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# Towards a Non-State Security Sector Reform Strategy

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## ABOUT THE SSR ISSUE PAPERS

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## SUMMARY

This paper outlines a comprehensive strategy for engaging non-state actors in security sector reform (SSR) by synthesizing the emerging literature on this approach and developing new conceptual tools to advance policy and practice. It explains when and why non-state security providers should be engaged in reform, outlines what such an approach would aim to achieve, provides tools with which to understand who such actors really are, then clarifies how international actors could pursue such a strategy. It then considers six outstanding challenges and uncertainties surrounding a non-state SSR strategy and, ultimately, argues that non-state engagement is a viable and attractive approach to SSR that merits further research and serious policy-making consideration.

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Cover photo: "Biwa Bermo" © by JoeyL.

Biwa Bermo, an elder of the Karo tribe in the Lower Omo Valley of Ethiopia. The region hosts many self-governing tribes that sometimes dispute over territory. Biwa is a respected and well-adorned warrior, carrying rows of scarification representing the enemies he killed in battle. Photographer JoeyL has made several trips to the region and other parts of the world to photograph traditional authorities. His work can be viewed at [www.JoeyL.com](http://www.JoeyL.com).

## INTRODUCTION

SSR encompasses a range of efforts that contribute to peace, stability, democracy and development by improving the performance of a society's security and justice institutions, particularly during transitions from conflict and authoritarianism. In established theory and practice, SSR aims to improve the governance and capacity of the security and justice institutions of the state — the military, police, judiciary and corrections. In this respect, SSR has served as a central pillar of state building as the dominant international approach to “conflict-affected,” “fragile,” “weak,” “failed” or “failing” states over the last two decades.<sup>1</sup> Within this “state-centric” SSR approach, the construction of strong central state institutions offers the most effective and expedient strategy for reducing armed conflict, instability and the myriad transnational threats associated with “fragile states,” including transnational organized crime, migration and terrorism.<sup>2</sup>

The overall results of state-centric SSR over the last decade, however, have been modest at best. In many conflict-affected states, from Timor-Leste to Afghanistan to Sudan, SSR (and state building more generally) has disappointed international expectations. International state building often falls short because it aspires to an externally fabricated model that does not accommodate

1 As the Organisation for Economic Co-operation and Development's Development Assistance Committee (OECD DAC) explains, “The overall objective of security system reform is to create a secure environment conducive to development, poverty reduction and democracy. This secure environment rests upon two essential pillars: i) the ability of the state, through its development policy and programmes, to generate conditions that mitigate the vulnerabilities to which its people are exposed; and ii) the ability of the state to use a range of policy instruments at its disposal to prevent or address security threats that affect society's well-being.” (OECD DAC, 2005: 16). The OECD DAC, however, also recognizes that the “SSR policy agenda has, to date, focused primarily on the challenge of re-centering the state in the security game. More analysis is needed of the incentives which exist for partnerships between state and non-state actors (including the private sector) in the security domain, particularly where state capacity is very weak and seems likely to remain so” (OECD, 2005: 67-68).

2 See, for example, Call and Wyeth (2008).

local interests and desires while attempting to radically re-engineer a society in a short time frame (Paris, 2004; Barnett and Zürcher, 2009). Existing SSR practice reflects these shortcomings by pursuing programs without political, historical and contextual sensitivity. On-the-ground realities quickly frustrate such vacuous designs. Given this situation, a growing number of scholars and practitioners are scrutinizing the basic assumptions of the existing approach and considering unconventional alternatives for a “second generation” of more effective SSR.<sup>3</sup>

One prominent new approach shifts the agenda from an exclusive focus on the security sector of the state towards the possibility of reforms aimed at the broader security sector of the society, encompassing a wide range of security structures and practices outside of central state institutions.<sup>4</sup> As the *OECD DAC SSR Handbook* proposes, “SSR programmes must consider the need for a multi-layered or multi-stakeholder approach. This helps target donor assistance to state and non-state justice and security providers simultaneously, at the multiple points at which actual day-to-day service delivery occurs” (OECD DAC, 2007: 17).

This issue paper considers the potential and possibility of an SSR strategy that engages non-state actors and informal security mechanisms in reform, and contrasts this approach with exclusively state-centric

3 See, for example, Sedra (2011a); Baker (2010: 150–154).

4 While this paper focuses specifically on informal and non-state *security* provision, it should be noted that such structures are inextricably linked with non-state *justice* provision (see Figure 1). The norms and rules that constitute informal justice often require enforcement mechanisms that invoke informal security actors, while the provision of informal security must follow some form of rules, procedures, norms and expectations to constitute something more than the ad hoc and arbitrary use of force. To date, however, more work has been done on engaging informal justice actors — particularly in relation to indigenous, tribal and customary law — than on the security side. This paper seeks to address the imbalance. Thus, it frequently refers specifically to security providers even though such actors inevitably overlap with justice providers. To truly constitute an SSR strategy, however, security cannot be separated from justice.

SSR practice.<sup>5</sup> In the first two sections, it surveys the burgeoning literature on this theme in order to explain when and why SSR should be broadened to include non-state actors, and what the goals of such an approach may include. The key unresolved issue of this discourse, however, is how SSR programming can effectively engage non-state actors in reform. The analytical contribution of this paper is to provide frameworks with which to understand who such non-state security providers are and how international SSR programs can engage them. The third and fourth sections examine the nature of such actors and the attendant opportunities they present, while the fifth section considers the outstanding challenges and issues surrounding this type of engagement.

## WHEN AND WHY SHOULD NON-STATE ACTORS BE ENGAGED IN SSR?

An SSR strategy that engages non-state actors and informal security mechanisms is tailored to societies characterized by two interrelated conditions: the absence of effective modern statehood, and the presence of informal governance alternatives. In societies that do not meet these conditions, a state-centric SSR approach will likely prove most effective, practical and desirable for donors, the host government and the society, even though informal

<sup>5</sup> While this paper invokes a state/non-state dichotomy, it is important to recognize that there is often considerable overlap between these two categories and they are best conceived as the opposite poles of a continuum. Purportedly “non-state” systems are often officially recognized and sanctioned by a country’s constitution and legislation in a form of legal pluralism, even though these authorities operate in ways highly distinct from typical state institutions. Alternatively, state officials may utilize mechanisms that lie outside of state institutions and rules, and non-state security systems may be tacitly or explicitly condoned by state officials. Indeed, many societies lack a clear distinction between public and private, state and society. Non-state security actors often draw upon informal security mechanisms. Here, “informal” refers to practices that are not constituted or regulated by state law and that operate outside of state institutions and procedures (as defined in the state’s law). A state official acting outside of state security regulations, therefore, is part of an informal security mechanism. This conceptualization of “informal institutions” derives from Helmke and Levitsky (2004: 727).

structures may still contribute to societal order in these conditions.<sup>6</sup> In societies that are characterized by these conditions, an exclusive (or even predominant) focus on state institutions is likely not the most effective way to improve security provision to citizens.

Scholars and practitioners have long noted that modern statehood fails to characterize a multitude of societies. As Herbert Wulf points out, the core feature of the Weberian state — a monopoly of legitimate violence — does not pertain to many countries and remains an unlikely prospect in the foreseeable future (2007). Similarly, the SFB 700 research project on “governance in areas of limited statehood” focuses on a variety of areas in which the “state’s monopoly on the use of force and its ability to enforce political decisions...represent the exception rather than the rule in terms of both history and space” (Risse and Lehmkuhl, 2006: 4). Indeed, many of today’s fragile states emerged from a colonial history of indirect rule in which the institutions that became the state never attempted to consolidate a monopoly of violence but rather co-opted a diversity of local bodies of authority and coercion (Stepputat et al., 2007: 8-9; Ahram, 2011: 178). Given this reality, the recent “Access to Justice and Security: Non-State Actors and the Local Dynamics of Ordering” conference at the Danish Institute for International Studies (DIIS) questioned “why programmes seek to establish a Euro-American state model when it is not achievable for this generation or the next in most of the world” and pointed out that “it cannot be assumed that ‘the state’ or ‘the government’ is able or even willing to dominate all other organizations within its internationally recognized territory” (Albrecht and Kyed, 2010: 2).

<sup>6</sup> For example, Canada’s First Nations Policing Policy allows for self-administered policing in Aboriginal communities, while both state police and Aboriginal communities often rely on policing alternatives outside of this framework, such as peacekeepers and casino security (Rigakos, 2008). Informal security and justice provision can, therefore, play a productive role even in states with high capacity, though their role is much more discretionary in such cases.

## ABOUT THE AUTHOR

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The absence of modern statehood is often presumed to coincide with chaos, anarchy and a void of governance, but an emerging literature examines these “ungoverned spaces” as rather “alternatively governed” by actors and mechanisms that belie state-centric optics (Clunan and Trinkunas, 2010). As Volker Boege et al. point out, a focus “on state institutions’ lack of willingness or capacity to perform core state functions in the fields of security, representation and welfare” overlooks the variety of non-state structures that substitute for the state in these areas of governance (2009: 16). Ken Menkhaus, for example, demonstrates that, “faced with state collapse, Somali communities have vigorously pursued alternative systems to provide themselves with essential services normally associated with the state — first and foremost security and public order” (2007: 69). Surveying the diverse array of formal and informal policing practices in Africa, Bruce Baker finds that “non-state groups are the *primary* providers of protection, deterrence, investigation, resolution and punishment for most Africans in most circumstances” (2011: 210). In such cases, Baker and Eric Scheye argue that state-centric SSR practice falsely assumes that the state is the major provider of security and justice, overestimates its penetration of society and overlooks the various non-state actors providing the majority of security and justice services at the user-level of conflict-affected societies (Baker and Scheye, 2007: 507, 512–514).

In societies that confute the Western ideal of statehood, a state-centric approach to SSR attempts to build a state monopoly of legitimate violence and expand the state’s ability to provide security throughout its territory by co-opting, supplanting or eliminating non-state actors engaged in these activities (Reno, 2008: 156–168; Stepputat et al., 2007: 5). If such a strategy is likely to succeed, then a state-centric approach to SSR remains appropriate and there is little need to expand the SSR strategy to consider non-state security structures. Such cases, however, may be exceptional. As Baker and Scheye point out, SSR programming targets post-conflict and fragile states that are by definition ill-disposed to provide security and justice and sustain ambitious reform efforts over the short- and medium-term (2007: 507–511).

Two basic obstacles impede a state-centric approach in such cases. First, the resources required to develop and sustain state institutions that can provide security and justice throughout the society are often greater than state revenues and foreign assistance budgets allow. For example, security expenditures in Afghanistan during the 2004–2005 fiscal year were equivalent to 494 percent of domestic revenues and 23 percent of GDP (World Bank, 2005: 42), but remained insufficient to extend state-based security throughout the country. Similarly, the human resources available to the fragile or post-conflict state are often grossly inadequate due to shortages of police officers, lawyers, legislators and civil servants. In the Democratic Republic of the Congo, for example, the ratio of police to population is 1:4,377 (Baker and Scheye, 2007: 508–511). Second, a state-centric approach aspires to construct state institutions that enjoy widespread legitimacy and authority in the eyes of citizens. In cases where the state has been a source of insecurity and injustice, local communities often turn to alternative authority structures for protection and it is difficult for states to achieve popular respect and widespread assent. Compounding these two obstacles is the issue of time. It

is possible to develop sufficient resources on a sustainable basis and earn legitimacy, but these achievements tend to develop gradually over a long period of time, which may test the patience, resolve and policy frameworks of international state builders.

In cases of limited statehood, state-centric SSR faces an even more fundamental challenge. The international community too easily presumes that the absence of strong state institutions provides a “blank slate” for international reform initiatives, when there may actually be a diversity of non-state structures, norms and traditions filling the void of state governance (Mark Sedra, quoted in Burt, 2011: 6). As Phil Williams argues, the “old adage that nature abhors a vacuum can be modified to suggest that nature abhors gaps of whatever kind. Consequently, when the state does not fill these gaps, other entities will attempt to do so” (2010: 37-38).

The challenge for state building is not just the weakness or absence of modern state structures, but the presence and strength of complex governance arrangements that emerge in their stead. Rather than “failed states” or chaotic voids of governance, Boege et al. argue that such environments are better understood as “hybrid political orders” that mix elements of modern state institutions with traditional and customary institutions to create a complex governance reality that belies the Weberian image of modern (Western) statehood. Summarizing their analysis, the authors argue that: “regions of so-called fragile statehood are generally places in which diverse and competing claims to power and logics of order co-exist, overlap and intertwine, namely the logic of the ‘formal’ state, of traditional ‘informal’ societal order, and of globalisation and associated social fragmentation (which is present in various forms: ethnic, tribal, religious...). In such an environment, the ‘state’ does not have a privileged position as the political framework that provides security, welfare and representation; it has

to share authority, legitimacy and capacity with other structures” (2009: 24). Boege et al. elaborate on hybrid political orders:

In such cases, although state institutions claim authority within the boundaries of a given “state territory,” in large parts of that territory only outposts of “the state” can be found, in a societal environment that is to a large extent “stateless.” The state has not yet permeated society and extended its effective control to the whole of society. Statelessness, however, does not mean Hobbesian anarchy, nor does it imply the complete absence of institutions. In many places, customary non-state institutions of governance that had existed prior to the era of colonial rule have survived the onslaught of colonialism and “national liberation.” They have, of course, been subject to considerable change and have had to adapt to new circumstances, yet they have shown remarkable resilience. Customary law, traditional societal structures (extended families, clans, tribes, religious brotherhoods, village communities) and traditional authorities (such as village elders, headmen, clan chiefs, healers, *bigmen*, religious leaders, etc.) determine the everyday social reality of large parts of the population in developing countries even today, particularly in rural and remote peripheral areas. (2009: 20)<sup>7</sup>

A state-centric SSR strategy can easily underestimate or overlook the depth and efficacy of the governance structures that have emerged in the absence of modern statehood. In both practice and theory, state building tends to associate the state with order and stability and the non-state with chaos and insecurity, but this often

<sup>7</sup> Scheye (2009a: 8) uses a similar concept, “the second state,” Menkhaus (2007) understands hybridity as “the mediated state” and Debiel (2005) refers to “layered statehood.”

distorts a more complex reality (Stepputat et al., 2007: 11). In such cases, a state-centric SSR approach faces the “double cost” of dismantling the present security architecture and constructing a new one based in state institutions. More dangerously, attempts to replace existing security and justice mechanisms may ultimately undermine public order and provoke popular backlash, and hence, insecurity (Sedra, 2011b: 108).

In the absence of effective statehood and the presence of non-state governance mechanisms, an SSR strategy focused exclusively on state security and justice institutions may not be the most appropriate, efficient or cost-effective means of pursuing peace, stability and security. The international community faces four options for SSR in such complex situations as those described above:

- Ignore non-state governance structures and employ a state-centric model whose design is highly appealing, but will likely disappoint expectations. In the conditions noted above, state institutions will likely remain weak, ineffectual and minority providers of security and justice despite reform efforts (Afghanistan provides a good example).
- Recognize the importance of non-state actors and invest the vast resources necessary to eliminate informal governance mechanisms or incorporate them into state structures in order to enable the construction of a modern state. This option entails the aforementioned “double-cost” and risks unleashing instability before building security and justice.
- Recognize the importance of non-state actors, but decide that this reality ultimately confounds the objectives and tools of international assistance, and disengage.
- Recognize the importance of non-state actors and adopt a non-state assistance strategy alongside

measures geared towards state institutions. This may entail compromises of Western interests, conceptions of political order and liberal peace orthodoxy to accommodate on-the-ground realities in order to develop a “good enough” strategy.

In the fourth option, a more practical and effective SSR strategy might begin by assessing what security and justice systems are actually operating on the ground rather than starting from a model of modern statehood that many view as ill-suited to the conditions noted above.<sup>8</sup> In this vein, Mark Sedra proposes the following for an emerging “second generation” of security sector reform: “If SSR programs are to succeed in complex transitional societies, particularly those featuring non-Western security and legal traditions, the SSR process must be empowered to work with existing norms, structures and people, not around them. They must seek to embrace an understanding of local realities and tailor programs to engage them. This may mean developing a division of labour or partnership with non-state actors and structures” (2011b: 108).

## WHAT DOES A NON-STATE SSR APPROACH AIM TO ACHIEVE?

SSR efforts to strengthen state security institutions amidst the conditions described above remain important but insufficient. The challenge of international intervention in such societies is to complement programming geared towards state institutions with efforts to engage non-state security mechanisms using an SSR approach tailored to

<sup>8</sup> As Stepputat et al. note, “In fragile states it is painstakingly clear that the Weberian state does not apply as a descriptive model. It is — at best and if anything at all — a normative model for how one might prefer things to look. It is, however, a model that it appears to be extremely difficult to construct and sustain. In fragile states, the range of different dispensers of force is vast. It comprises everything from vigilante groups, community defenses, local strongmen, and youth gangs, through militias and paramilitaries, to private security firms, and military companies, to use some common labels” (2007: 11-12).

a multi-faceted and heterarchical security terrain.<sup>9</sup> Bruce Baker proposes that “Instead of impossible dreams regarding the policing that the state’s security agencies can provide and ill-founded dismissals of non-state security systems, it is wiser to begin actively developing an entire spectrum of unique partnerships and associations between the state and non-state systems. What is needed is for a security model in which the emphasis rests on the quality and efficacy of the policing received by the end user regardless of who delivers that policing” (2010: 158-159).

The basic aim for a non-state-centric SSR strategy is therefore to promote sustainable cooperation, coordination and co-governance between multiple layers of state and non-state security provision, in contrast to a state-centric approach in which state institutions attempt to incorporate, eliminate or ignore non-state security and justice providers.

<sup>9</sup> “Heterarchy” refers to a set of relationships between different types of actors engaged in similar or coordinated activities without a clear hierarchy between them. As Baker and Scheye point out, the “experience of people in post-conflict and fragile states...is one of choice with a layered network of alternative and overlapping provisions of security and justice” (2007: 515). The optimal (or plausible) degree of heterarchy versus hierarchy in the relationship between state and non-state security providers is, of course, highly case specific.

The logic of an SSR strategy that includes non-state actors contrasts sharply with a state-centric approach (see Table 1). In its ideal type, a state-centric SSR strategy seeks to centralize the provision of justice and security around the institutions of the state, extending their reach into the periphery. It aims to create one uniform rule of law throughout the state’s territory. Engaging non-state security and justice providers constitutes a decentralized strategy of bottom-up provision at the local level. It implies a pluralistic mosaic of different security and justice systems, each with unique rules, norms and standards.<sup>10</sup> Whereas a state-centric approach aims to create a state monopoly on legitimate violence, Wulf argues that the public monopoly should be reconceived to have multiple levels — local, national and regional/global — each representing unique authorities claiming a legitimate right to exercise force. The local level “might consist of federalist structures (in developed states) or traditional or indigenous forms of shared authority (based on clan, kin or religion) in less developed countries. The local level offers proven forms of leadership, of exercising authority and of regulating violence” (2007: 18).

<sup>10</sup> The concepts of “legal pluralism” (see International Council on Human Rights Policy, 2009) and “para-statism” (Kraushaar and Lambach, 2009: 12) provide helpful precedents for understanding a pluralistic mosaic of security and justice systems.

Table 1: Contrasting Logics of State and Non-State SSR Strategies

	State-centric SSR	Engagement with Non-State Actors
Scale	National	Local
Concentration	Centralizing with high integration (incorporation of non-state into state)	Decentralizing with limited integration (cooperation between state and non-state)
Direction	Top-down	Bottom-up
Rule of Law	Homogeneous and universal	Plural and diverse
Monopoly of Legitimate Violence	Held by the state	Multi-level (local, national and regional/global)

While their logics may differ markedly, the two strategies are not mutually exclusive; a key challenge in recipient societies is to find an appropriate and congruent balance between state-centric and non-state programming.<sup>11</sup> Top-down efforts concentrating on central state institutions must be balanced with localized, bottom-up and de-concentrated actions that respond to a diverse context. Engagement with non-state security providers is just one potential policy program of such an approach.

Though unconventional in its approach, an SSR strategy that engages non-state actors does not change the basic goals of SSR. As the OECD DAC explains, SSR “seeks to increase the ability of partner countries to

11 As the *OECD DAC SSR Handbook* explains, “SSR objectives need to focus on the ultimate outcomes of basic security and justice services. Evidence suggesting that in sub-Saharan Africa at least 80% of justice services are delivered by non-state providers should guide donors, encouraging them to take a balanced approach to supporting state and non-state provision, while understanding and respecting the context in which these services are being supplied. In such contexts, programmes that are locked into either state or non-state institutions, one to the exclusion of the other, are unlikely to be effective” (OECD DAC, 2007: 17).

meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance and the rule of law” (2005: 11). More specifically, the OECD DAC posits that the “focus for international actors should be to support partner countries in achieving four overarching objectives: (i) Establishment of effective governance, oversight and accountability in the security system; (ii) Improved delivery of security and justice services; (iii) Development of local leadership and ownership of the reform process; and (iv) Sustainability of justice and security service delivery” (2007: 21).

An SSR strategy that includes non-state security and justice actors still aims to improve the accountability, transparency, inclusivity and effectiveness of security provision, but largely at the local rather than national level. As shown in the table below, such a strategy does not change the basic principles of SSR, it merely realizes them in a different way, which may compensate for noted shortcomings of a state-centric approach.

Table 2: Realization of Basic SSR Principles by Different Strategies

Principle <sup>1</sup>	State-centric SSR	Engagement with Non-State Actors
People-Centred	Security and justice concepts and practices are defined, implemented and guaranteed from the centre. In practice, this strategy may favour urban areas closest to the centre over the rural periphery.	Security and justice are formulated and implemented closer to recipients. This strategy may better reflect the diversity and local specificity of people’s needs, experiences and expectations than a top-down approach.
Local Ownership <sup>2</sup>	Tends to favour the national-level political elite, particularly those who are English-speaking, urban, Western educated, and thus easy for international donors to work with.	Involves regional and local level political elites, non-state security and justice providers, local civil society and communities.
Primacy of the Rule of Law	One rule of law and code of conduct is set and enforced from the centre.	A plurality of different systems of law, each with unique rules, norms and standards, extend over different geographical and functional areas.
Democratic Accountability and Oversight	Provided by formal mechanisms prescribed by the constitution and democratic (electoral) politics.	Provided by informal mechanisms of accountability to the users of justice and security systems, and possibly to the state.
Civil Society Engagement	Favours national level civil society groups and international non-governmental organizations (NGOs).	Aims to include local-level civil society, including ethnic organizations, business groups and religious institutions.
Operational Effectiveness	Begins from a model of how a modern state should function and builds these institutions.	Begins with the mechanisms that are already in place and functioning, and seeks to improve their performance.

Principle <sup>1</sup>	State-centric SSR	Engagement with Non-State Actors
Sustainability	State institutions often experience a shortage of fiscal and human resources and lack the requisite political support, forcing them to rely on the international community.	Involves systems that are already in place and can sustain themselves from local resources.
A Political Process	Politics tend to revolve around the representation of various groups within state institutions.	Politics involve who has power and authority at the local level, and who is recognized as a legitimate security provider by the state and international community, as well as who benefits and who is excluded from security and justice provision. It also entails politics between the host state and the international community as the latter seeks to empower authorities other than the former.

1 These principles derive from Sedra (2011b). Sedra also lists “long-term” as a basic principle, which applies in the same way to both a state-centric and non-state SSR strategy.

2 “Local ownership” is an oft-cited but seldom defined imperative of SSR. Eric Scheye points out that there are at least four relevant categories of “local owners”: the national government and elite; local government and elite; justice and security providers; and the end users of public goods (2009a: 37). Laurie Nathan points out that local ownership is often misunderstood to mean local support for international programs: “What is required is not local support for donor programs and projects but rather donor support for *programs and projects initiated by local actors*. *The actual reform of the security sector must be shaped and driven by local actors*” (2007: 8).

One potential problem with the “pluralistic mosaic” implied by a non-state SSR strategy is that differences in legal norms and security systems across a territory can hamper business relations with high transaction costs. An even deeper problem is that neither the mosaic nor society is static. Migrants, for example, may be particularly vulnerable to uncertainty and discrimination as they traverse different systems of security and justice. One possible remedy for this problem (and in the case of large-scale abuse more generally) is to provide recourse to state law, as elaborated below. These problems, however, point to a more fundamental issue. In order to develop reliable security provision, mechanisms of accountability and stable expectations, a non-state security strategy presumes a requisite degree of stability in the authority structures of a society, even if they are numerous and diverse. Such an approach would be ill-suited to societies experiencing ongoing civil war or other significant forms of flux, but the same problem applies to any SSR program.

As the previous section argued, the weakness or collapse of states does not indicate the absence of security systems; informal non-state systems fill the void, whether they are coping mechanisms in extreme situations, traditional

structures that predate the present situation or hybrid adaptations that link the two. The existence of alternative security systems, however, does not mean that they are adequate and satisfactory; reform is still needed. Just as existing SSR responds to the failings and deficiencies of state security and justice institutions, efforts to engage non-state actors aim to improve their governance and capacity (Baker, 2010: 161). While the local tradition and culture embodied in non-state security mechanisms are often presumed to be inflexible, the reality is that they readily change with their environment. Indeed, many local security and justice structures trace their lineage to the colonial and pre-colonial eras, and have adapted their functions through a range of colonial and post-colonial circumstances. With this flexibility in mind, an SSR strategy that engages non-state security providers has three broad goals: setting broad parameters for security provision; coordination of security providers to achieve systemic coverage; and improving the performance of non-state security providers.

## SETTING BROAD PARAMETERS FOR SECURITY PROVISION

Even if the state is not the primary security provider, it still has an essential role within a non-state SSR strategy: to establish the broad parameters within which security is provided, particularly standards of human rights, accessibility and accountability that define the fundamental principles for the diversity of security provision. The state might license, vet, monitor and regulate non-state providers of security (Baker and Scheye, 2007: 520). Even when central authorities are not the major security provider and cannot incorporate non-state providers, SSR can still help state institutions set and monitor minimum standards for a decentralized and pluralistic system of heterarchical security provision.

Wulf proposes two useful principles for this goal when the public monopoly of legitimate force is multi-level, involving a range of state and non-state actors. “Subsidiarity” entails that security provision should occur as close to the end user as is effective and practical, to better reflect unique local conditions and standards. “Supremacy” implies a hierarchy of norm setting wherein the broadest standards of human rights and acceptable conduct are set internationally, receive more detailed content at the national level (generally within the constitution), and attain the greatest level of specificity through their interpretation and elaboration at the local level (2007: 20-21). Donors can support this role for the host state by assisting in the development of legislation to clarify the roles and relationship of the state and non-state security and justice providers, delineate their spheres of authority, and develop a regime in which the state can vet, monitor and regulate non-state security provision (Scheye, 2009b: 21, 24).

## COORDINATION OF SECURITY PROVIDERS TO ACHIEVE SYSTEMATIC COVERAGE

The objective of a non-state SSR strategy is to improve security provision in a governance landscape marked by cooperation and coordination of state and non-state mechanisms.<sup>12</sup> Such a strategy should begin by mapping who is providing which security functions, where and for whom. This exercise will help identify gaps, shortcomings, potential linkages and prospective entry points for SSR. In cases where security provision is competitive or conflictive, an SSR strategy might try to promote coordination and delineate spheres of influence. For Wulf, a key challenge is reconciling different types of authority at the various levels of security provision to create a functional division of labour and non-competitive forms of legitimation (2007: 19). Similarly, strengthening the linkages between the state and non-state security providers will help the former monitor and regulate the performance of the latter (Scheye, 2009a: 23). The degree of integration between state and non-state security actors will vary by context. In some cases (as in the footnote below), the state may directly coordinate and regulate diverse state actors within a central plan for security; in others, SSR may simply aim at loose coordination to extend the geographical span of security provision and broaden the range of security provided. One possible measure is to build linkages between non-state security providers and local police agents in order to develop a locally situated community policing system.

<sup>12</sup> In a similar vein, Tobias Debiel elaborates a conception of “layered statehood” in which “the main short- and medium-term concern should be to transform and interlink these diverse (quasi-)legal and power spaces in such a way as to make them capable of integration into state structures. It is important in this connection not to take an all too narrow view of state-building and instead to integrate it into a more comprehensive governance concept that both recognizes and includes non-state actors in efforts to come up with solutions to social problems” (2005: 15).

Coordination of this kind represents a deeply political exercise. Noting the divergence of the centralizing proclivities of state institutions from the decentralized nature of a non-state SSR strategy, Scheye argues that the “tension can be mitigated, but it requires an ongoing negotiation and re-negotiation of the social contract between and among national elites, civil society organizations...and local elites” (2009b: 12). The international community may have a role to play by supporting such dialogues; it may also help develop mechanisms through which decisions and outcomes of non-state security and justice systems can be appealed to state mechanisms. In addition to oversight mechanisms, donors can also help the host state to build systems of performance measurement with which to gauge the security provision of non-state actors, a function that may evolve into a policy planning capacity (Scheye, 2009b: 21).

## IMPROVING THE PERFORMANCE OF NON-STATE SECURITY PROVIDERS

SSR might also aim to improve the performance of particular security providers, including both their capacity to provide security functions (which may entail training, equipment and infrastructure) and the principles and procedures of their operation — particularly their transparency, inclusiveness and accountability to communities. A key part of such actions will promote understanding and adherence of the broad parameters for security provision set by the state and the international community. Similar efforts to engage informal justice providers present useful precedents for such assistance. In Afghanistan, for example, many local *jirgas* and *shuras* are accused of violating the gender standards enshrined in the country’s constitution, but many local leaders and elders are simply unaware of these provisions (Barfield et al., 2011). There is great potential for informational

programming in this context. For example, donors can support the development of case books that support the evolution of local dispute resolution mechanisms by facilitating greater consistency, transparency and accountability (Scheye, 2009b: 27). Similar measures in the security sphere might include dialogues on human rights and community forums that bring together security providers, local officials, civil society and citizens.

One of the most critical roles for the state (and international actors) is to strengthen the accountability mechanisms that bind informal and non-state security providers to those affected by their actions. As Baker explains, “Accountability broadly involves being open as regards policies, decisions and operations; providing information willingly; explaining and justifying actions; responding to public concerns and complaints; investigating (or allowing others to investigate) alleged abuses and publishing the findings; accepting imposed sanctions for illegal conduct; allowing a right to redress for abuses committed; and showing responsibility for the impact of actions on individuals’ safety, security, privacy and livelihoods” (2007: 133).

SSR programmers may use incentives (such as recognition, development projects and funding) to improve accountability. The state might also develop accessible avenues of recourse for citizens who are unsatisfied with a local outcome (a means of appeal), who are victimized or marginalized by security actors, or for issues that exceed the scope of local mechanisms. Local civil society groups could help monitor and mediate such relations (any specific prescriptions, of course, remain highly dependent on context). National and international efforts to strengthen accountability mechanisms (or that pursue any of the three goals listed here) should be cautious of the risk that close collaboration with non-state security providers may in some cases serve to *delegitimize* those very authorities or the state itself. Subjecting non-

state actors to formal state standards and fostering closer ties to state officials could erode the authority of informal mechanisms if their constituents are skeptical of state power. The extent of this risk, however, remains an empirical question for future research. National and international support for informal justice mechanisms in Afghanistan also suggest that funding non-state actors

can undermine local accountability and fuel corruption (Barfield et al., 2011: 188). The politics of any relationship that attempts to change non-state behaviour will undoubtedly be sensitive, complicated and difficult, but the same can be said of many different relations in the ever more complex realm of global politics — relations that are pursued nonetheless.

### Advantages and Disadvantages of Engaging Non-State Actors in SSR

#### Advantages:

- **Legitimacy and Effectiveness:** Non-state security mechanisms are embedded within local cultural, social and political realities. The nature of their development may thus render them more culturally, geographically and economically accessible to recipients. In many cases, the state is distant and foreign, and may therefore lack comparable authority and accessibility.
- **Flexibility and Resilience:** Despite common presumptions, culture, norms and traditions are flexible, adaptable and constantly changing. Their informal nature may enable them to change more easily than the formal bureaucratic institutions of the state.
- **Local Ownership:** Due to their bottom-up nature, non-state actors may be in the best position to realize the “locally owned” and “people centred” ideals of SSR. Security and justice have different meanings for different communities. A decentralized and pluralistic approach to SSR may better respond to the actual needs and desires of communities than the top-down technocracy and universalism of a state-centric approach, the values of which may be alien.
- **Cost Effectiveness:** Such a strategy engages the structures that are already in place and actively providing security and justice functions to local populations, rather trying to eliminate or work around these existing mechanisms and construct new systems. In this sense, a strategy that engages non-state structures may be more practical and realistic than state building. It also supports security and justice systems that are cheaper for users because they do not have to travel to urban centres or pay the costs of state bureaucracy (this is indeed one reason people turn to such systems in the first place).

#### Disadvantages:

- **High Knowledge Requirements:** As the next section details, an effective and responsible non-state SSR approach requires extensive knowledge about a wide array of local conditions, norms/traditions and non-state actors, including their past actions, interests, values, strengths, weaknesses and accountability to the community.
- **Human Rights Violations:** Local non-state actors may not conform to international standards of human rights and democracy, particularly in the area of gender equality.
- **Limited Accountability:** Non-state security and justice mechanisms often lack formal mechanisms by which they can be called to account by the communities they serve.
- **Political Hijacking:** Local systems can be hijacked by local strongmen seeking political influence, criminal networks or in ways that neglect or threaten vulnerable groups and minorities. They are susceptible to corruption and abuse.

The importance of the latter three concerns should not be underestimated; but the same concerns also apply to the state, and there is no a priori reason that improving performance in these areas is any easier or more difficult at the level of non-state actors than within state institutions. Indeed, they represent recurrent challenges for international state-building initiatives, and it may very well be the case that non-state mechanisms are more accountable and rights-respecting than formal institutions. The fact that non-state mechanisms have faults and shortcomings is indeed the very point of reform. What really matters is their willingness to change. (These disadvantages, and potential mitigation strategies, are elaborated in the “challenges” section below.)

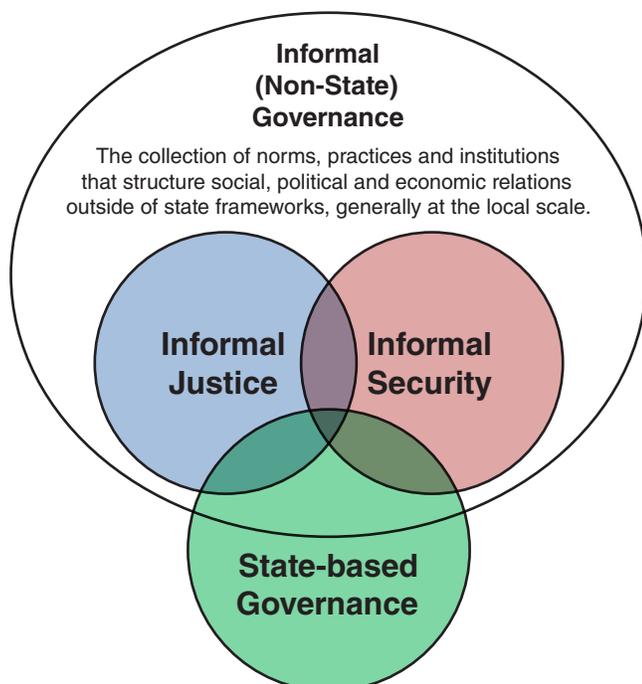
Many summarily dismiss the non-state as undesirable or superfluous, but this stance is generally based on several myths about non-state actors: that they are inherently less powerful and legitimate than state institutions; that they are irrevocably opposed to the state; that they are static and unchanging; that they invariably violate human rights; and that they are an obstacle to development. These are features that must be empirically assessed, and will vary by particular non-state actor; the literature reviewed in this paper, however, suggests there is a multitude of non-state security and justice providers that defy these simplistic assumptions. For Baker and Scheye, the advantages listed above help explain why “in the majority of circumstances [in post-conflict and fragile states], people look first to non-state agencies for crime prevention and crime response” (2007: 512). This condition demands more serious and nuanced attention to the non-state within international policymaking.

Source: Based primarily on Baker and Scheye (2007) and Scheye (2009a).

## WHO ARE THE NON-STATE ACTORS TO BE ENGAGED IN SSR?

The plausibility of a non-state SSR strategy ultimately rests on whether national or international actors can find local security providers that are able and willing to commit to a reform agenda. Such an approach requires a broad shift from an exclusive focus on the state to a much more complex and multifaceted landscape of governance that includes both state and non-state, formal and informal, actors and institutions in overlapping arrangements (see Figure 1). Existing practice, drawing on the experience of modern Western societies, largely conflates governance with the institutions of the state (Draude, 2007: 4) or aspires to make the two coterminous. The state-centric bias of international interventions, however, has elicited considerable criticism: with a touch of ethnocentrism, international actors assume that the state is the centre of governance; with a touch of hubris they assume they can re-engineer societies through state institutions.

Figure 1: Informal (Non-State) Governance



Critical perspectives that focus on complex governance realities outside the mould of modern statehood, however, offer few practical suggestions for international engagement. They typically stress non-interference in order to allow organic and indigenous modes of security, justice and governance to emerge (Andersen, 2007: 36–38).<sup>13</sup> The literature summarized in this paper, however, is part of an emerging body of theory and practice that aims to turn the insights of state-building critiques into practical alternative programs for action, particularly in the areas of justice and security. This section considers the nature of non-state security providers and the opportunities and challenges surrounding their inclusion in SSR.

A growing body of theory and practice already considers the role of customary legal systems in societies as diverse as Canada, Colombia and Afghanistan,<sup>14</sup> but much less work has been done on the informal security sphere. A key challenge is thus to disentangle, at least conceptually, non-state provision of security from the non-state provision of justice in order to define a clear research agenda focused on the understudied area of informal security practices. Anke Draude proposes “equivalence functionalism” as a useful tool. This approach starts with the governance functions normally associated with the Western state and then looks for actors carrying out these tasks in different ways in other societies — “for functionally equal phenomena which are nonetheless fundamentally different” (2007: 12). In this sense, non-

<sup>13</sup> In response to such arguments, Martina Fischer and Beatrix Schmelzle argue that “state-building as a project of ‘social engineering’ has proved to be impossible, but it would be fatalistic and irresponsible to leave the further development of instable polities to an ‘organic’ historical process, likely to provoke or multiply bloodshed, misery and injustice. There is no other solution than staying involved, but external assistance is in need of reorientation — towards an understanding of hybrid institutions and sensitive engagement with them, instead of imposing external actors’ own ideas of what a good state should look like” (2009: 7).

<sup>14</sup> See, for example, Isser (2011).

state and informal security providers are those actors fulfilling one or more of three functions:

- Resolving conflicts and disputes: mechanisms to peaceably resolve disputes and thereby prevent conflicts from escalating into violence and retaliation. This function is analogous to courts and the justice sector, though it may take very different forms.
- Maintaining public order within the community: mechanisms that maintain predictable and acceptable patterns of behaviour within a given community. This function generally concerns crime prevention and is analogous to the police.
- Defending the community from external threats: mechanisms that deal with tensions or attacks from other groups or communities, or preventing infiltration by insurgent groups and other armed actors. This function is analogous to the military.

The first two functions overlap with informal justice and broader local governance mechanisms that establish and apply the basic rules and expectations of conduct. Informal security concerns the way these rules and decisions are enforced.

With these functions in mind, the initial question for an SSR strategy that engages non-state actors, as Baker and Scheye argue, “is not who *should* be providing security and justice, but who *is* doing it” (2007: 514). The specific actors and mechanisms of non-state security provision will vary depending on the society, but examples may include militias, local strongmen, community leaders, self-defence groups and traditional courts or councils (some armed, some not). Although non-state security providers are not necessarily armed groups, Ulrich Schneckener’s definition of “armed non-state groups” provides a useful set of characteristics that may apply to non-state security providers (especially ii-iv):

*armed non-state groups* are (i) willing and capable to use violence for pursuing their objectives and (ii) not integrated into formalised state institutions such as regular armies, presidential guards, police or special forces. They, therefore, (iii) possess a certain degree of autonomy with regard to politics, military operations, resources and infrastructure. They may, however, be supported or used by state actors whether in an official or informal manner. Moreover, there may also be state officials who are directly or indirectly involved in the activities of armed non-state actors — sometimes because of ideological reasons, but not seldom due to personal interests (i.e. corruption, family or clan ties, clientelism, profit). Finally, they (iv) are shaped through an organisational relationship or structure that exists over a specific period of time (e.g., spontaneous riots would not qualify). (2009: 8-9)

Bruce Baker identifies 11 types of police organizations other than state police that commonly provide local security in Africa: informal anti-crime groups, religious police, ethnic/clan militias, political party militias, civil defence forces, informal commercial security groups, formal commercial security groups, state-approved civil guarding, local government security structures, customary policing and courts and restorative justice committees (2007).

While a non-state SSR strategy may include private security companies (PSCs), there is an important distinction between these commercial entities and non-state security providers: the former provide security as a commodity for the specific interests of proprietors whereas the latter tends (ideally) towards the provision of security as a public good. In fragile and conflict-affected societies the state may not be able to afford and effectively regulate the private security industry in a way

that contributes to public security, rendering non-state security providers a more practical option (Scheye, 2009b: 14–20). Alternatively, the state may empower local civil society groups to monitor, audit and negotiate with PSCs (a function that would be easier in relation to national rather than to international PSCs).

While the shift from state-centrism to a broader governance perspective implies the existence of a wide variety of alternative security mechanisms in areas of limited statehood, a non-state SSR strategy requires a particularly in-depth understanding of such actors in order to decide who is a suitable candidate to engage in reform. In one rubric, Ulrich Schneckener (2006) proposes three axes with which to assess the nature of non-state security actors: motivations of greed versus grievance; territorial versus non-territorial basis; and status quo versus change orientation. The presumption is that those actors with a developed political agenda, territorial control and orientation towards change will be most amenable to reform. More broadly, there are at least three theoretical approaches for strategists analyzing the emergence and characteristics of such actors.

- **Functionalism and the *purpose* of security provision:** Within this approach, new security threats drive the emergence of informal security mechanisms. As new security issues confront a community, creative problem solvers develop novel methods of coping with them. Institutions can be understood in reference to the functions they perform. The functionalist framework is often used to explain European integration after World War II as a progressive deepening of cooperation in order to confront shared challenges. The key question within this perspective is: which threats and issues confront communities and informal security providers?
- **Political-economy and the *means* of security provision:** In this approach, the nature of the informal

security mechanism depends largely on where its resources come from. William Reno (2007) uses such an approach to delineate protective militias from predatory ones in West Africa: those militias who depended upon the patronage networks of patrimonial states had no interest in the needs of the community and were thus highly predatory, unaccountable, illegitimate and ultimately bad security providers. Militias that did not receive regime funding depended on local communities for resources and support, creating an interest in serving the community. Such groups operated through local customs and institutions rather than raw coercion, enabling a form of reciprocity and protection for these communities. The key questions are: how do non-state actors acquire the means to provide security, and what patterns of negotiation, accountability and reciprocity does this entail?

- **Communitarianism and the *right* of security provision:** Within this approach, security provision occurs within a web of shared values, beliefs and identities that creates a community-based conception of legitimacy as the foundation of informal institutions. This intersubjective normativity affects who has the authority to provide security; the particular rules, norms and procedures of security provision; and public acceptance and support for these mechanisms. Security provision may be based on common bonds of civic, tribal, religious or union identity and responsibility. Tobias Debiel et al., for example, identify the presence of “shared mental models” (in the form of common ethnic identity) as the key foundation of durable and effective non-state governance in Afghanistan and Somaliland (2009).<sup>15</sup> The key question is: what patterns of legitimacy and

15 Debiel et al. argue that “relevant actors such as traditional elders or warlords are embedded into societal contexts. This ‘embeddedness’ limits their scope of action and, at the same time, produces expectations within their constituencies” (2009: 39–40).

normativity enable and support non-state security provision? Shared identity and social cohesion are key factors within this approach.

These approaches are not exclusive; each likely captures something important about non-state security providers, particularly their functions (functionalism), interests (political-economy) and values (communitarianism). A non-state SSR strategy must examine these factors within three sets of relationships: between the non-state actor and the community; between the non-state actor and the state; and, in the case of widespread armed violence, the role the actor played in the history of conflict. Many warlords in Afghanistan and the paramilitaries of Colombia, for example, would be bad candidates for a non-state SSR strategy because they have an ongoing history of atrocities and animosity towards communities

and other groups. Moreover, as explained in footnote 5, the distinction between state and non-state is a fuzzy one, where individuals may simultaneously be part of both systems depending on the roles they play and the behaviour they adopt. Such overlaps are an important consideration and demonstrate that state and non-state systems can be compatible.

Ultimately, an assessment of non-state security actors must draw upon these characteristics to assess the existing and potential chains of accountability that link them to the state, the community and other actors. Once combined, these factors and relationships create a framework with which to understand the characteristics of informal security providers in order to inform the decision to include or exclude particular actors in a non-state SSR strategy. The framework is elaborated in Table 3.

Table 3: Key Questions about Non-State Actors to Be Included or Excluded in SSR

	Functions	Interests	Values	Accountability
Relationship to the Community	<ul style="list-style-type: none"> <li>Which particular security functions does the actor provide? (dispute resolution, public order, defense from external threats)</li> <li>Who are these services provided to, and who is excluded?</li> </ul>	<ul style="list-style-type: none"> <li>What does the community provide to the security actor?</li> </ul>	<ul style="list-style-type: none"> <li>To what extent does the actor respect local customs, institutions and value systems?</li> <li>Is the actor perceived to be legitimate by the local community?</li> </ul>	<ul style="list-style-type: none"> <li>What means does the community have to influence the provision of security?</li> <li>Who is represented and who is excluded in the relationship between security provider and local community?</li> <li>Are there norms of reciprocity in operation?</li> </ul>
Relationship to the State	<ul style="list-style-type: none"> <li>What security functions does the actor provide to the state? (examples may include providing stability in a given region, supporting counterinsurgency and countering other threats to the state)</li> </ul>	<ul style="list-style-type: none"> <li>Does the actor have an interest in cooperating with the state and respecting the broad parameters it sets for security provision?</li> <li>Is there an overlap between state and non-state structures (such as officials who are simultaneously part of informal mechanisms)?</li> </ul>	<ul style="list-style-type: none"> <li>To what extent does the actor respect the broad values enshrined in the constitution and law? (particularly human rights, civil rights and the rules that regulate violence and coercion)</li> </ul>	<ul style="list-style-type: none"> <li>What means does the state have to regulate and influence the behaviour of the non-state security actor?</li> <li>What sorts of institutional relationships exist between the state officials and the non-state security provider?</li> </ul>
Relationship to Conflict (in cases of widespread armed violence)	<ul style="list-style-type: none"> <li>What role did the actor play in the conflict?</li> <li>Are there lingering animosities with other local security providers, armed actors and/or the state?</li> <li>Did the actor commit atrocities that disqualify it from inclusion in SSR?</li> </ul>	<ul style="list-style-type: none"> <li>Does the actor have an interest in peace or in continued violence (to maintain a war economy, for example)?</li> </ul>	<ul style="list-style-type: none"> <li>Does the actor respect international humanitarian norms in its conduct of war?</li> </ul>	<ul style="list-style-type: none"> <li>Is the actor accountable for crimes and human rights abuses it may have committed during the conflict?</li> </ul>

## HOW CAN SSR ENGAGE NON-STATE ACTORS?

With an understanding of when and why SSR should engage non-state actors, what goals such a strategy would pursue and the issues surrounding who non-state security actors are, the key question is how to engage them. This section first examines the key actors and relationships involved in a non-state SSR strategy. It then considers several precedents and potential tools for engaging non-state security providers.

A central question is who would engage non-state security providers in reform? Possible stakeholders include international donors, the state and/or local civil society. While the international community (including states, development organizations, international organizations and international non-governmental organizations) is at the centre of the design and implementation of state-centric SSR programming, it is less equipped for an SSR strategy based on non-state engagement. Eric Scheye points out that most informal security mechanisms remain unknown and inaccessible (physically, culturally and linguistically) to Western practitioners; in an added challenge, engagement requires a careful understanding of the various power balances of the society, as well as the unique local meanings of “security” and “justice.” For Scheye, these demands render local civil society the optimal actors to engage non-state justice and security providers.<sup>16</sup> Such groups are more likely to understand the local context of security and justice provision, the choices facing end users amidst myriad security and justice options and

<sup>16</sup> The term “civil society” is used loosely here. It originates from liberal democratic conceptions of society, referring to the space between the state and the family, between public and private. These theoretical constructs, however, are unlikely to grasp the social realities of areas lacking strong and established liberal-democratic states — the areas that comprise the focus of a non-state SSR strategy. I thus use the term broadly to refer to local community groups or grassroots movements that are concerned with the provision of public goods. For more on the definition of civil society in weak states, see Francis (2005: 18-19).

the governance reality beyond (weak) state institutions (Scheye, 2009a: 40-41). They are better situated to assess which security providers are likely to reform and to independently monitor the reform process than the international community if it was to support non-state security providers directly. Local security and justice providers are more likely to engage with local civil society actors, especially when there is widespread suspicion of foreign elements.

If local civil society is the set of actors best suited to design, implement and monitor non-state security programs, then the role of the international community and the state is to support these actors (whether by funding, training or networking, for example; possible methods of support are discussed below) in their engagement with security providers rather than engaging providers directly (Scheye, 2009a: 42). In some cases, indigenous process may be better left alone by international donors — Somaliland’s governance structures, for example, emerged organically without outside help. Scheye points out that in other cases, local civil society groups and NGOs are likely weak in their implementation capacity and would benefit from assistance.

Working through local civil society poses a number of challenges for existing international practice (addressed in the “outstanding issues and challenges” section below), but it also creates a fundamental political dilemma in donors’ relationships to the host state. Even in cases where the state lacks de facto sovereignty, its institutions maintain de jure sovereignty within its relations to the international community so that donors must consult (if not cooperate) with state institutions as they try to support non-state actors. Even in an SSR strategy that avoids state-centrism, the relationship to the state represents a tricky and indispensable politics of engagement. The host state will likely prove reluctant

(if not outright resistant) to cede its exclusive right to provide security by acknowledging and strengthening multiple centres of authority, even if they are an on-the-ground reality. Indeed, many de jure state institutions view non-state actors as a threat or as a competitor for resources and authority.<sup>17</sup> Securing the agreement and cooperation of state institutions in a non-state SSR strategy will require patient and laborious diplomatic effort, and may entail concessions or rewards for state institutions (balancing non-state engagement with state-based SSR measures, for example) (Burt, 2011: 8). A key task for the international community is thus to uphold the juridical sovereignty of the state while encouraging it to take a steering role in a decentralized approach to security provision. More than just an obstacle, however, the state represents an asset for a non-state SSR strategy if its officials possess local knowledge and relevant networks of contacts.

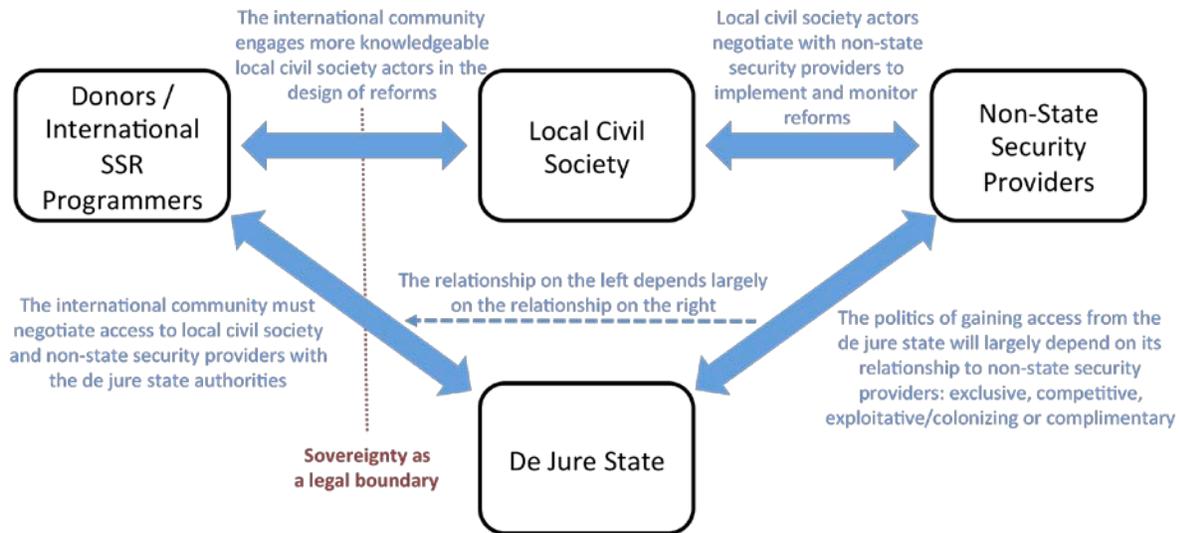
The nature of the relationship between state institutions and non-state security providers is particularly relevant to the politics by which the international community negotiates local access from the host state. There are a number of different relationships the state can use to influence non-state justice and security provision: sponsorship, regulation/criminalization, networking/exclusion, collaboration, incorporation and training (Baker and Scheye, 2007: 513). More generally, the relationship between state and non-state can be characterized in four ways, each entailing unique politics and opportunities for influence:

- **Exclusive:** The state may cede areas of its territory to other forms of governance in all areas of social activity, as has occurred in the Federally Administered Tribal Areas of Pakistan. Non-state mechanisms substitute for the absence of state mechanisms with a clear separation of authority.
- **Competitive:** The state and the non-state compete for authority in a given area or community.
- **Exploitative/Colonizing:** In a classical colonial pattern, the state might co-opt local authorities with power and wealth, and use them to project state rule into traditional communities. Alternatively, local authorities may exploit positions within the state to protect their local patronage networks, as some warlords have done with their posts in the Afghan government.
- **Complementary:** The state and non-state find a relationship that utilizes non-state patterns of governance in ways that advance (or at least do not contradict) the interests of the state. For example, Aboriginal communities in Canada and Colombia are permitted to use traditional methods of dispute management outside of state institutions. A non-state SSR strategy aspires to this type of complementarity (if not cooperation).

The actors involved in a non-state SSR strategy and their relevant relationships are summarized in Figure 2 below. It should be noted that while local civil society and non-state security providers are represented as distinct sets of actors, in reality there will likely be a great deal of overlap between the two. In such cases, it would be important for the international community to empower actors with some degree of removal from the direct purveyors of security to enable as much independence in planning, implementation and monitoring as possible.

<sup>17</sup> In the context of US Secretary of State Hillary Clinton's emphasis on the importance of "engaging beyond the state" in the first Quadrennial Diplomatic and Development Review, a recent Council on Foreign Relations report observed that the "State Department, however, has shied away from engagement — or the suggestion of engagement — with many [non-state armed groups] to avoid antagonizing a friendly government or conferring legitimacy on an extremist movement, even if the United States has not itself designated those [groups] as foreign terrorist organizations" (Knopf, 2011: 2).

Figure 2: Non-state SSR Strategy Actors and Relationships



The potential avenues and methods for engaging non-state security providers will inevitably remain highly context-specific, experimental and opportunistic. The opportunities and challenges of engagement require detailed empirical exploration.<sup>18</sup> For now, this issue paper presents a few broad ideas and precedents for how a non-state SSR strategy might proceed.

A non-state SSR strategy must start with detailed information gathering, ideally carried out by local civil society and NGOs supported by donor representatives and perhaps state officials. As basic groundwork, three types of information are critical:

- A “tableau” of security providers: A simple map of which actors are providing which security functions in particular geographical and functional spaces at a given moment in time. Andreas Mehler (2009) presents such a map of security providers in Liberia from 2000 to 2007, reproduced in Appendix I as an example. This exercise will generate the broad list of actors to be considered for inclusion or exclusion in a non-state SSR strategy.

- Profiles of security providers: The next step is to explore the characteristics of each potential SSR recipient according to the “key questions” chart (Table 3) in order to better understand their functions, interests, values, accountability and relationships to citizens, the state and conflict. Of additional importance is an actor’s history, particularly how its functions and relationships have evolved over time. As Baker points out, “the first step is an audit of security providers to understand what is available, how good they are, and is there any support that can be given to improve and strengthen them?” (2010: 156). As an alternative profiling framework, Knopf identifies seven key characteristics for assessment of any security provider: the unity of its leadership, its military effectiveness, the nature and support of its constituency, its degree of territorial control, the nature of its political or ideological platform, who sponsors it and what influence they have and the needs of the group, both political and financial (2011: 6-7). Of central importance is whether the group has an interest in engaging in SSR programming.

18 The opportunities and challenges of engaging non-state security providers will be explored in a series of country-specific case studies planned to follow this paper.

- Public opinion surveys: A representative survey of local citizens and stakeholders is essential for understanding local needs and conceptions of security and justice as well as popular opinion of the various security providers. Andreas Mehler (2009) presents the results of such a survey conducted in Liberia, which is reproduced in Appendix I.<sup>19</sup> Public opinion of security providers should be disaggregated in order to assess each particular security function performed by local actors to better identify their strengths and weaknesses. Further, information about the respondents should be collected to better understand the security situation of different ethnic, gender and other social groups. Ideally, such surveys will be developed in a participatory way in order to better capture

local understandings. In environments that are too difficult for surveys, focus groups and structured interviews comprise alternative options.

Once this information is collected, local actors, supported by the state and donors, may decide which security providers and which particular security functions to target with reform, and what particular goals to pursue. The state (and/or international community) might recognize and certify security providers who commit to a code of conduct. Community Safety Boards may be established to monitor and assist non-state security provision.

The literature on spoilers (Schneckener, 2009: 19–24, based on the work of Stephen Stedman) can be adapted to provide three broad approaches to non-state security providers, summarized in Table 4. The institutionalist and constructivist approaches are appropriate for those actors that comprise viable and desirable sources of security while the realist approach is appropriate for those actors not suited to the reform process.

<sup>19</sup> Another potentially useful example of such survey practice is the Group on International Perspectives on Governmental Aggression and Peace at Boston University’s four-volume report, *State Violence and the Right to Peace: An International Survey of the Rights of Ordinary People* (Malley-Morrison, 2009), summarizing the views of citizens from 43 different countries on violence and peace. The group’s website (which includes a link to the survey) is available at: [www.bu.edu/gipgap/](http://www.bu.edu/gipgap/).

Table 4: Three Broad Approaches to Non-state Security Providers

Approach:	Goal/Mechanism	Tools	Role in a Non-State SSR Strategy
Realist	Coercion is used to eliminate, marginalize, contain or control non-state actors.	<ul style="list-style-type: none"> <li>Force</li> <li>Sanctions</li> <li>Bribery</li> </ul>	Must be used against armed actors who are not suited to a reform process and threaten to undermine peace and security.
Institutionalist	Bargaining is used to bring non-state actors into rules, procedures and institutions that regulate their behaviour.	<ul style="list-style-type: none"> <li>Bargaining</li> <li>Mediation</li> <li>Negotiation</li> </ul>	This approach engages non-state security providers at the level of interests by tying their access to resources and power to responsive and accountable security provision to the community in stable, predictable, rule-based patterns (institutions). This approach is best suited to actors that fall within the political-economy account of the “Who Are the Non-State Actors to Be Engaged in SSR?” section above.
Constructivist	Socialization is used to alter non-state actors’ identity and the norms by which they operate.	<ul style="list-style-type: none"> <li>Recognition</li> <li>Socialization programming</li> <li>Naming and shaming</li> <li>Amnesty</li> </ul>	This approach engages non-state security providers at the level of their values in negotiations of meaning that shift identities and norms. It is most effective for security providers who are concerned about their legitimacy and who fall into the communitarianism account of the “Who Are the Non-State Actors to Be Engaged in SSR?” section above.

Claudia Hofmann and Ulrich Schneckener (2011) provide two helpful precedents where international NGOs have successfully improved the behaviour of non-state armed groups by eliciting their compliance with humanitarian norms. The International Committee of the Red Cross (ICRC) engages over 100 non-state armed groups in about 30 countries (as of July 2011) by disseminating information about humanitarian norms, then helping such groups to incorporate these norms into their doctrine, education and training, and to adjust their equipment and sanctions appropriately. Similarly, Geneva Call engages around 60 non-state armed actors (who are not eligible to sign the mine ban treaty) in order to get them to sign a *Deed of Commitment* pledging compliance with the international prohibition of land mines, and to help them with stockpile destruction, mine risk education and land surveys.

The compliance of non-state groups with humanitarian norms may not be perfect, yet both the ICRC and Geneva Call have improved humanitarian conditions by engaging non-state actors. Churchill Ewumbue-Monono (2006) surveys ICRC engagement with non-state actors in Africa and explains that the organization enabled humanitarian work, prisoner of war exchanges and monitoring, agreements and declarations on the proper conduct of war and even the establishment of humanitarian bodies within rebel groups. Similarly, Geneva Call's review of its engagement with the 34 non-state signatories between 2000 and 2007 demonstrates an "overall compliance with the *Deed of Commitment's* core prohibitions on the use, production, acquisition and transfer of mines" while also enabling humanitarian mine action activities in areas outside of state control (2007: 1). The successful experiences of these two organizations yield key lessons for the international engagement of non-state actors:

- International assistance to non-state actors can help them improve their behaviour, especially when they

are unfamiliar with the relevant standards, practices and technical details.

- Improved performance comes not from a take-it-or-leave-it (all-or-nothing) approach, but from sustained engagement, dialogue and gradual persuasion that responds to the interests and values of non-state actors (Hofmann and Schneckener, 2011: 9–11).
- Hofmann and Schneckener find that non-state actors' willingness to participate in such programming tends to be greater when they require support from the local population, have a political program (and thus an interest in improving their legitimacy) and see themselves as representatives of a distinct population (and thus an interest in providing governance): "This profile suggests that NGOs can be far more effective working with classic rebel groups, clan chiefs, and militias than with terrorists, warlords, criminals, or mercenaries, who do not typically have...political ambitions" (2011: 12).
- Monitoring is critical to sustaining compliance over the long term. Geneva Call uses three types of monitoring: self-monitoring and self-reporting, third-party monitoring and field missions (2007: 25–28). The organization recommends expanding its network of third party monitors, noting that "local NGOs and community-based organizations in particular could play a critical role in monitoring compliance. Geneva Call should increase its interaction with such organizations and enhance their monitoring capacity through training and material support" (2007: 30–31).
- A key challenge to engagement is the lack of enforcement mechanisms for non-compliance, particularly when non-state actors prove non-

responsive or non-transparent to the organization's monitoring and verification efforts (Geneva Call, 2007: 28–29). In such cases, the organization can engage in either shaming, or breaking relations with the actor, but must balance such actions with the prospective benefits of sustained engagement (Hofmann and Schneckener, 2011: 11).

Geneva Call cites successful behaviour change of non-state actors in Burundi, India, Iraq, Myanmar, the Philippines, Somalia and Sudan, concluding that its “experience with landmines demonstrates that there is an alternative way of dealing with [non-state actors,] even those labelled as ‘terrorists,’ to denunciation, criminalization and military action and that an inclusive approach can be effective in securing their compliance with international humanitarian norms” (2007: 32). Such engagement “served as an entry point for dialogue on wider humanitarian and human rights issues,” and “could provide a basis for engaging [non-state] actors to adhere to other norms,” such as the non-use of child soldiers (2007: 32).

The training and practical assistance provided by Geneva Call and the ICRC represents one possible avenue of international engagement; another is to build links between security providers in order to share experiences and lessons by promoting new forms of cooperation. Indeed, a key goal for a non-state SSR strategy is to open new channels of communication and dialogue between on-the-ground security providers, citizens, civil society, international actors and the state.

Arjun Appadurai presents a helpful precedent in his account of a civil society alliance formed to promote bottom-up solutions to problems of urban poverty and governance in the slums of Mumbai. The alliance is linked to other organizations in a transnational network (including Shack/Slum Dwellers International) enabling cooperation, sharing of local experiences and practices,

and horizontal learning based on the fundamental principle “that no one knows more about how to survive poverty than the poor themselves” (Appadurai, 2002: 28). This grassroots model of global governance and local democracy is based on building up local assets, partnerships and capacities over the long term (in what is termed the “politics of patience”) rather than engaging in discrete projects and deferring to international expertise. As such, the alliance represents both a means to a better life and an end in itself as a new politics of empowerment. This incredibly useful example suggests that a key part of a non-state SSR strategy is to create forums where local actors can present new ideas to state, international and other civil society actors and request assistance in support of locally generated security solutions.<sup>20</sup> Appadurai's account offers an ideal of the sort of local civil society networks that could design, implement and monitor a non-state SSR strategy, and the type of networking and politics that it might feature.

## OUTSTANDING ISSUES AND CHALLENGES

The above analysis sets out the basic logic, conceptual underpinnings and some key considerations of an SSR strategy that engages non-state actors in security provision. While such a strategy responds to the shortcomings of state-centric practice, it raises many problems of its own. Payton Knopf lists a number of risks associated with non-state engagement: conferring legitimacy on a group whose goals or tactics contradict international norms (or are otherwise undesirable); (further) eroding the state's legitimacy or ability to govern; empowering one particular social group (sectarian, religious, ethnic, and so on) represented by

<sup>20</sup> As Appadurai explains, such forums create “a border zone of trial and error, a sort of research and development space within which poor communities, activists, and bureaucrats can explore new designs for partnership” (2002: 34).

a non-state security provider over competing groups; creating a precedent for violence as a path to political privileges; allowing non-state groups to enhance their capacities for purposes other than security provision; and undermining support within donor nations for SSR programming in a particular society (2011: 9). The outstanding issues and challenges revealed in this paper cannot be properly addressed without detailed empirical inquiry into the discernible prospects of a non-state SSR strategy within the specificities of a particular society amidst a contingent set of donor interests. While they will not be resolved here, the following discussion aims to better elucidate these challenges as a starting point for such case-specific analyses.

## FROM STATE BUILDING TO...NON-STATE BUILDING?

For those who have analyzed the issue, a non-state SSR strategy is understood as a more pragmatic, practical and effective approach for the short-to-medium-term that will contribute to strengthening state capacity and state building in the long term (Scheye, 2009a: 4).<sup>21</sup> A non-state SSR strategy is often conceived as the initial phase of a broader state-building strategy that makes up for security and justice deficits in order to “buy” time for formal institutions to be built. The link between a non-state SSR strategy and state building, however, has yet to be elaborated and developed. Kate Meagher surveys three possible relationships between informal institutions and development in Africa that span the possible relationships between a non-state SSR strategy and state building: Some see informal institutions as a means of improving the performance of formal institutions; others see them as an obstacle to the development of better formal institutions; the most

<sup>21</sup> The presumption is that “a proportional pragmatic realism approach is the road by which state capacities can be enhanced over the longer-term” (Scheye, 2009a: vi).

popular view understands these institutions as filling gaps created by the underdevelopment or lack of capacity of state institutions (2007: 411).

As the second section, “What Does a Non-State SSR Approach Aim to Achieve?,” explained, state building and non-state SSR follow two very different logics: state building is centralizing and homogenizing where a non-state strategy is decentralizing and pluralistic. While there is no reason to conclude that the two cannot be reconciled or balanced, it remains unclear how a non-state SSR strategy will contribute to mainstream understandings of state building when their basic modes of operation are so divergent. As Baker and Scheye point out, the state implied by such a strategy “is no longer the state defined in terms of a monopoly control over violence and coercion, but rather a highly circumscribed and limited state, working in varying unique partnerships and associations with non-state actors and civil society organisations. In this model, the emphasis is *not* on the state’s capacity, but on the *quality and efficacy of the services* received by the end user, regardless of who delivers that service” (2007: 519). Yet a non-state SSR strategy may not contribute to state capacities; instead it may strengthen a more complex and multifaceted governance terrain, which may be better or worse but remains fundamentally under-theorized.<sup>22</sup>

The missing link between a non-state SSR strategy and state building may simply be the assumption that the state is the pinnacle and inevitable outcome of all political development — an assumption that is challenged by the multifaceted governance reality encountered in today’s fragile and conflict-affected states. The deeper issue is that the non-state approach represents a paradigm

<sup>22</sup> Trutz von Trotha, for example, criticizes Boege et al.’s analysis of Somaliland as an example of how informal and non-state governance mechanisms can contribute to a bottom-up form of state building. Von Trotha agrees that such actors maintain peace and order, but argues out that this governance constitutes a “segmentary order” rather than a state or a process of state building (2009: 43-44).

shift from teleological practices that aspire to a specific institutional model (the modern state) as the outcome of reform to a non-teleological orientation that does not aspire to a particular end state, but rather establishes *processes* (such as networks, community participation and experimentation) that can support security amidst changing conditions. State capacities ebb and flow; conditions, people and understandings of security and justice will all change over time. Attempts to institutionalize and codify non-state security and justice provision may sacrifice the flexibility of the approach amidst a shifting environment.

The type of long-term socio-political order to which a non-state SSR strategy ultimately contributes is an issue of practical as well as conceptual importance. Both state officials and informal security providers will likely want some indication of the long-term plan before committing to cooperation. Theoretically, the state can undertake rule-making and legislative actions that formally acknowledge non-state providers and bring them into a rule of law framework (Scheye, 2009b: 25), but non-state actors may resist incorporation and instrumentalization. Non-state actors will probably require assurances that their independence and authority will be respected, so that they will not be marginalized or co-opted by the state down the line. Engagement will prove impossible if conceived as a temporary expedient to bolster state capacities at the expense of alternative authorities. Similarly, donors will likely have to persuade the host state that improved security provision is in its interest, even if it means acknowledging and engaging alternative sources of authority within its borders, and consequently conceding some sovereignty (or at least recognizing its *de facto* limitations). Knopf highlights the risk that non-state engagement may erode the state's legitimacy and ability to govern, but if a non-state strategy improves the quality of security and justice enjoyed by citizens, it may

enhance the legitimacy and stability of the state insofar as it enables improvements in people's daily lives.

## HUMAN SECURITY VERSUS NATIONAL SECURITY IN DONOR PREFERENCES

SSR aspires to support both the human security of people in their everyday lives and more traditional national security of regimes and states, and indeed understands the two as mutually reinforcing. A strategic shift from a focus on state institutions (army, police and so on) towards non-state security providers is specifically geared to enhance the service delivery of security to citizens and communities in cases where the state is not the most expedient or effective provider. Such an approach challenges the basic presumption that a strong state is a necessary precondition for human security and development. At the same time, the people-centred tenet of SSR reproduces the liberal peace assumption that human security and human development prevent conflict and terrorism, and in this way contribute to higher-scale conceptions of security — an assumption that cannot be taken for granted.

The extent to which international donors are genuinely concerned with the human security of the population and the extent to which this type of security contributes to national and international security remain unclear, however. Rather, donors may be more interested in supporting state security institutions, whatever their shortcomings, in pursuit of other security objectives, such as counterinsurgency and counterterrorism. State building may remain a higher priority than local security provision; for all its faults, the former remains a more familiar policy option than a novel SSR strategy that engages other security providers.

## FINDING LOCAL PARTNERS

The feasibility of a non-state SSR strategy is predicated upon the existence of non-state security providers who are open to reform, and the presence of local civil society actors who can design, implement and monitor such reforms in partnership with international donors. The assumption of a non-state SSR strategy is that both can be found in fragile and conflict-affected states. To even assess the possibilities for engaging non-state security providers in a given context, donors must first engage local civil society to gather detailed knowledge of the situation. In this way, a non-state SSR strategy hinges on the existence of local civil society actors able and willing to form such a partnership. This condition raises two key issues.

First, how are international donors to find and approach appropriate civil society actors? Local civil society may remain as opaque and inaccessible to international actors as non-state security providers. To mitigate this issue, a non-state SSR strategy requires area experts with considerable experience in the host society rather than generalists and technical specialists (such a shift is detailed below under “Changes to International Practice”).

Second, SSR is most needed in societies ravaged by armed conflict and insecurity — conditions that generally render civil society weak and restrict its sphere of action. While international engagement may empower and strengthen local actors, what is to be done if there is *no* local civil society capable of the international partnership entailed by a non-state SSR strategy? In such a case, can international actors build a suitable civil society alliance? Or will the externally driven nature of such a development undermine the legitimacy and effectiveness of any civil society network it forms? There is no clear or general answer to this question; it can only be explored empirically, perhaps by reviewing the record

of international donors and the development community in the sphere of civil society development.

## THE CHALLENGE OF IMPROVING HUMAN RIGHTS

An SSR strategy that engages non-state actors aims to improve the practices of existent security providers in order to better the human security and human rights conditions of affected populations. It works with the security and justice systems that are already functioning on the ground in order to reduce (if not eliminate) abusive practices while improving the services provided to the community. At the same time, such a strategy raises serious concerns insofar as it may engage (and even strengthen) actors with dubious human rights records and risk perpetuating practices that contradict international norms. Two reflections on the changing fields of human rights and humanitarianism help to put this dilemma in perspective.

First, human rights practice sometimes suffers from the same state-centric assumptions of present SSR practice. Human rights largely emerged in response to the commissions or omissions of states; historically, the state was the chief violator of human rights so that these rights gained their substance as constraints on the range of permissible state actions. When human rights are not adequately protected, the state remains the default authority charged with responsibility for fulfilling them. In cases where the state is actively infringing on people’s rights or has the capacity to improve rights conditions, the state-centric bias is appropriate; yet today the state may neither be the real threat to human rights, nor have the capacity to guarantee and advance them. In such cases, human rights must be defined without relation to the state and engage the actors who *are* positioned to undermine or support them but remain beyond state control. Just as the development of human rights vis-à-vis the state

entailed a long-term negotiation, improvement to the human rights practices of non-state actors will likely be a gradual process. Imperfect human rights performance will likely persist over the short-to-medium term, but so long as practices are improving, donor engagement should continue nonetheless.

The ICRC explains that despite the difficulties involved, engagement of non-state armed actors remains important because “They are part of a humanitarian problem that the ICRC wants to address: they create victims, and may also become victims themselves. Being part of the problem, no solution can exist that does not take them into account” (ICRC, 2010). Similarly, Geneva Call notes that its program “was created in response to the realization that the landmine problem could only be addressed effectively if [non-state actors,] which represented an important part of the problem, were included in the solution” (2007: 4). In these ways, human rights and humanitarian action must adapt to a pluralistic governance reality in a pragmatic fashion that focuses on non-state actors as a key agent of change.

Second, human rights and humanitarian practice today face a fundamental schism in their philosophical underpinnings most clearly revealed in debates over the use of force for civilian protection, and more specifically the Responsibility to Protect (R2P) doctrine (ICISS, 2001).<sup>23</sup> Adopting a deontological philosophical approach, several organizations see the use of force for the purpose of protection as a violation of the fundamental principles of “do no harm” and political impartiality. Fabrice Weissman provides an explanation of why Doctors Without Borders/Médecins Sans Frontières does not endorse the R2P doctrine: “if the purpose of humanitarian action is to limit the devastation of war, it

<sup>23</sup> I am conflating human rights and humanitarian practice to the extent that both are largely concerned with the protection of civilians.

cannot be used as a justification for new wars” (2010).<sup>24</sup> In this philosophy, international actors cannot use any means that falls out of line with the human rights or humanitarian ends they pursue.<sup>25</sup> Within this approach, a non-state SSR strategy is problematic because it directly engages in local politics and may work with, legitimize and strengthen actors who violate human rights standards, even if this engagement ultimately aspires to improve the human rights situation. From a deontological point of view, we should not support any actor — state or non-state — with bad human rights practices — even if attempting to improve the human rights situation — for fear of morally implicating ourselves in abuses. The means contradict the ends.

On the other hand, those who support R2P take a more pragmatic, utilitarian approach to civilian protection. In this view, actions that maximize the enjoyment of rights and security justify acts that create collateral damage, violate rights and are politically partial so long as the benefits outweigh such costs. In this vein, UN peacekeepers in the Democratic Republic of the Congo were authorized to use deadly force against individuals who threatened civilians, and not solely in self-defence. Similarly, NATO’s recent campaign in Libya was tantamount to taking sides in a civil war and supporting regime change against a brutal dictator threatening to massacre his own people. The utilitarian approach countenances imperfect and unsettling options in order to avoid even more disturbing outcomes, or in the case of SSR, improve future performance. These actions

<sup>24</sup> Similarly, the ICRC objected to the Chapter VII deployment of UN peacekeepers to Somalia to alleviate violations of international humanitarian law in 1994 “[b]ecause international humanitarian law starts from the premise that armed conflict entails human suffering, and undertakes to develop a set of rules designed precisely to alleviate this suffering. It would be logically and legally indefensible to conclude that this same law authorized the use of armed force, including in extreme cases” (quoted in Weissman, 2010).

<sup>25</sup> This represents an application of Immanuel Kant’s “categorical imperative” by which people should only act by a rule that they simultaneously wish to become a universal maxim.

represent a shift from the deontological imperative “first, do no harm” to the pursuit of “less harm overall” in response to the complexity, uncertainty and need for risk-taking inherent in contemporary peace operations.

Both philosophical approaches have their advantages and their problems. Utilitarian pragmatism, aside from the uncertainties inherent in its calculations, may create a “slippery slope” of progressively dubious actions and justify the unacceptable. The rights of minorities and vulnerable groups may be sacrificed in order to improve the security and well-being of the majority, for example. Similarly, the political partiality of the approach can serve to advance colonial policies, even if justified in terms of the interests of the occupied (as in the expansive international presence in Kosovo and Afghanistan). On the other hand, the deontological approach has been criticized as a form of Western narcissism because it focuses on the moral purity of those poised to act rather than on the actual needs and outcomes of victimized populations. It forgoes a range of options that may have negative consequences in the short term but generate better rights and security in the long term.

The debate is to some extent an empirical one: deontologists claim that strict adherence to impartiality and non-use of force grants them access to populations that would otherwise remain out of reach and vulnerable; utilitarianism gambles that a calculated relaxation of these principles, though risky and uncertain, can improve the human rights and humanitarian conditions of a population, often by changing political structures. The civilian protection doctrine and humanitarian use of force, however, remain practices that are too new to settle this empirical debate.

A non-state SSR strategy attempts to balance both approaches. In line with the utilitarian pragmatic approach, it is willing to engage imperfect actors who employ illiberal practices if there is a reasonable chance

that gradual reform can improve the rights and security of citizens. Two critical measures can prevent this tendency from sliding down the slope to unacceptable acts. First, in line with a deontological approach, donors must develop a clear set of “red lines” that define the bounds of acceptable engagement. These limits should focus on the treatment of minorities and vulnerable groups, the human rights records of individual security providers and indicators that define when reform efforts are not improving practice and should be abandoned.

Second, a non-state strategy has the advantage of directly engaging local communities in order to gain a contextualized understanding of what human rights mean, what pragmatic steps are justifiable and desirable within present circumstances, and the appropriate pace of reform. Humanitarian practice often presumes to speak on behalf of the “victims”; even R2P has been criticized for invoking a patronizing understanding of “protection” that disempowers its recipients by denying them voice and agency even as it seeks to improve their security (Nyers, 2009). A non-state strategy has the advantage of creating forums in which the “victims” can speak for themselves and participate in policy development, and these local dialogues can serve to backstop both the slippery slope and colonizing tendencies of pragmatism.<sup>26</sup>

## CHANGES TO INTERNATIONAL PRACTICE

A non-state SSR strategy also demands considerable changes to the way that international donors do business. First, a non-state strategy entails a much higher degree of risk, uncertainty and experimentation than donors manage in present SSR initiatives (Scheye, 2009a: 41). Strategy will largely devolve from home

<sup>26</sup> Indeed, a greater sensitivity to local opinion (in addition to international human rights standards) may help alleviate the colonial imposition of universal standards against which Weissman cautions.

offices to local missions. Programming will largely be formulated on the ground, vary by locality, and demand a much higher degree of flexibility and adaptability than is the case with state-centric measures. Donors will have to take fiduciary risks and find creative means of ensuring the accountability of funds allocated to local civil society organizations. They may also have to find new administrative models to work with a daunting multiplicity of implementing partners (including civil society groups and security and justice providers).

The type of personnel that donors employ should also shift away from generalists and technical experts towards area experts with direct experience working with the political realities and non-state networks of the host society. Anthropologists, historians and social scientists are ideal candidates. Deployment of such experts must be long term (greater than the typical two- to three-year development rotations) in order to accumulate knowledge, contacts and effectively monitor programming (Scheye, 2009b: 13). This level of expertise is critical to ensuring that a non-state SSR program does not legitimate actors whose goals and practices grossly violate international norms, to avoid empowering particular social groups (sectarian, religious, ethnic or other) at the expense of others, and to ensure that programming actually enhances the non-state capacity for security provision and is not put to other uses. Generalists and technical experts may retain key roles, but only if buttressed by area experts.

A 2005 issue of *Accord* focused on engaging non-state actors in peace processes highlights the importance of on-the-ground understanding. Sue Williams and Robert Ricigliano ask:

[H]ow can a third party understand an armed group well enough to be able to assist constructively in the establishment of a peace process? 'Understanding' such a group means

more than merely having information about them. It means developing a deeper knowing, an awareness of their experiences and perceptions, an understanding of their logic or way of reasoning, and some ability to predict or explain what they do. This kind of understanding is dynamic, not static: rather than the gathering of information, this is the development of a process of communication and negotiation, out of which may come a peace process. (2005: 14)

Terry Waite, the humanitarian and negotiator who achieved the release of hostages in Iran (1980–1981) and Libya (1984–1985), discusses the importance of on-the-ground sensitivity:

[Y]ou can surround yourself with thoughts and understandings and analyses, but what really counts is your ability on the ground to have a degree of sensitivity to people in situations, to be able to get yourself onto the wavelengths of the people with whom you're working or discussing, not to be harsh in your judgments and to try and understand and listen to people — *what is it you're saying, and why is it you're doing what you're doing?*...Sensitivity is a misused term, but, sensitivity and intuition, coupled with a certain degree of hard-headedness are some of the qualities that are necessary in that situation. (2005: 23-24)

These are the skills and qualities donors must cultivate in their personnel in order to effectively engage local civil society and non-state actors.

## MULTI-LEVEL NEGOTIATION

The complex multi-level negotiations required by a non-state SSR strategy are another significant challenge

requiring more sophisticated practice from donors.<sup>27</sup> There are at least four major sets of actors involved, each with distinct interests: the international community, host state elites, local elites (particularly non-state security and justice providers) and the local community. The international community must first negotiate access to the society from state elites, who will likely impose limits on the types of support permitted to non-state actors, then at the local level international actors would facilitate negotiation between local elites (non-state security and justice providers), local representatives of the state and the local community in a way that improves the human security of the population while respecting the interests of the state and international donors.

The international community encompasses donor states, international organizations and international NGOs pursuing issues that range from counterterrorism and regional stability to peace, development and human rights. The appropriate goals and approach to SSR entail negotiation within the international community, including negotiations between donor governments and their constituencies.

Host state elites are likely to resist any intrusion on their sovereignty by international actors and any measure to strengthen alternative authorities within their borders; their interest is to extend state authority and control. These actors, however, also have an interest in international legitimacy and resources, as well as internal stability and security. Accordingly, aid and SSR initiatives that benefit state institutions are critical bargaining tools for international actors to negotiate sovereign consent to initiate and monitor a non-state SSR strategy.

<sup>27</sup> For a good treatment of multi-layered negotiation in international state building and peace building, see Barnett and Zürcher (2009). In their analysis, international peace builders tend to primarily negotiate with state elites who then negotiate with sub-national elites — a good reflection of the hierarchical nature of current practice. A non-state strategy, in contrast, would negotiate access with state elites, and negotiate reforms with non-state elites alongside the local community and (likely) representatives of the state.

Local elites have an interest in retaining their autonomy, but may also value the legitimacy, powers and resources conferred by engaging with the state and international donors. They are likely to resist co-optation by state or international actors, and may act as spoilers.

Finally, a non-state SSR strategy aims to empower communities (particularly civil society) to negotiate with local elites (security and justice providers) as the mechanism for reform. Negotiation and change will surely be a long term and incremental process, but as the history of international state building as well as European statehood suggest, political formation cannot be rushed.

Further complicating the picture are the divergent and context-specific interests within each type of actor involved in these multilayered negotiations. Donors often diverge in their particular aims but must collaborate to shape incentives and disincentives; they may also have to work with a wide spectrum of actors that will likely include some they do not like, such as Islamists or communists. Another key issue is to find an appropriate level of donor engagement. On one hand, donors must have a significant presence to monitor, evaluate and coordinate a flexible reform process (alongside the local civil society actors who lead these processes); on the other, too much donor engagement could delegitimize local security structures and even the state in the eyes of local populations who are suspicious of foreign influence. The navigability of these complex negotiations and the appropriate level of donor influence remain empirical and case-specific questions for further research.

## COST EFFECTIVENESS

Advocates of a non-state SSR strategy often argue that it is not only more effective in terms of the outcomes it pursues, but more cost-effective in terms of the resources it requires, particularly in comparison to expensive state-

building efforts in Afghanistan and elsewhere. The degree to which such a strategy saves money while generating effective outcomes, however, remains an empirical matter to be evaluated. Such a strategy entails an immense amount of knowledge-gathering and administration, as well as experimentation. The costs will depend on the presence and capacities of local civil society and NGOs to design and implement such a strategy, the presence and capacities of non-state security providers, the politics of such a strategy vis-à-vis the host state and, of course, a high degree of chance as programmers learn from trial and error in an uncertain environment. Ultimately, the costs, effectiveness and savings resulting from such a strategy can only be determined after it is tried, and this issue remains an open one.

## CONCLUSION

This paper has synthesized an emerging new direction in the SSR literature in order to outline a non-state SSR strategy as clearly and systematically as possible. Beyond identifying outstanding issues and challenges for further inquiry, this paper explains the circumstances in which a non-state strategy is appropriate, the specific goals it seeks to achieve, the types of actors it seeks to reform and some preliminary directions for how such a strategy might proceed. This conceptual analysis suggests that non-state engagement offers a viable, coherent and potentially effective strategy that responds to an era of plural and multifaceted governance demanding new policy innovations. Such a strategy focuses on fostering complementarity and co-governance between state and non-state actors, finds hybrid and layered arrangements in the security and justice spheres, and at its core, works with existing security and justice structures rather than around them. The analysis also outlines a productive — though unconventional — role for international donors in support of non-state security reform.

Following the conceptual foundations developed here, future papers will survey post-Cold War peace operations to find instances in which peacekeepers have engaged non-state actors in security functions. Subsequent papers will provide case study analyses of what has been tried, what worked, what failed and what lessons may be gleaned for a non-state SSR strategy. Such precedents provide empirical material with which to explore the outstanding issues noted above and to bring the strategy outlined here closer to concrete policy. One such study paper will identify Afghanistan as a society suited to a non-state approach given the historical weakness of the state and the proliferation of non-state security actors. It will carefully evaluate a number of national and international initiatives to engage non-state actors in security and justice provision, and identify opportunities and obstacles to a non-state approach following the 2014 withdrawal of NATO forces.

SSR holds a poor record of translating its core principles into coherent programming that yields sustainable results. More broadly, the last two decades of international state building suggest that Western institution-building efforts are over-ambitious, profoundly decontextualized, short-sighted and highly mechanistic. As Louise Andersen notes, “If history tells us anything, it is that lasting ‘solutions’ emerge as the unintended consequences of social processes of negotiation, contestation, and adaptation, rather than the causal outcome of certain inputs. In light of this, it seems that less strategy, rather than more, could be part of the way forward” (2011: 16).

The failure of liberal state building, however, is no reason to disengage from those parts of the world that breed insecurity and remain vulnerable to humanitarian catastrophe. Andersen’s insight echoes US President Dwight D. Eisenhower’s famous dictum that “plans are useless, but planning is indispensable.” The shortcomings

of state building signal a necessity to shift from rigid blueprints of modern Western statehood toward support for long-term processes of reform that will produce governance arrangements that responding to local needs in a way that reflects the ever-shifting currents of history, culture and local circumstance. The change will demand more adaptability and experimentation from donors, but now more than ever is a time for innovation. When the aims are better grounded in local realities, the results will likely prove more satisfying for all. An SSR strategy that engages non-state actors represents just one potential direction in this broader change of course, but a highly promising one that demands further study and serious consideration in policy-making spheres.

## APPENDIX: INFORMATION GATHERING IN A DIVERSE SECURITY TERRAIN

Recognizing that security provision is a dynamic process, Andreas Mehler (2009: 61) presents the following snapshot of security provision in Liberia during an eight-year window. He divides the various actors according to their public, private or community nature, and whether security represents their primary purpose, or an area in which they are involved while pursuing other activities (secondary).

The Security Tableau in Liberia, 2000–2007

	Primary Security/Violence Function	Secondary Security/Violence Function
Public	Armed Forces of Liberia (AFL) Liberian National Police (LNP) State Security Service (SSS) ECOMIL and UNMIL Peacekeepers	Market superintendent
Private	Liberians United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL) rebel movements National Patriotic Front of Liberia (NPFL — President Charles Taylor's armed movement) Private security companies	Political party militias Street boys, etc. Ex-combatants
Collective / Communitarian or Traditional	Vigilantes Area teams Neighbourhood watches	Secret societies (Poro, Sandee, Kendewo, Sendewo, Bodio) Traditional authorities Zone leaders

## Survey on the Importance of Security Actors to Citizens in Liberia

Mehler (2009: 62) also presents the results of a 2005 survey asking inhabitants of Monrovia, Buchanan and Tubmanburg to rate the importance of various international, state and non-state security providers to their personal security/insecurity. This survey would be even more useful if it assessed specific functions of security providers, who may constitute a threat in one area, but a source of security in another. Cross-referencing responses with membership in various social groups (ethnic, gender, political and other) would help to appraise the representativeness of each security provider.

This actor...	...is very/somewhat important for my personal security (percent of respondents)	...does not affect my personal security at all (percent of respondents)	...is a big/somewhat of a threat for my personal security (percent of respondents)
UN Peacekeepers (UNMIL)	96.5	2.0	1.4
Liberian National Police (LNP)	92.5	4.6	2.9
Armed Forces of Liberia (AFL)	66.1	24.3	9.5
Vigilantes, Area Teams and Neighbourhood Watches	62.9	19.9	17.2
Private Security Companies (such as Dyncorp and Inter-Con Security)	40.7	55.4	3.9
Poros/Snadees (Secret Societies)	17.9	52.6	29.5
Political Party Militias	8.3	42.0	49.7
Ex-Combatants (MODEL, LURD, Taylor Government)	3.4	7.1	89.5
Street Boys	0.5	7.4	92.1

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