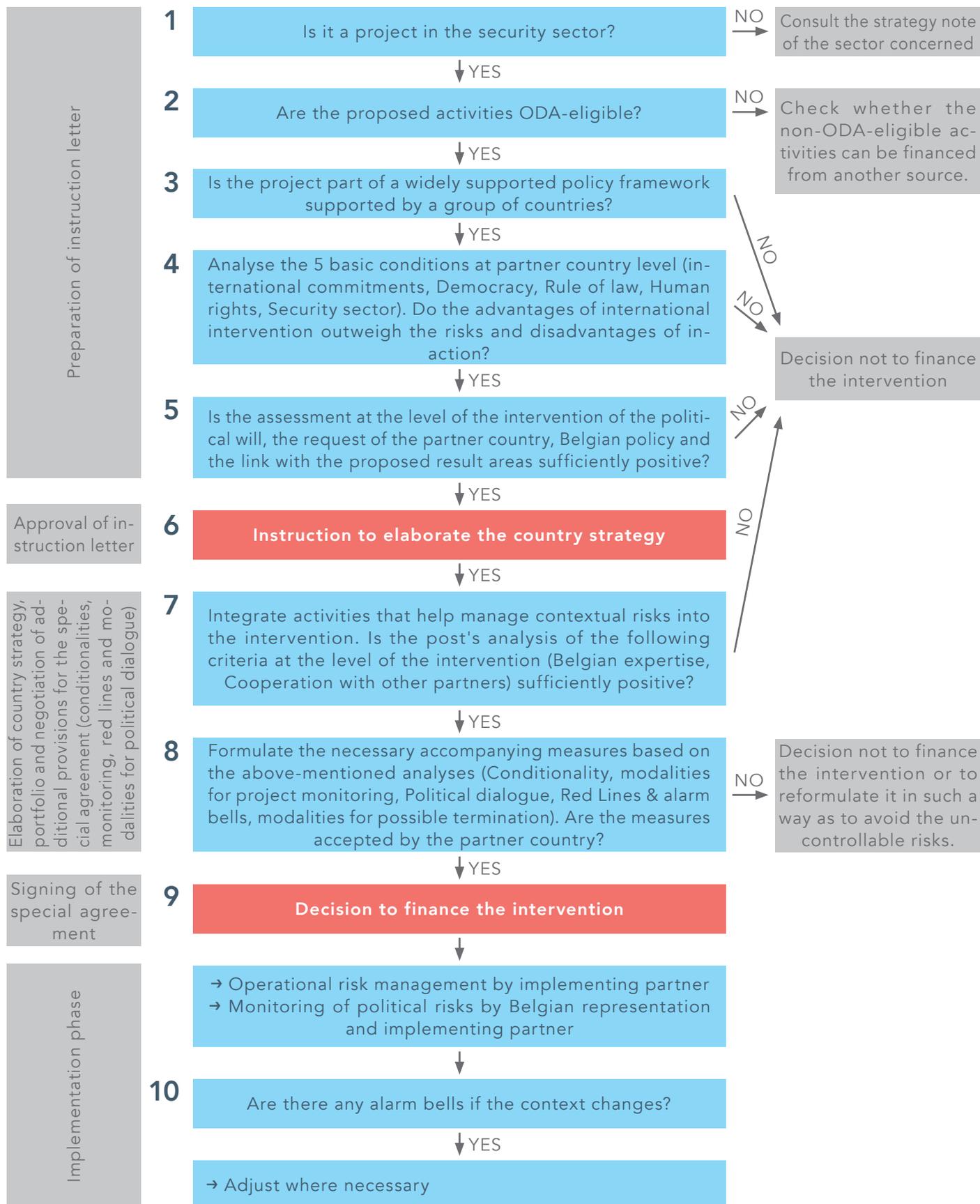
The main problem is often finding skilled and experienced (national and international) staff to work in fragile environments. Incentives to attract competent staff can help.

In **recovering states** there are more possibilities. In these contexts, there is often a window of opportunity following a peace agreement. Almost half of *post-conflict states* relapse into a conflict situation within the subsequent five years. That is why it is important that international actors give rapid support to developing the security sector or justice.

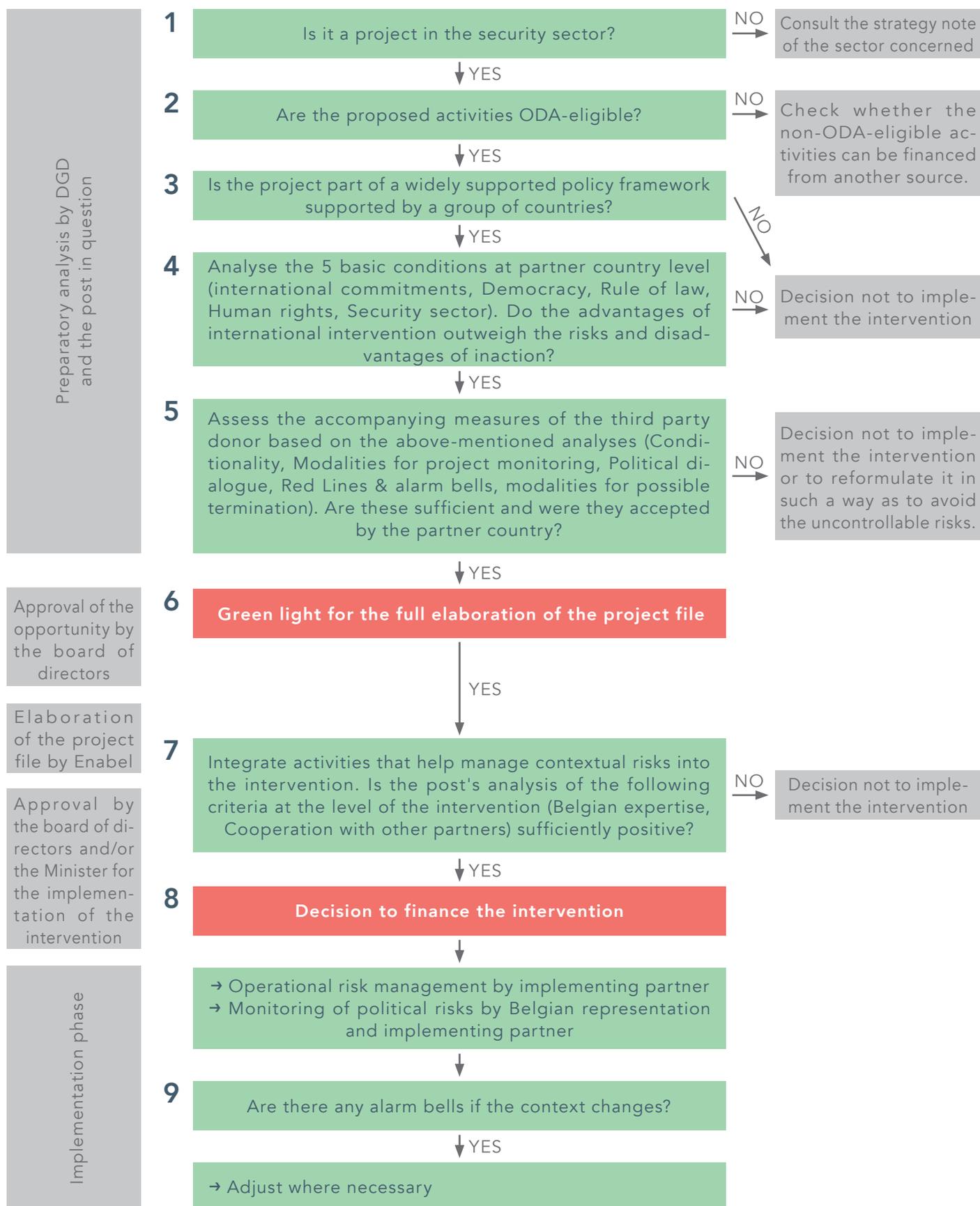
However, it needs to be lasting support and the initiatives must be financially viable in the longer term. High security costs can be justified immediately after a conflict, but are generally not sustainable in the long term.

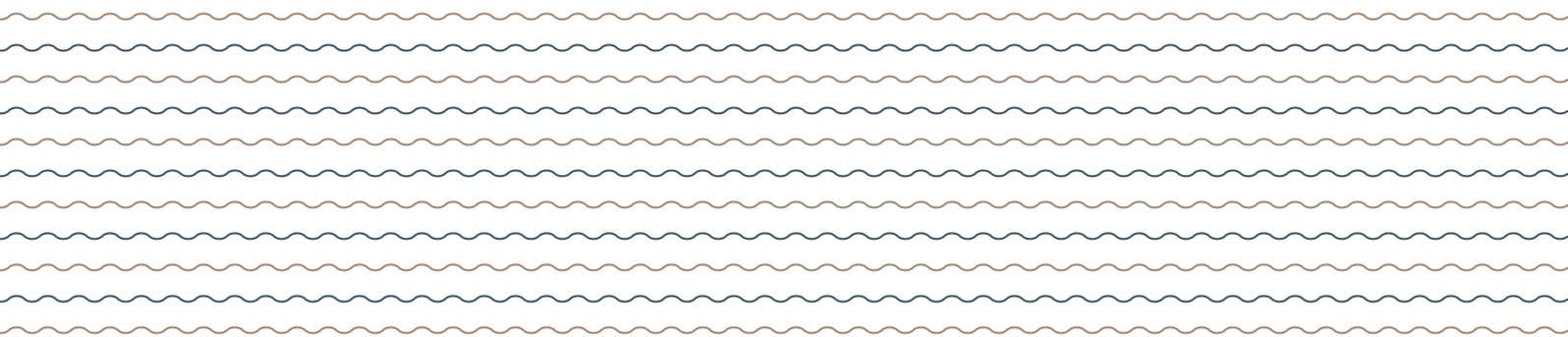
Another focus point is developing management capacity: the development of efficient policies, regulations and human capital in the field of management in the security sector. Finally, in its report, the OECD recommends working with non-state actors, investing in transitional justice with a focus on local justice, integrating security and justice issues into national development plans and deploying efficient donor coordination mechanisms.

# ANNEX VI: Roadmap for support from Belgian development cooperation



# ANNEX VII: Roadmap for consideration of an assignment for third parties for implementation by Enabel









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