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Contents

Eric Scheye

Realism and Pragmatism in Security Sector Development

Summary

- Security sector reform (SSR) policies and operational guidance have proved to be ineffective in prioritizing, sequencing, managing, and implementing donor-supported initiatives.
- SSR policies and operational guidance do not reflect economic and political realities in donor countries. This disjunction requires greater selectivity in the choice of partner countries and the kind of programmatic support provided.
- A significant imbalance exists between supply and demand for justice and security development, as core segments of partner governments typically resist and will continue to resist key provisions of SSR.
- Political will in partner countries is, like its companion concept, local ownership, highly fragmented, reflecting a natural competition between and among rationally self-interested stakeholders.
- Effective programming requires donors to direct their influence and support toward those constituencies (and their leadership) in whose self-interest it is to implement SSR programs, despite the resistance to justice and security development by other stakeholders and competing political actors.
- Donor-supported justice and security programs should be disaggregated and should concentrate on narrowly defined problems and issues, rather than seek to be holistic and comprehensive.

Challenges in Justice and Security Development

The time has come to modernize the donor community's understanding of security sector reform to reflect contemporary realities, fill in the gaps that exist in current practice, and design programs that better align with regional differences.[1] The results of donor-supported

SSR activities to date have been meager,[2] particularly in relation to the resources expended. More fundamentally, however, the focus and core objectives of SSR have not been helpful either conceptually, in coordinating and managing donor-supported initiatives, or operationally, in prioritizing, sequencing, and implementing them.

It is widely accepted that SSR is a political activity, but within the donor community there appears to be little understanding of how to act politically. This is despite the mantra that SSR is an inherently political enterprise and the fact that among the core principles is local ownership. Another core tenet of SSR is effective governance and civilian oversight of security sector institutions and systems, but in the field there appears to be considerable resistance on the part of most partner governments to engaging in such development activities. Finally, while SSR highlights the importance of national strategic policies and frameworks, along with institution and capacity building, there is a discrepancy between this set of initiatives and the recognition that donor efforts, first and foremost, ought to focus on the immediate needs of people rather than institutions.

On a more practical level, there are persistent difficulties in the coherence and coordination of donor support programs. More important, however, SSR has overemphasized military and police development, along with criminal justice, to the detriment of effective and sustainable programming.[3] As a result, donor-supported SSR programs have tended to downplay justice development and overlook issues pertaining to family, property, administrative, and civil and commercial law, areas of political contestation and inequity that are frequently the precipitators and aggravators of many of the world's conflicts.

Two basic donor approaches have evolved in response to the gap between the SSR policy prescriptions and their implementation. Although the two approaches are not mutually exclusive, they are characterized by very different assumptions and therefore result in different types of development programs. The first kind of strategy is concerned with comprehensive and integrated donor-supported development as originally enunciated in the *OECD/ DAC Handbook on SSR: Supporting Security and Justice* (OECD Handbook). This alternative concentrates primarily on issues such as strategic policymaking and institution and capacity building while emphasizing the centrality of civilian oversight and accountability. It can be characterized as the "traditional" or "orthodox" approach. In contrast, the "realistic" or "pragmatic" approach accepts that the existing model is not well attuned to the challenges of contemporary contexts. Selectivity and risk management are core concepts of this approach. Consequently, the pragmatic approach believes it is advisable to adopt a consistent problem-solving "justice and security" orientation, contouring donor assistance more closely to identified needs. This model also suggests that programming ought to be disaggregated, with the implication that the U.S. maritime security schema and the World Bank's Justice for the Poor initiatives are models for future donor-supported SSR initiatives.

This report's discussion and analysis of these two distinct but not mutually exclusive approaches to the future direction of SSR is divided into three sections. The first section outlines different regional perspectives on SSR and scrutinizes the current orientation of the U.S. government. The second section presents the widely accepted challenges that have persistently plagued donor-supported SSR programming and for which current policies have seemingly offered little guidance. Of special import are the difficulties attached to implementing donor-supported justice and security initiatives. The third section describes the two basic donor responses to the endemic challenges to successful implementation of SSR.[4] The report concludes by offering a number of concrete recommendations that can be readily implemented by donor countries.

Regional and U.S. Perspectives on SSR

Because the cultural and historical legacies and trajectories of the world's regions shape their different orientations to justice and security development, there is no single global perspective on SSR. Similarly, donors have different national interests that inflect the type of support they are willing to provide. The regional perspectives introduced below suggest the multivalenced orientations donors and partner countries bring to the SSR sphere and the potential conflicts that can arise in the presence of different perspectives.

An African Perspective

The African Union (AU) is currently engaged in formulating its justice and security policies. Focusing on postconflict reconstruction[5] and with an orientation as a coordinator and convener of continental activities, the organization has identified as a priority issue what it perceives as a gross lack of coordination between and among the different SSR actors—international and African stakeholders, the UN and its agencies, the UN and other international players. This lack of coordinated support has raised questions of how to reconcile the competing interests of Africa's local owners and those in whose interest donor-supported SSR lies. It appears, for example, that a significant percentage of SSR has targeted regime security and a narrow technical conception of police development. Issues of governance and the strengthening of civil society participation in holding the justice and security sector accountable have lagged behind. In a similar vein, an emphasis on a limited understanding of state-building has overlooked the role local justice and security systems play in providing public goods and services, even though many of these traditional systems are integral parts of the state. Furthermore, because much of this donor assistance is uncoordinated, donor-supported SSR programs often duplicate one another.

A Latin America Perspective

SSR is not an accepted term in Latin America. Instead, because of historical legacies, concepts of citizen security, civil-military relations, justice reform, and rule of law development predominate. Within Latin America, the strong role the military, police, and intelligence services have played in politics cannot be minimized. Their continued hold on political power in a number of countries must be taken into account, and widespread civilian fear and distrust of the security services acknowledged. Consequently, when most academics and governments refer to reform of the security sector, the clear demarcation of military, intelligence, and police functions is paramount. For this reason, the past ten to fifteen years have seen a focus on institutional frameworks, with an emphasis on civilian control and institution building, clarifying the role of advisers and ministers, and intense efforts to bolster civilian control and oversight. Nevertheless, too much donor support has consisted of "train-and-equip" initiatives, with few whole-of-government programs. It should also be noted that, although there is resistance to U.S. policy in the region, there is also an appreciation of how the United States manages its civil-military relations, maintains civilian control, and organizes its police services.

Because of the current prevalence of violence, youth gangs, and narcotrafficking, there is a strong trend in Latin American toward short-term, quick fixes. This is the approach regional politicians have often adopted. The result, however, has too frequently been uncoordinated justice and security development that seesaws in funding, effectiveness, and focus from election to election.

A South Asian Perspective

Most SSR reforms in South Asia have been self-initiated and self-driven, which means they have tended to be ad hoc reforms and have not been integrated into a whole-of-government approach. Furthermore, the self-initiated nature of the reforms has led to an emphasis on donor-provided training and technical assistance, because these are the initiatives typically requested by the region's national governments. As a result, there is an urgent need for donors to expose these national drivers of change to the global principles and standards of SSR.

There also appears to be a need for donors to help national actors adopt a more regional perspective, although this approach is structurally limited by two factors. First, the region is dominated by the rivalry between India and Pakistan and the war in Afghanistan. Second, while the principles of SSR may be universal, they need to be situated in the culture and context of the region, and this may prove problematic for donors to do.

A U.S. Perspective

Within U.S. policy circles, there appears to be a fresh breeze blowing, emphasizing the need for integrated whole-of-government programming and learning the lessons of past SSR efforts. With the engagement of, among others, ambassadors, USAID mission directors, and departmental officials, the National Security Council is leading a deliberative process that is expected to produce a new justice and security policy. It is anticipated that it will be "SSR 3.0," which will connect SSR to broader rule-of-law and justice development initiatives, conflict prevention, and improved delivery of services at the local level.

There is a general recognition and acceptance of the challenge to reconcile worldwide requirements with the realities of reduced funding. As a consequence, the motivation exists to develop targeted and tailored approaches to defined justice and security problems. The identification of these distinct problems lies with the embassies, thus there is an acknowledged need to enhance the capacity of in-country U.S. personnel with regard to justice and security development. It is their responsibility to determine what program has a realistic chance of success, given their knowledge and analysis of critical country constraints and political realities.

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In countries in which active conflict persists, however, in-country personnel are compelled to balance the political tensions between stabilization and development, which is a difficult tightrope to walk, as evidenced by U.S. programming in Afghanistan. The political imperative to have a "security first" policy is frequently premised on the belief that justice and security development can proceed only after the country is stabilized. Operationally, this assumption often results in train-and-equip initiatives, which account for much donor activity in Afghanistan. Among the challenges of this sequencing are, first, although the numbers of military and police personnel and their operational capacity will increase, as happened in Afghanistan, the financial sustainability of the security services may become increasingly tenuous.[6] Second, the ability of the partner government to manage its security services effectively may be limited, thereby undermining the operational competencies of the security services, as has also occurred in Afghanistan in respect to the Afghan Ministry of Interior (MoI).[7] Third, stabilization efforts can easily become captive to the politics of the partner country. In Afghanistan that has happened not only with respect to the challenge of corruption but institutionally, with the MoI's resistance to reform initiatives up to and through 2008, and with the failure of the 2007 commission between the MoI and the Afghan attorney general's office, as the latter seemed unwilling to "support reform efforts."[8]

Persistent Endemic Challenges in Operationalizing SSR

To begin updating SSR policies, it is necessary first to review the persistent and apparently endemic challenges that have plagued their implementation. Although there are numerous such challenges, all of which have already been cataloged, this report touches on only the most salient of them,[9] and specifically those pertaining to substantive SSR issues.

Continued Lack of Donor Coordination

A persistent lack of donor coordination is a refrain sounded in virtually every SSR review and evaluation. However, the siren call for better coordination needs to move beyond, insofar as donors have different national interests and ways of working, a diversity that is essentially irreducible. This diversity in approach is particularly evident where donor involvement is most acute. In these instances—including Iraq, Afghanistan, Kosovo, and the Democratic Republic of the Congo (DRC)—there is and will be considerable competition between and among donors. Without a change in how donor agencies incentivize and promote their personnel, compelling field personnel to cooperate with one another and other development agencies, coordination largely depends on the personal relationships of practitioners on the ground, and continued policy pronouncements and guidance from national capitals will have little to no pragmatic effect.

The example of the DRC is illustrative. It has been suggested that in the DRC, one donor established its own independent relationships with selected national actors in order to advance its police development program. These national actors were not necessarily those who were officially authorized to conduct police development but were deemed to have the requisite power potentially to deliver on that agenda. As a result of this one donor's initiative, a scheme that allegedly undermined official channels, all other donors were compelled to follow suit and conduct their policing support projects within the ambit of the more independently minded donor, a development that had both positive and negative repercussions.

The role of the UN as an institution capable of coordinating donor activity was raised during the workshop. Admittedly, the UN may possess a comparative advantage in harnessing donors, but it was conceded that the organization, in particular the Department of Peacekeeping Operations (DPKO), the UN Development Programme (UNDP), and the Department of Political Affairs (DPA), has scant resources and limited capacity to utilize those resources to address the complexities of justice and security development. With regard to the reality of peacekeeping in today's environment, the UN is not a neutral actor, particularly in missions where the mandate is peace enforcement. As for the UNDP serving as a donor coordinating forum, a 2007 needs assessment noted that the UNDP "has extreme difficulty separating its 'advice function' from its 'implementing role'" and "suffers from a conflict of interest when it, simultaneously, seeks to 'coordinate and implement programs.'"[10]

Local Ownership, Politics, and Leadership

Among the most renowned mantras of SSR are that it is an inherently political endeavor and that local ownership of donor-supported programming is pivotal if those initiatives are to be effectively implemented. There is unanimous agreement that donors do not take the multivariate politics of partner countries sufficiently into account and that the concept of local ownership receives lip service but is extremely difficult to operationalize. A case in point is a 2010 donor initiative in which a major European donor and leading international SSR consulting company, while heralding the principle of local ownership, is insisting on initiating a three-year community policing program in a Balkan country, even though the

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partner government has little political interest and even less institutional capacity to undertake community policing.[11]

Local ownership is a maddeningly complex concept, and the OECD Handbook, donor policies, and strategy documents have done little to disentangle and provide pragmatic guidance.[12] While it is acknowledged that "the state" or "the national government" is only one local owner among many, it is the legitimate one from the perspective of international relations and multilateral organizations such as the UN and World Bank, and the one that the donors' state-building agenda prioritizes. Which of the multitude of other local owners should be privileged in donor-supported programs is another political challenge that has received little policy guidance for at least two reasons. First, the West's understanding of the state is not necessarily applicable in postconflict and fragile environments, and second, partner national governments are most likely not the predominant providers of justice and security in their own countries. Similarly, although the core conundrum of "local ownership for whom" is a known challenge, there is no established SSR policy or guidance for delineating the issue further.

One of the underlying themes is that donors continue to have difficulties taking into account the complexities of how power works in partner countries. There is agreement that the key to the challenge of local ownership lies within the partner country's shifting balances of power. Operationalizing local ownership, therefore, begins with an analysis of how the balance of power is structured by a country's political economy and political settlement (or lack thereof).[13] More precisely, operationalizing local ownership requires examining the self-interests and incentives of the partner country's elites, how they manifest in day-to-day politics, and, for SSR, how they influence program implementation. Unfortunately, there is little to no pragmatic SSR guidance to aid donors in navigating these practical and all-important political shoals and tensions on which donor-supported SSR programs often flounder.

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Part of the challenge is also that most SSR literature is similarly silent on the question of local leadership. Local leadership cannot be equated with local ownership; they are distinct concepts. However, local leadership may be the single most important variable in determining whether an SSR project is effective and sustainable, for without a local leader or cohort of leaders, there is no one to drive a project forward to completion.

Political Will and Deep-Seated Resistance to Justice and Security Development

Beneath the persistent difficulties donors have with operationalizing local ownership is a second concern. There is considerable disquiet, especially noticeable in partner countries, with the concept of political will. When a donor-supported program does not achieve its stated objectives, one of the usual explanations offered is that local actors lacked political will and commitment. While a lack of political will may at times be edifying in understanding program ineffectiveness, the reflexive ascription of blame to national partners is colonial in nature, fundamentally ill-advised, and politically mistaken, for two reasons: it does not take into account the self-interests and incentives of those local actors, and it assumes that donor-supported programs have, primarily, only one local owner. Political settlements in postconflict and fragile partner countries, however, are most often fundamentally contested, which makes it naive to presume the existence of a singular political will. Instead, it may be more prudent to assume that in these cases, political will is fragmented at best, and that there is a natural and deep-seated struggle of self-interests regarding the direction of the partner country's justice and security policies.

While an understanding of political will as fragmented in many postconflict and fragile countries mirrors the analysis of local ownership, it also raises a much more foundational

challenge to existing SSR policies. The central assumption of the OECD Handbook, as well as most other SSR policy directives, is that in most postconflict and fragile countries, a political consensus exists that engaging in SSR is a beneficial activity. The foregoing analysis of local ownership and political will suggests, however, that no Handbook or SSR policy assumption is more problematic. In fact, the empirical evidence from the field supports the conclusion that, overall, national authorities have resisted attempts on the part of donors to define and support the implementation of the SSR agenda. Given the militarization of economic activity in many fragile countries, the increase in transnational and organized crime, and the prevalence of endemic corruption in fragile and postconflict countries, significant and powerful disincentives exist within partner national governments to engage in SSR. Consequently, national governments, as well as other stakeholders, have frequently made the political decision that significantly strengthening their justice and security sectors is not in their self-interest because it would threaten their hold on power and undermine their self-interest.[14] Discrete improvements in elements of the justice and security sectors may be advantageous and undertaken by partner governments, but that is a very different matter from external actors trying to impose a comprehensive and holistic SSR that is not wanted by most local owners and for which there is limited to no political will, even though such programming is a cornerstone of the OECD Handbook, as well as of many donor policies and their operational guidelines.

Simply put, the demand for donor-supported SSR, particularly in postconflict and fragile environments, has proved to be decidedly limited and is most often circumscribed by the parochial self-interest of the powerful elites of partner countries. The question that plagues the implementation of SSR, therefore, is not why we, the donors, are not more successful. Rather, the question ought to be the decidedly more political one: which constituencies in the partner country would benefit from donor-supported SSR initiatives, and how should donors seek to promote the self-interests of those constituencies?

Donor National Interest and Its Ramifications

With this inversion in mind, it is evident that there is a significant imbalance between the supply and demand for donor-supported SSR programming, one that reflects deep-seated strains in the national interests of donor and partner countries. These tensions have been persistent, and the empirical evidence suggests they are endemic to SSR programming, SSR principles and operational guidance notwithstanding.[15]

For example, there should be little surprise that approximately 65 percent or more of the EU's SSR expenditures target support for police development and border management, subjects that are judged to be of key supranational and national interest. More specifically, it is decidedly in the EU's interest that up to 75 percent of its SSR spending on neighboring states and those of the former Soviet Union supports border management projects. In Ukraine, the figure exceeds 80 percent. It is highly unlikely that border management is the top justice and security priority of the Ukrainian national government; Ukraine's citizenry as local owners, broadly defined; the country's poor; or marginalized and vulnerable groups, such as women and ethnic minorities. Border management, however, is an essential EU security issue and therefore an EU SSR priority in Ukraine.

Similarly, there is no mistaking the coincidence that the predominant British and French SSR involvements are in former colonies and in conflicts that are deemed of vital national interest. Comparable conclusions can be reached for the United States' SSR assistance programs in that they are most frequently conducted in countries and target areas considered to be of national interest. Exceptions to these tendencies do exist, such as the Dutch involvement in Burundi or the German and Danish participation in Nepal, but these rare out-

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liers do not undermine the overall rule. Instead they prove the rule in such cases as Ethiopia, where significant donor resources are being invested because of donors' national interest, even though the country's ruling clique is ideologically opposed to the core principles of SSR and has evinced no interest in engaging in justice and security development.[16]

Consequently, it is simply inadequate to continue to voice the bromides that donor-supported programming ought to coincide with and support the national and local SSR strategies of partner countries. In the current political and financial environment, it has become increasingly clear that donor-supported programs are frequently undertaken to advance the donor's national interests, as defined by the donor. As donor legislatures increasingly demand more democratic accountability and "bang for the buck" of public revenues spent on development, donor agencies have a clear fiduciary responsibility to their domestic tax-paying citizens, who are the ultimate local owners of donor-supported programs, to correlate their expenditures with their country's national interest, however determined. The difficulty arises because SSR's overarching principles and most donor policies provide little to no guidance on how to address this reality.

Where Are Justice, Civilian Oversight and Accountability, and Gender?

A host of other endemic challenges to how SSR is implemented in the field further illustrate the gap between SSR policy prescriptions and the reality of how programming plays out in practice. Less generously, the discrepancy between policy and practice is more like a chasm than a gap. For example, while SSR proponents have continually insisted it addresses justice development, there is a unanimous consensus among practitioners that the reality is decidedly different and that justice is frequently overlooked in SSR programs.[17] Among the acknowledged obstacles is the fact that justice practitioners do not self-identify as members of the security sector or system. It is for this reason alone that the SSR policy needs to be updated and revised. Most likely, the better concept is justice and security development, because no amount of persuasion will bring justice development under an SSR umbrella.

In a similar vein, although accountability and civilian oversight are heralded as intrinsic components of SSR doctrine, many practitioners insist that they too are neglected areas of donor-supported programs. The general claim is that SSR has narrowly focused on technical aspects of SSR and traditional security agencies at the expense of governance issues. As the EU expenditures figure suggests, the largest percentage of SSR support remains centered on military and police development, and as a result, insufficient time and effort are paid to questions of civilian oversight and accountability.

Similarly and troublingly, while gender is loudly proclaimed to be a core operational objective, SSR programs in the field often lapse into generalized security programs without adequate attention to women's rights. An additional challenge to SSR gender programming is that it tends to focus too narrowly on violence against women. While violence against women is a horrendous problem, a narrow focus on it slights the institutionalized gender inequities and inequalities that exist in family, property, administrative, and commercial and civil law, and it may be these forms of discrimination that are most problematic in the day-to-day lives of women.

Donor Approaches in Response to the Challenges of Operationalizing SSR

In response to the persistent challenges and gaps in how SSR has been implemented in the field, practitioners agree that it is necessary first to move beyond the truisms and boilerplate language of SSR dogma, and second to focus more concertedly on changing

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the behaviors of the service providers in partner countries in ways that are sustainable. It appears that strategies to reconcile the undeniable gap between SSR policy prescriptions and how SSR has been implemented in the field fall into two broad groups. While the two approaches are not mutually exclusive, they incorporate decidedly different assumptions and premises. The first strategy refocuses attention on the need to undertake comprehensive and integrated donor-supported development, as originally enunciated by the OECD Handbook, emphasizing strategic policymaking and institution and capacity building, civilian oversight, and accountability. This is the traditional or orthodox approach. The alternative is the realistic and pragmatic school, which adopts a consistent problem-solving justice and security orientation in the belief that SSR programming ought to tackle discrete issues and, therefore, be disaggregated.

The Traditional or Orthodox Approach

The Need for a Common SSR Language. The key pillar of the traditional or orthodox approach to healing the rift between SSR principles and their implementation in the field is to reaffirm and underscore the importance and centrality of those principles to SSR. Adherents of the traditional approach repeatedly called for a common SSR language with respect to definitions, policies, guidance, and implementation. This call for, and the expected development of, an agreed-upon universal language have, according to proponents, a number of benefits. First, the search for a common language has propelled the promulgation of additional donor policies and strategies. It has also encouraged multilateral and regional organizations, such as the AU, to begin to formulate or hone their policies and strategies with regard to SSR. Second, it has invigorated the various training exercises conducted by donors for their personnel, which, by harmonizing SSR language, should enable better and more effective implementation of programs through greater coordination.

Unfortunately, these benefits have been watered down because many of the revised policies and training initiatives are based on SSR policies and practices that have already proved to be ineffective.[18] The preferred sequence is, first, to rethink and retool SSR practice, and only then to update policies and strategies accordingly. A case in point is the recently published *Measuring and Monitoring Armed Violence: Goals, Targets and Indicators*.[19] While the framework certainly advances the agenda of reducing armed violence, particularly with regard to information management, its underlying orientation remains largely state-centric and does not adequately address the connections between that practice area and development of the justice sector.

While the drive for more concise polices and cohesive training programs is appropriate, there appears to be little direct correlation between the publication of new donor policies or the development of enhanced training initiatives and donor activities in the field. The difficulty seems to stem from a disconnect between headquarters initiatives and their uptake in the field. A clear indication of this is that the efforts made to strengthen the UN's SSR policies have had little immediate or significant effect in changing how justice and security development is implemented in either Liberia or Timor-Leste's peacekeeping missions. Another example of the disconnect between the issuance of initiatives and their actualization in the field is the heightened attention paid to policies and guidance notes on how to conduct assessments and the need for these assessments to be comprehensive and multisectoral without reference to the political imperatives that, frequently, limit the time period during which assessments can be conducted. This is not to fault the new SSR policies and training initiatives per se but rather to suggest that they primarily address the needs of headquarters staff and do not adequately correspond to the political realities on the ground.

The search for a common language has propelled the promulgation of additional donor policies and strategies. It has also encouraged multilateral and regional organizations to begin to formulate or hone their policies and strategies with regard to SSR.

Governance, Accountability, and Oversight and Their Implications. The motivation to formulate a common language, however, does not have to do with merely reiterating and reaffirming current SSR principles. Rather, the concern for a common language came about in response to a palpable need for SSR doctrine to be more rooted in a governance perspective. It is fair to assert that the main thrust of the traditional or orthodox approach concerns good governance, accountability, and civilian oversight—and all the normative values embedded therein. Time and again proponents of this approach emphasize the need to strengthen parliaments and nonstatutory oversight bodies; to build bridges between the state, security sector, civil society, and its citizens; and to tackle more comprehensively the complexity of security sector governance.[20] This form of oversight and accountability, borrowing the World Bank's terminology, is known as the long route to good governance and accountability. It is primarily a state-centric approach, focusing on building the capacity of state institutions and developing strategic policies.[21] In this sense, the traditional approach reiterates the call for a comprehensive approach and whole-of-government action, striving to create an integrated approach within countries. Tying this model together is donor support for inclusive processes to develop a national vision of the security sector.

The traditional or orthodox strategy is, effectively, a vigorous return to the past without addressing the endemic challenges confronting current SSR policy and practice. The strategy advocates a holistic institution- and capacity-building approach in which donors are called on to support national SSR frameworks, focus assistance on a broad range of state institutions or agencies (including parliaments), and bolster the activities of independent oversight bodies and other civil society organizations. Although greatly expanded, this strategy approximates ongoing SSR initiatives and endeavors, although with greater attention to state accountability mechanisms. Nevertheless, these SSR activities are essentially the very ones that SSR practitioners and researchers have already conceded as largely ineffective.

In Sierra Leone, which is widely considered to be a success and where donor-supported SSR has been ongoing for roughly a decade, there was not a single conviction for rape in 2009. This glaring failure comes despite a national security plan and extensive donor support to build, within the national police, Family Support Units, whose personnel have been provided excellent training. Furthermore, while civil society organizations have been given donor assistance throughout the decade, it is difficult to find more than a small handful of organizations that do much more than hold meetings, conduct training sessions, and advocate for greater government provision of public goods and services. While this type of pressure from below is inherently beneficial, it does little to further the delivery of tangible, day-to-day justice and security to Sierra Leone's population, especially the poor and marginalized or vulnerable groups.

The traditional or orthodox approach also does little to address the basic political problem of SSR, namely, an imbalance in the supply and demand for SSR. Despite the vaulting rhetoric, this strategy, therefore, is essentially silent on the most important challenge vexing SSR practice, the one that defines the political context within which justice and security development takes place. In Sierra Leone, for instance, it is more than evident that state agencies and the ruling elites are effectively not interested in the normative values or the accountability safeguards propounded by the traditional SSR model, a conclusion openly and publicly conceded by the UK's Department for International Development in a 2007 evaluation of its SSR activities.[22] One of the key obstacles to justice and security development in Sierra Leone has been the existence of a deeply flawed code of criminal procedure, dating back to colonial times. Over the course of four years and two different administrations, a draft of a new code has languished within the Ministry of Justice/attorney general's office, with senior officials denying its very existence. This is a clear expression of the Ministry's political will, but it does not coincide with that of the donors, and it is explicitly intended

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to prohibit and curtail the development of the formal state judicial system. In other words, if donors want to support SSR in Sierra Leone, a conflict exists between the national interests of the donor and the political ownership of the ruling elite, as exhibited in the behavior of the Ministry of Justice/attorney general's office, one that the traditional SSR approach provides no guidance to resolve.

Furthermore, in a country with a desperate dearth of lawyers with which to staff a formal state-centric judiciary system that could exercise accountability and oversight functions, the Bar Association of Sierra Leone has argued for a reduction in the number of students qualifying for admission to law school. This Bar Association stance is another unmistakable political statement designed to further the parochial interests of an elite group rather than the citizens of Sierra Leone, who are clamoring for better justice delivery. Last, based on interviews, it would appear that the parliamentary members are significantly more interested in their personal prerogatives than in overseeing the activities and development of justice and security. Consequently, the governance strategy of the traditional approach is one that, in Sierra Leone, has been and will most likely continue to be resisted by political parties and important segments of civil society.

In short, the traditional or orthodox model, even as it voices a necessary corrective to current SSR practice, does little to address the fundamental political challenges confronting the implementation of donor-supported SSR—the discrepancy between the supply and demand for SSR. The traditional approach correctly observes that without addressing the underlying cleavage between national authorities, security providers, and citizens, development is built on shifting sands, but it is precisely on these sands that justice and security rest, and the cleavages are those that most national authorities in postconflict and fragile environments do not want to address. The approach offers few concrete suggestions for how donors are to handle the cold reality of this paradox. It offers no guidance on how to choose among the plethora of competing political owners in a partner country, let alone confront the conflicts between donor and partner country national interests.[23] Other than calling for inclusive processes, the traditional approach also provides no practical guidance on how to handle the political self-interests of the various stakeholders in partner countries and the fact that political will is not a unitary concept but a deeply fragmented notion reflecting the competitive nature of political reality in postconflict and fragile environments.[24]

The Realistic or Pragmatic Approach

Selectivity, National Interest, and Risk Management. The realistic or pragmatic approach begins with the assumption that the world has changed since the OECD Handbook was written in 2005-07 and that updated policies are needed to match reality. That new reality is one of selectivity: the tension between providing assistance to every country in need of SSR, concentrating on identifiable but circumscribed problems, and focusing primarily on those countries where support can be most efficacious. While still adhering to the four principles of SSR, the realistic-pragmatic approach accepts that donors are, must, and will be selective about the countries to which they provide SSR assistance and about the types of programs they will support.

Taking finite resources and selectivity seriously implies that SSR assistance is, first and foremost, about the donor's political choice, and that political decisions will be made according to the donor's perception of its national interest. Analysts, policymakers, academics, and researchers may and will disagree about whether any individual decision coincides with the donor's national interest. Nevertheless, the political choices of which countries to support and what types of assistance to provide are ones based on perceived national interest, and that reality cannot be overlooked or set aside, conceptually or operationally.

The traditional approach provides no practical guidance on how to handle the political self-interests of the various stakeholders in partner countries.

Political choices have consequences and opportunity costs. The choices are not only in which countries and what type of justice and security programs to undertake but also in which countries and programs one decides not to engage. Donor decisions, therefore, ought to be and are based on assessments and calculations of risks—what to do and what not to do. The result of this understanding of justice and security development is that risk management becomes a key variable. For example, a donor decision to become engaged in Yemen might mean that donor is not able to support programming in Kenya, a choice that carries significant political costs that must be managed.

Furthermore, a donor may choose, for reasons of national interest, not to support SSR activities in Yemen. That decision, however, does not logically mean that the same donor must eschew any security or justice engagement with Yemen. Engagement and managing the risk of that political choice may entail supporting other types of programs, ones that do not qualify as justice and security development, such as train-and-equip projects for one or more of the many Yemeni security services; expanding donor-supported educational, water, and health initiatives in Yemen as a way to build social support for the government of Yemen; supporting and encouraging Saudi Arabia and other regional partners to be engaged in Yemen on justice and security development; or strengthening Yemen's commercial law and the related special courts.

On the other hand, a donor may perceive that it is in its national interest to support justice and security programming in Yemen. At the same time, it may also realistically determine that there is little likelihood of sustainable initiatives conducted jointly with the Ministry of Justice (MoJ). With an eye to risk management, donor-supported programming in Yemen could concentrate on strengthening the procedures by which property is registered and the cadastre is maintained; one or more of the various security services (Coast Guard, police, intelligence, antiterrorist units); the prosecutorial service, in an effort to make it more independent from the MoJ; or the notaries and scribes that exist throughout Yemen; or the donor could provide the MoJ with a modicum of assistance to maintain a minimal political engagement. However it is conducted, recognizing that justice and security development is an exercise in political choice and risk management expands the donor's potential playing field.

Local Ownership and Political Will Revisited. By understanding justice and security development as the donor's political choice, the pragmatic approach takes politics seriously. The political challenge is to blend the donor's national interest with identifiable local needs and interests. The donor's choice of programming ought to coincide with the partner country's national strategy, if one exists,[25] for there is no question that sustainable donor-supported SSR requires local acceptance to be effectively implemented, but it is the donor's choice to select which element of the national strategy to support. Of course, a partner country's national government can decide to prohibit a donor from undertaking an SSR program or a component of a program, as has recently happened in Nepal to a donor with regard to police development. It is also true that for donor support of a justice and security initiative to be effective, it may need to be less rather than more visible. These are among the various possibilities and permutations of implementing justice and security development. Neither, however, undermines the basic premise of the realistic-pragmatic approach that the choice of programming remains the donor's and not that of the partner country's national government.

The challenge of local ownership is to implement the donor's choice of programming in the context of competing political wills of the various national partners, each of whom acts in its own perceived self-interest. Local ownership is a political and iterative process, one of negotiation and implementation between and among the donor, the partner country's national government, and the much more local owners of the specific components of the

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program under consideration. The balance of power between the donor and the partner country's national government fluctuates continuously. Similarly, the balance of power among the multitude of stakeholders in the partner country are in constantly in flux, particularly in postconflict and fragile environments. At every level, donor activity alters the balance of power and the various actors' calculation of their self-interest. Local ownership requires that the donor politically manage the risk of this uncertainty though continuous political negotiation. It is this continuous political negotiation that truly defines the context of justice and security development.

In this process, the crucial variable for effective programming is the identification of donor support for the local constituencies and their leadership cadre who are committed to driving the specific program forward. These are the constituencies and leaders who perceive a vested self-interest in the program's success at the most local level. Managing risk and optimizing local ownership, then, means that donors need to leverage support to and for these constituencies and their leaders so that these groups "win" and are able to effectively implement and achieve programmatic goals, despite resistance to justice and security development by other partner government stakeholders and competing political actors.

Above and beyond the need for donor personnel capable of evaluating balances of power, determining stakeholders' self-interests, and conducting ongoing delicate political negotiations, it is necessary to determine the local owner of a particular component of a program. Furthermore, it is necessary to determine when, during implementation, ownership migrates to another local owner. Making such determinations is a skill connected to expertise in organizational behavior and change management, subspecialties that are usually not within the purview of development agencies. Building in midcourse changes requires a level of microprogramming that donors are unaccustomed to undertaking but that is essential. An additional practical implication of the realistic or pragmatic approach is the importance and primacy of the donor's in-country staff. It is essential, for instance, to knit development activities more tightly into the donor's overall in-country political and diplomatic efforts, which means familiarizing both sides of the donor's staff with the other's perspectives and work. This may rub against the inclinations of many development experts, but for justice and security development, there may be no alternative.

Disaggregating Justice and Security Development. As should be evident, the realistic-pragmatic approach does not advocate holistic and comprehensive donor-supported SSR, such as promulgated by the OECD Handbook's guidance or the traditionalist-orthodox model. This does not imply that the pragmatic strategy rejects the basic assumption that justice and security development is a delicate interdependent system, much like a fragile ecological system in which an intervention in one area will have repercussions in another. Rather, the pragmatic approach believes that justice and security programming needs to be disaggregated, for the drive to undertake comprehensive SSR is misguided for a number of reasons.

First, the contemporary reality is that funding is more limited than previously, which precludes the ambition of holistic justice and security programming. An excellent example of the need to curtail ambitions is the UNDP's Global Rule of Law four-year program. The initiative intends to provide support in twenty countries with a budget of approximately $45 million, which means less than $500,000 per year for each country, after the organization's overhead costs are subtracted. This sum could be sufficient if the UNDP's program were to concentrate on only two projects in each country, such as support for judicial training institutes, the establishment of police academies, reducing antigender violence, or boosting legal aid. Conversely, the program would have sufficient funds if it were to limit itself to a handful of countries. But, as currently configured, the program is patently inadequate when country programs are meant to be holistic and comprehensive, with components of police development, reducing antigender violence, supporting legal aid, providing paralegal

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training, assisting court administration, creating judicial training institutes, enhancing civil society, supporting parliaments, and more.[26]

Second, comprehensive justice and security programming is, in reality, wishful thinking, in light of deep and often endemic political volatility, acute insecurity, limited or nonexistent resources and capacities, systemic corruption, or deep-seated poverty, all of which are the common conditions of fragile, failed, and postconflict states. Under these circumstances, observing many of the principled prescriptions of the traditional or orthodox model is a luxury and operationally impractical. This is especially true with regard to the ability of postconflict and fragile countries to absorb and manage the levels of change being advocated. The issue, however, is not only the technical side of SSR but the normative one as well, for many partner country governments perceive the implications of holistic SSR as colonial in their application and implications, if for no other reason than no Western or donor country has undergone such a holistic and comprehensive SSR program.

There is a third and wholly operational reason for disaggregating justice and security initiatives. Holistic programming by definition aggregates, integrates, and seeks to coordinate justice and security development initiatives at higher and higher levels within the partner country's national government. But the greater the degree of aggregation of policies and operations across state agencies, the less substantive will be the policy and operational synergies between and among those agencies and the more problematic will become the likelihood of significant structural reform, as the political competition between the various actors will intensify, bureaucratically within the partner government, between the partner government and donors, and among the donors. In other words, the more comprehensive a justice and security program, the greater the political conflict it unleashes between the self-interested political wills of the national stakeholders and the less susceptible the national stakeholders are to negotiation.

The need to unbundle justice and security programming does not imply that current efforts to support the formulation of partner country national frameworks, policies, and strategies should be brushed aside. National frameworks and policies have their place and time, partly because the skills acquired by local partners in the process of drafting the strategies are valuable in the long-term process of building human capital in partner countries. Furthermore, in postconflict and fragile environments, support for these frameworks may be the most appropriate justice and security function the UN can perform.[27] Still, national frameworks and policies require, at a minimum, three to five years to draft, if they are to be done well; have exhibited little effect on improving justice and security delivery for, at best, a decade or more; are rarely implemented or capable of being implemented; and are among the first casualties of democratic elections when there is an alternation of governments and the opposition party assumes power, as was the case in Timor-Leste. If the recent examples of Burundi and the DRC are indicative, there also appears to be little commitment for partner countries to undertake such holistic SSR initiatives other than to milk the resources that donors tied to the initiatives.

In this age of selectivity, more modest, smaller, and more tightly focused initiatives have a greater likelihood of meeting the universally accepted four overarching principles of SSR, including effective and sustainable development. Narrowly targeted programs are also less likely to be resisted by partner national governments, given their smaller footprints and their concentrated focus on an identifiable and concrete problem in justice and security provision. Such narrowly defined problem-solving justice and security concentrations could be in the areas of community safety, maritime security, police corruption, youth or gang violence, property and land rights, legal aid and paralegal assistance, and pretrial detention. The key is the identification of a single, tangible issue to which donor support can be effectively applied. Identifying the challenge also suggests that the justice and security

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program may not necessarily fall within the ambit of criminal justice but could focus on property disputes, access to water, or inequities arising out of how family law is practiced, areas of contestation out of which conflict can erupt. These types of concentrated initiatives coincide better with local ownership and political will, and are better able to bridge and blend the national interests of donors and partner countries.

The U.S. assessment framework for maritime security and the World Bank's Justice for the Poor program are excellent examples of what a realistic-pragmatic justice and security approach looks like. Rather than striving to be holistic, they focus instead on adopting a consistent problem-solving strategy—a critical difference. This means that every activity in the program is directly linked to the resolution of a single identifiable issue, such as piracy off the coast of Somalia or access to justice in rural Sierra Leone. For example, to bolster maritime security off the coast of Somalia, initiatives relating to policing, governance, border control, justice, and economics need to be undertaken, but they are conducted only as they relate to maritime security. In this way, the core idea of comprehensive programming is retained, namely, the need to relate different elements of justice and security programming in order to achieve a measurable result—in this case, maritime security.

With a disaggregated approach to programming, gaps will inevitably appear in a partner country's justice and security system that require support but for which there will be no assistance. Comparable gaps occur with the traditional strategy, but the reasons for them are different. The issue is not that gaps arise but that the political negotiations between donor and partner country recognize they will occur and that the accountability for addressing them lies with the partner country, given that donor support is limited and partner governments are solely responsible for the delivery of public goods and services to their citizenry.

Conclusion and Recommendations

SSR is moving into a new era of selectivity. It is an era in which understandings of what local ownership, political will, and effective justice and security programming entail are in need of updating to reflect political realities and the lessons learned from past donor-supported SSR programs, many of which have been less effective than desired. It is also an era in which justice and security programming should be increasingly unbundled and more narrowly concentrated on addressing defined problems.

The following recommendations are offered to begin the process of operationalizing this new era of selectivity:

- Revise expert rosters to include individuals who possess political negotiation, organizational behavior, and program management skills.
- Develop training programs for practitioners and in-country personnel that culminate in the application of problem-solving techniques and hone political skills, such as the identification of constituencies who will support justice and security programs.
- Develop operational guidance notes on defined and selected justice and security problems such as maritime security, youth and gang violence, pretrial detention, paralegal assistance, gender violence, women's inheritance rights, conflicts over land tenure and water rights, court administration, local and community justice and safety provision, and ministerial mentoring.
- Develop operational guidance notes that clarify the interdependence and concrete relationships between and among the various elements of the justice and security system for selected justice and security programs (see list above).

- Increase support to international and national NGOs that target specific issues in justice and security development (see the list above) in order to promote the creation of teams of subject-specific experts.

Notes

1. Current SSR theory and practice are grounded on the *Handbook on SSR: Supporting Security and Justice* (Paris: Organisation for Economic Co-operation and Development [OECD], 2007), which has codified four widely accepted SSR principles:

   - establishment of effective governance, oversight, and accountability in the security system;

   - improved delivery of security and justice services;

   - development of local leadership and ownership of the reform process;

   - sustainability of justice and security service delivery (21).

2. This widely accepted conclusion does not imply that all donor-supported SSR programming has been ineffective, for there have been a number of relatively successful programs. Furthermore, the time period by which to evaluate programmatic effectiveness may be ten or more years, insofar as much justice and security sector development requires generational change. Lastly, the ineffectiveness of current donor-supported SSR programs may also be due to a lack of donor adherence to the four principles.

3. Too often, prison development gets lost within criminal justice.

4. It should be noted that this conference report does not delve into the myriad issues related to how donor agencies are organized to meet these substantive challenges. These important process challenges, such as the recruitment and deployment of experts, the choice of funding mechanisms, and the like, are addressed in other United States Institute of Peace publications.

5. It should be noted that the Economic Community of West Africa States, or ECOWAS, has a slightly different orientation, concentrating on conflict prevention.

6. This is precisely what has occurred in Sierra Leone as the government cannot afford the array and size of the security services (military, police, intelligence, and Office of National Security) the donors have helped establish. The attempt to do so has profoundly distorted government budgetary allocations, to the acute detriment of judicial institutions and public access to state-provided justice.

7. See Robert Perito, "Afghanistan's Police: The Weak Link in Security Sector Reform" (Washington, D.C.: United States Institute of Peace, 2009).

8. See Fatima Ayub, Sari Kouvo, and Rachel Wareham, *Security Sector Reform in Afghanistan* (New York: Initiative for Peacebuilding, 2009), 12.

9. See, for instance, *Security System Reform: What Have We Learned? Results and Trends from the Publication and Dissemination of the OECD DAC Handbook on Security System Reform* (Paris: OECD, 2010).

10. Eric Scheye and Luc van de Goor, *Requirements and Challenges for Establishing an International Security Sector Advisory Team: A Needs Assessment Carried Out on Behalf of the Netherlands Ministry of Foreign Affairs* (Amsterdam: Clingendael Institute, 2007), 9. Needs assessment was conducted by the Clingendael Institute in 2007.

11. The advice of practitioners and anthropologists against engaging in community policing has also had no effect on the donor country or its implementing partner.

12. "While the substantive elements of peacebuilding (i.e. democracy, rule of law, market economy) clearly define peacebuilding practice, the two procedural principles—ownership and context—are often neglected or marginalized. Extant research strongly suggests that this lack of attention to ownership and context go a long way in explaining why so many peacebuilding efforts are judged to be ineffective and unsustainable over time." Ole Jacob Sending, *Why Peacebuilders Fail to Secure Ownership and Be Sensitive to Context* (Oslo: Norwegian Institute of International Affairs, 2009), Executive Summary.

13. The UK's Department for International Development (DFID), for example, has argued that the state is "a product of state-society relations" and its structure and patterns of authority are "determined by an underlying political settlement," based on "common understanding[s]," which, in all democracies, inevitably serve the interests of the elite (*States in Development: Understanding State-building. A DFID Working Paper* [London: DFID, 2008]).

14. See, for instance, Alice Hills, *Policing Africa: Internal Security and the Limits of Liberalization* (Boulder, CO: Lynne Rienner Publishers, 2000).

15. Another particular strain is between the international community's desire for urgency and the partner national government's need for deliberate change it can absorb. This is partly a challenge of capacity within the partner country, but it is also a question of tensions between national interests.

16. See Helen Epstein, "Cruel Ethiopia," *New York Review of Books,* April 24, 2010.

17. It is often claimed that justice development is more intricate and more difficult to evaluate, requires longer timelines, and necessitates even greater donor political intervention than do military or police reform. All of these claims are debatable, but none of them adequately explains why SSR has systematically overlooked justice development for the past five years.

18. It should to be noted that the UK is in the process of developing a new training regime for its personnel, one that substitutes the concept of "security and justice" while explicitly avoiding use of the term "SSR."

19. UNDP, *Measuring and Monitoring Armed Violence: Goals, Targets and Indicators* (Geneva: UNDP, 2010)

20. An excellent example of this is the OECD's *Security System Reform: What Have We Learned?*

21. Institutional capacity-building projects can be effective and successful, as evidenced by a German-Danish endeavor in Nepal which focused on tax collection. However, it needs to be noted that the project has taken a decade to exhibit positive results, see OECD, *Do No Harm: International Support for Statebuilding* (Paris: OECD, 2010), 103.

22. "There is a lack of political will for greater accountability." DFID, *Sierra Leone Country Governance Assessment* (London: DFID–Sierra Leone, 2007), 1.

23. In the UNDP's guidance note, *Rule of Law in Fragile and Post-Conflict Situations,* there is no recognition of the natural political tensions and strong resistances within partner countries to donor policies that, at one and the same time, have an "initial focus . . . on building the capacity of national institutions [and is] . . . centred on institution building and the creation of civilian oversight mechanisms," advocate for and attempt to implement "justice and security [projects] at the community level," and are "based on principles of inclusion, participation, and empowerment" (New York: UNDP, July 2009), 7. As a result, the guidance note offers little operational direction and assistance to justice and security practitioners in the field.

24. An excellent example of the traditional-orthodox approach is UNDP's four-year Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations. While the UNDP may be breaking new and exciting ground on how to integrate rule-of-law programming with humanitarian relief, the program shies away from confronting the endemic challenges of justice and security development. In its 2009 Annual Report, the UNDP refers to "interference by the military and politicians in the judiciary" in Guinea-Bissau. The report also highlights the fact that legal documents and courts hearings in Timor-Leste are conducted "in a language spoken by a minority of Timorese" because of a decision made by Timor's political elite and ratified by the UN, a decision that was primarily designed to strengthen the elite's control of the country. The report, however, does not mention that these obstacles to justice and security sector development are expressions of local ownership and political will, and clear evidence of active resistance to development. Nor are suggestions offered as to how the practitioners on the ground are to navigate around them to implement the donors' agenda. Instead, the Annual Report repeatedly calls for a more holistic approach and another infusion of technical solutions. See UNDP, *Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations: Annual Report 2009* (New York: UNDP, 2010).

25. In some postconflict and fragile situations a partner country national strategy will exist, and in fewer instances that strategy will have actually been drafted by the partner government itself rather than by donors through a consultation process.

26. Similar shortfalls of funding exist for the United Nations Office of Drug Control, the United Nations Development Fund for Women, and UN-Habitat programs, which seek to support SSR activities around the world.

27. See Nicole Ball, Eric Scheye, and Luc van de Goor, *From Project to Program: Effective Programming for Security and Justice* (Amsterdam: Clingendael Institute, 2007); Fatemeh Ziai, *Developing a Strategy for Early Peacebuilding: Priorities, Sequencing and Delivery of Rule of Law and Security-related Activities by UN Peacekeeping Operations* (New York: UN DPKO, 2010).

Of Related Interest

- *Institutionalizing Security Sector Reform* by Gregory A. Hermsmeyer (Special Report, September 2010)
- *The Link Between DDR and SSR in Conflict-Affected Countries* by Sean McFate (Special Report, May 2010)
- *Local Ownership of Security Sector Reform* by Liz Panarelli (Peace Brief, February 2010)
- *Congress and Parliaments in Security Sector Reform* by Robert M. Perito (Peace Brief, January 2010)
- *Afghanistan's Police Reform* by Robert M. Perito (Special Report, August 2009)
- *Iraq's Interior Ministry* by Robert M. Perito and Madeline Kristoff (Peace Brief, August 2009)