

REFLECTION GROUP MONOPOLY ON THE USE OF FORCE 2.0?

Justice  
legitimacy  
UN-Charter  
peacekeeping  
human rights  
local  
governance vs. government  
non-statutory  
organized crime  
private gangs  
vigilante  
traditional  
hybrid  
protection racket  
rule of law  
warlords  
corruption  
mercenaries  
para-legal  
accountability  
terror  
militia  
legal  
international law  
responsibility to protect  
cybersecurity  
PMSCs  
insurgency  
non-state  
contractors  
peace enforcement  
rules-based-order  
unconventional  
extortion  
multipolarity  
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multilateralism  
human rights  
trusteeships  
chapter VII  
sovereignty

# Providing Security in Times of Uncertainty

## Opting for a Mosaic Security System

Report of the Global Reflection Group  
"Monopoly on the Use of Force 2.0?"

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## List of Abbreviations

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATT</b>	Arms Trade Treaty
<b>AU</b>	African Union
<b>CMEA</b>	Council for Mutual Economic Assistance
<b>CSO</b>	Civil society organization
<b>DDR</b>	Demobilization, disarmament and reintegration
<b>DRC</b>	Democratic Republic of Congo
<b>ECOWAS</b>	Economic Community of West African States
<b>EPA</b>	Economic Partnership Agreement
<b>EU</b>	European Union
<b>FES</b>	Friedrich-Ebert-Stiftung
<b>ICC</b>	International Criminal Court
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IHL</b>	International humanitarian law
<b>MoF</b>	Monopoly on the legitimate use of force
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-governmental organization
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OECD DAC</b>	OECD Development Assistance Committee
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>P5</b>	UN Security Council's five permanent members [China, France, Russia, USA, United Kingdom]
<b>PBC</b>	Peacebuilding Commission
<b>PMSCs</b>	Private military and security companies
<b>PNG</b>	Papua New Guinea
<b>R2P</b>	Responsibility to protect
<b>REC</b>	Regional economic communities
<b>SALW</b>	Small Arms and Light Weapons Programs
<b>SDG</b>	Sustainable Development Goal
<b>SSR</b>	Security sector reform
<b>TCN</b>	Transnational criminal network
<b>UN</b>	United Nations
<b>UN SC</b>	United Nations Security Council

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## Executive Summary

## Executive Summary

### Introduction

The current global security environment is extremely volatile. It is afflicted by protracted and complex crises in East and South Asia, Latin America, Africa and the Middle East, the resurgence of autocratic regimes, re-emerging geopolitical rivalries, proxy wars, unprecedented numbers of forced migrations and rising death tolls due to terrorist attacks, among others. This, in turn, casts doubt on the effectiveness of existing political institutions and social norms and their ability to provide security. States and communities around the globe have reached a critical inflection point on the future of the monopoly on the use of force and the provision of security. Progress toward inclusive and common security has been uneven at best, but now appears to be universally at risk. The Friedrich-Ebert-Stiftung (FES) set up the Global Reflection Group “Monopoly on the Use of Force 2.0?” in 2014 with participants from all continents to examine the challenges to security presented by the current state of global and domestic security approaches and arrangements, their implications for global peace and security, and to recommend the changes necessary to establish security in the new environment.

This report<sup>1</sup> presents the findings of our deliberations. It explores prospects for local, national and global security provision as a public good and develops four global scenarios for possible future security provisions. Lastly, it contributes a vision of how the existing, sometimes chaotic security arrangements can be harnessed or managed as mosaic security systems to produce inclusive security that benefits all citizens, safeguarding both human security and a just international order. While writing this report we have been keenly aware of variety and nuances, both when trying to assess the situation (problems as well as working methods) in various parts of the world and in our endeavor to suggest solutions.

How can arrangements be made to ensure the right to inclusive security (for all people) and avoid or reverse the trend of exclusivity?

The point of departure for the project is the monopoly on the use of force, established by the Peace of Westphalia as an essential defining feature of the modern state. The

state’s monopoly on force was linked to the most basic level of security, that is, the security of the state against external and internal enemies. Without this, the functions of daily life—school, work and community engagement—were at risk. The concept of security broadened over time to include human security, which is defined by the UN as freedom from fear, freedom from want and the freedom to live in dignity. Notwithstanding the variations in how these freedoms are understood around the world, the different notions of human security highlight the potential tensions between state, community and individual security. The corresponding trade-offs between subjects of security have always been present but in recent decades they have become a more pressing consideration for policy makers.

### The Current Security Environment

For all its flaws, the state remains a key actor in the provision of security. Its prominence rests on two pillars: The first is the Westphalian assumption, first articulated in the mid-seventeenth century, that state monopolies on the use of force are indispensable to state sovereignty. The later emphasis that the use of force by the state must be *legitimate* marked important progress toward inclusive security supported by international law. Second, the UN system, with states as members, reinforces the primacy of the state. The UN Security Council is mandated to uphold peace and international security. However, although the institutional architecture of the modern state has spread across the globe, the meaning of the legitimate use of force remains contested, the raft of international conventions and agreements notwithstanding. According to a normative understanding, the legitimacy of the use of force depends on the process by which force

is controlled (inclusion, fairness, accountability) and its impact (i.e., protection of human rights). The human security version of the legitimate use of force is threatened by the failure of states in general, and of democratic states in particular, to live up to the normative standards that human security implies and by the concomitant prevalence of identity politics as well as by the increase in the number of autocratic regimes.

***The present-day security architecture, largely based on the state and the UN, is generally found wanting, not least in its essential functions of providing inclusive security, safety, and justice.***

This leads to a dilemma: On the one hand, the state today is generally found wanting; on the other hand, wherever the state is weak, national, international and human security have suffered particularly.

<sup>1</sup> The contribution of each member of the Global Reflection Group to this report was made in a personal capacity and should not be attributed to his or her organization. The co-chairs and members of the Reflection Group approve the overall conclusions of this report but not necessarily every statement contained in it. FES and its partners are committed to disseminating the Group’s findings among policy-makers and to encouraging broad-based alliances to further a progressive narrative on inclusive and just security practices and orders.

## Current Policy Making

Public discussions about and policy making in the domain of peace and security are generally driven by current events. As a result, policy and practice tend to become a string of often short-term, reactive and top-down approaches.

**Long-term strategic thinking and prevention needs to be combined with prompt responses in crisis situations.**

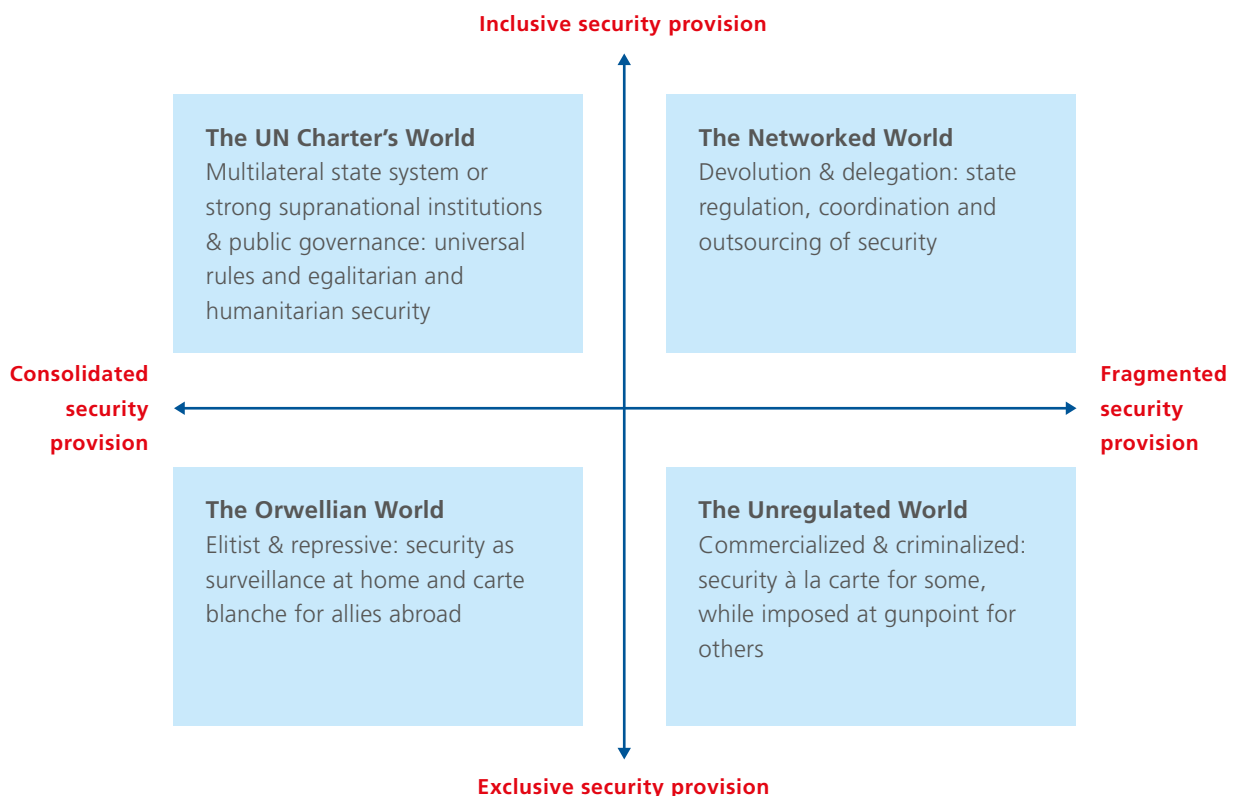
Notwithstanding their perceived short-term effectiveness, most efforts have failed to measure up to the complexity of local realities. Risk aversion among practitioners coupled with institutional inertia has led to an unproductive gap between the relevant academic research community and the discussions and tools employed by practitioners.

## Trends and Global Scenarios of Future Security Provision

A closer look at the changing and interrelated local, national and global security environment reveals two sets of opposing trends that impact on the monopoly on the legitimate use of force and the provision of inclusive security. They are: fragmentation versus consolidation of the use of force and inclusive versus exclusive security provision.

- 1. Fragmentation versus consolidation:** Numerous actors engage in both security provision and violent activities: state, hybrid, and private actors. Cross-cutting and intersecting networks and ad-hoc alliances among actors at the local, state, regional, and global levels fragment security arrangements. The opposite trend is visible where various security providers cooperate or where the state monopoly on the legitimate use of force plays an important role.
- 2. Inclusion versus exclusion:** Universal security provision is a public good in accordance with basic human rights principles. More inclusive security benefits a larger group of people and, with increasing inclusiveness, becomes more legitimate in the eyes of the population. Public oversight of the security sector contributes to the protection of individual rights, security and safety while making security providers accountable to binding norms and legal rights. In an exclusionary security environment, by contrast, different parts of society are markedly discriminated against when it comes to the provision of security. Security ceases to be a public good. Instead security provision is available to favored groups or to those who can pay for it.

These countervailing trends suggest **four global scenarios** for the monopoly on the legitimate use of force:





**Inclusive and consolidated security provision**, which we call **The UN Charter’s World**: It reflects a multilateral state system or even strong supranational institutions, which ideally embody attributes such as universal security and public governance.

**Inclusive and fragmented security provision**, which we call **The Networked World**: It gives space to a network of actors, offering liberalization with individual freedom, but operating in a regulated and coordinated framework. It involves multiple actors—state, non-state and hybrid—at various levels from the local to the global, publicly controlled, coordinated and regulated.

**Exclusive and consolidated security provision**, which we call **The Orwellian World**: It provides selective and repressive security in an authoritarian system. Its hallmarks are a strong state with unaccountable security institutions.

**Exclusive and fragmented security provision**, which we call **The Unregulated World**: It offers commercialized and criminalized security à la carte for some,

**The current global trend towards more fragmented and exclusive security provision undermines stability and threatens human security, especially for vulnerable and marginal groups.**

with order being imposed at gunpoint for others. Security is a *laissez-faire* arrangement reached through radical liberalization that has done away with rules

and regulation. This world is characterized by a multitude of actors: state, private, hybrid, decentralized and disordered.

## Seven Guideposts

Seven guideposts for policy makers and practitioners flow from current trends:

1. **A fragmented world:** The current global direction in which the monopoly on the legitimate use of force is developing toward more fragmented and exclusive security provision is highly problematic.
2. **A diverse and complex world:** Diversity in how security is provided remains the norm around the globe. This diversity is a reflection of different country and regional perspectives and expectations rooted in historical experience, culture and traditions.
3. **The state is required at least to regulate and coordinate:** Given a choice between more state and less state, the preference is to stick with the state. A future with inclusive, yet fragmented security provision is possible only when the state or other legitimate societal institutions play a strong regulatory and coordinating role. A “Networked World” is a second-best choice following the “UN Charter’s World.”
4. **Security despite fragmentation:** Fragmented security arrangements are not necessarily negative; they can also signal emancipation of the individual. Non-state security provision arrangements include traditional security institutions, communal or collective security groups, elders, and religious or other leaders. We need to recognize not only state-centered, rule-based security arrangements, but also non-state (relational) security provision.
5. **Security is not the end-state but a process:** The scenarios show that sustainable peace and inclusive and accountable security are not an end state to be reached once and for all but an on-going struggle embedded in local, regional, national and international power hierarchies and asymmetries. Whereas security risks and threats are changing and criminal as well as political violence practices are innovating, so must the governance, accountability and oversight mechanisms of security providers.
6. **The risk of political instability:** Some states/societies may oscillate between an “Unregulated World” and an “Orwellian World.” Instability heightens the risk of repression by domestic or international actors for the sake of state security and perceived international stability whereas protracted oppressive rule breeds rebellion and extremism.
7. **Technological development has contradictory effects:** Technology will be an important driver in shaping the role of the monopoly on the legitimate use of force. What role it plays in the future remains unclear; but it is unlikely to present a binary choice between “positive” and “negative.” Technology can be both a tool for repression and an equalizer or liberator.

## Conclusion: A Mosaic of Security Provision

We already live in a global system with multiple layers of authority governing the use of force. In addition to states, some sub-national and supranational entities exercise a monopoly of force. Regional organizations play a role in legitimizing interventions by force as does the UN. At the local level, non-state actors can be legitimate and credible providers of security, especially if they are able to forge mutually beneficial and accountable relationships with the people. Accordingly, it is imperative to examine the practice of other security providers and not to remain fixated on the state as the sole legitimate provider of force or honest broker in conflict situations.

Where do we go from here? A mosaic of security arrangements has become increasingly dominant

***We call for a two-pronged approach: strengthen the state monopoly on the legitimate use of force and, where appropriate, initiate a process to meld the growing number of fragmented security providers into a regulated and coordinated security architecture.***

in a development away from a state monopoly on force. How can such mosaics be structured or managed in order to provide legitimate and inclusive security? In order to make future security arrangements more inclusive and durable a two-pronged policy approach is required. This strategy leans toward a combination of “The UN Charter’s World” and “The Networked World” and is underpinned by the following principles:

- 1. Upholding the norm of state responsibility to provide security:** Where we can have reasonable expectations that state institutions, even if weak or compromised, are in principle able to claim and exercise a monopoly over the legitimate use of force and to provide inclusive security, this must be supported within the UN system. External assistance should help to strengthen both legitimacy and effectiveness through capacity building and increased public oversight of security provision.
- 2. Recognizing the proliferation of actors engaged in security provision:** Efforts should be focused on establishing a legitimate and effective security architecture that coordinates and regulates security providers at the global, regional, national and local levels. Non-state actors are capable of providing security, especially when they forge constructive and inclusive relations with local populations. In addition, incentives must be created to foster

cooperation among multiple security providers and strengthen public mechanisms to regulate and oversee security actors

This two-pronged approach acknowledges the hybrid security contexts we are currently witnessing and proposes to deal with the existing “mosaic security environments” more candidly—both in political and institutional terms. Reflection Group participants agreed that the provision of equitable and inclusive security by institutions governed by rules and laws remains an objective of many citizens in all parts of the globe. The distance from this objective varies greatly but virtually all societies today face the challenge of the declining legitimacy of state institutions coupled with growing fragmentation at the community, state and international levels. Fresh thinking about a mosaic approach to security provision that may vary greatly in different parts of the world is required.

***Gradual and transformational change of the international security architecture is needed.***

## Policy Implications and Recommendations

In accordance with the two-pronged approach, the Group offers the following recommendations in four different areas:

**Adopt a bottom-up approach and look for “what works” instead of “what ought to be”.** Forge global coalitions to advance and support the mosaics of legitimate security architecture:

- Broad-based multi-stakeholder discussions are needed about existing and emerging global norms and rules of security provision.
- Identify the institutions, organizations and/or arrangements that are trusted by the affected population to provide security. These will vary significantly within countries, among countries and across different parts of the world, allowing thereby the acceptance of hybrid arrangements of security provision.
- Recognize and support sources of security that the affected populations trust. A major overhaul of military and donor assistance to fragile states, developing countries and autocratic regimes is required in order to favor the local population’s security over regime/state security. The New Deal principle of comprehensive local ownership, enshrined in all donor documents, must be translated into practice.
- Long-term stability requires local political legitimacy. Democratic governments need to re-evaluate security partnerships with autocratic regimes. Conflicting interests require trade-offs, but history has shown that often short-term gains have long-term

costs that undermine initial benefits. One antidote would be to invest in long-term security and good governance by developing partnerships with civil servants and the professionals of state bureaucracies who provide a degree of continuity in government.

**Formal institutions are important, but don't get fixated on them and make arrangements at local level.** Strengthen global institutions, especially the UN, but make use of the strength of the local level as well:

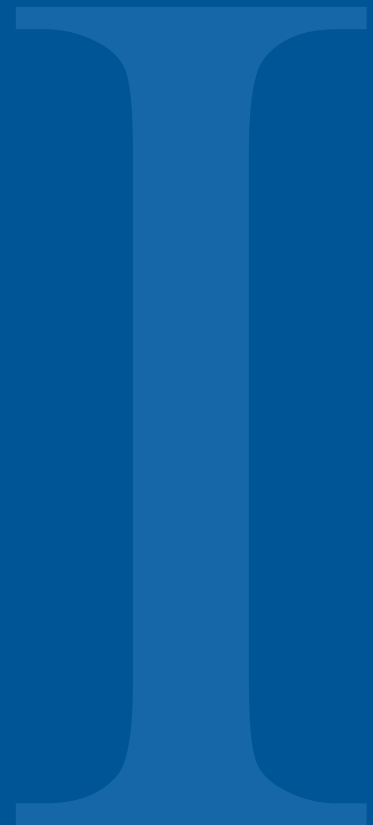
- UN reform (which has been stalled for so many years) is an important aspect, including the engagement of regional organizations.
- Incorporate civil society engagement.
- Strengthen national laws and multilateral agreements to address pressing global threats to security (e.g., the Arms Trade Treaty).
- In addition, facilitate balancing the responsibility at all levels: from the global to the local level.

**You can't escape the state!** Strengthen and uphold functioning legitimate monopolies on the use of force:

- Recognize that, ultimately, a representative and legitimate state remains the best guarantor of inclusive security. All other options reinforce fragmentation and exclusivity, which, by definition, create a zero-sum game instead of common security. A variety of localized arrangements may persist in the mosaic paradigm referred to above but they do not constitute a durable alternative to a state's exercise of the monopoly on the legitimate use of force and its role as the supplier of reasonably equitable security for all.

- Although public confidence in formal institutions in established democracies is waning, political leaders and social activists should join forces in contributing to the impartial provision of security by assuring public scrutiny, oversight and discussion through an independent, professional press, legal challenges to government policies that marginalize or repress segments of the population, and the promotion of civic organizations committed to the public good.
- Institute regulatory frameworks for private security providers while improving the legitimacy of public security providers and holding them accountable. Lack of accountability is a problematic issue in many societies, including the developed democracies.

# I. Introduction and normative foundations



## I. Introduction and normative foundations

### 1. Point of departure: A monopoly in a changing security environment

The notion of a state monopoly on the use of force as the essential criterion of sovereignty stems from the peace treaties of Westphalia in 1648. The idea is that the state monopolizes the use of force within the territory it controls and protects the territory from external enemies. Since then the understanding of what constitutes a *legitimate* monopoly on force<sup>1</sup> has developed in various directions. One of the most famous attempts to systematize this variety and pinpoint the importance of public participation in the political process that produces legitimacy was made by the German Sociologist Max Weber in 1919.

The monopoly on the legitimate use of force became, over time, the foundation of the modern state system in Europe. This system was, and to a large extent still is, state-centric. Security was primarily the prerogative and concern of states, the main actors in this system. In a more recent development, this security concept has been expanded to include human beings. Human security is conceived in broad terms include physical security, access to basic services and emotional well-being.

All levels of security are under pressure today. Challenges from a multitude of transnational and domestic actors, emboldened by technology, and impersonal forces like the risk emanating from climate change pose qualitatively new threats and risks to both domestic and international order. Instead of careful analysis of these challenges and their implications, however, public discussions and policy making about peace and security are often driven by current events that dominate the news. As a result, policy and practice generally become a series of short-term and top down approaches, which—irrespective of their perceived short-term effectiveness—fail to engage the complexity of local realities or promote inclusive security. A more nuanced long-term strategy with a future oriented inclusive security perspectives is required.

Although the concepts of the monopoly on the legitimate use of force and the security of citizens have functioned to varying degrees in most developed states, this remains more the exception than the rule in other parts of the world. Nevertheless, it is still the ideal type of

security governance aspired to by citizens throughout the world. New challenges and threats that are organizational, social, technological, legal and economic in nature have, however, come to the fore. They further weaken the state’s monopoly on legitimate use of force where it exists and challenge the sovereign state envisaged by the UN Charter. Transnational challenges affecting security, which include global terrorism, criminal networks and climate change, can no longer be effectively tackled at the national level alone. And while the security concept has been broadened to include human security, prompting an increase in international interventions, security is also increasingly privatized and commercialized. Non-state actors fill spaces where states are unable or unwilling to act. Although they are nothing new, competitors in the violence market are more powerful today thanks to technology and mobility. As a consequence of these trends, we can no longer ignore a reality that calls into question some fundamental assumptions of how security is legitimately organized.

The present report, “Providing Security in Times of Uncertainty,” is addressed to international policymakers and a concerned global public and consists of four parts:

**Part I** presents the underlying normative foundations of the Global Reflection Group’s thinking and deliberations as well as the analytical framework for the report.

**Part II** examines the current state of the monopoly on the legitimate use force, including global drivers and trends, as well as the scope and limits of current security practices and actors. Exploration of specific cases offers critical insights into regional similarities and differences.

**Part III** turns to the prospects for local, national and global security provision. Based on four explorative scenarios, this section examines the dilemmas and trade-offs of new forms of collaboration and governance with and among different actors.

**Part IV** concludes with policy implications and recommendations distilled from group deliberations and individual analytical contributions aimed at strengthening inclusive security provision, both in the form of the state monopoly on the legitimate use of force and what we call a “mosaic security architecture” (see glossary).

## 2. Historical and normative foundations

The idea of the state as a neatly delineated *set of institutions and a bureaucratic order* is so pervasive that it almost seems to be part of the natural order: a system of administration and law, monopolizing the legitimate use of force/violence within its territory. A discussion of the monopoly on the use of force in the twenty-first-century is by definition an attempt to unpack a

<sup>1</sup> We use the terms “state monopoly on the use of force” (for short “monopoly on the use of force”), throughout this report, unless otherwise stated, as the legitimate use of force.

discourse on legitimacy, violence and territory crystallized by Weber in the early years of the twentieth century. While over the last century all three pillars have come under scrutiny, the monopoly on force is perhaps the most intriguing since it in many ways supersedes ideological discussions of the state (e.g., liberal, socialist), yet it is very much integral to them.

At a first glance it would seem that a discussion of the state monopoly on the legitimate use of force is an obituary in the making. This is usually posed as a question: Is the classic Weberian state monopoly of violence over? A closer examination reveals a more complex picture. The Weberian state is an amalgam of traits considered to be crucial to a definition of the state (delineating it from other forms of organized human activity) which are not realized anywhere in their entirety. Simply put, it is an ideal type. Yet, the institutional makeup of the state has varied so much over time and in geographical space that the shorthand “state” tends to obscure more than it illuminates. Moreover, concepts of security have changed over time—how security affects the people has become a criterion of the state’s legitimacy itself. With these caveats in mind we can say that through European colonialism and imperialism—and the national emancipatory projects aspiring independent statehood that have been triggered by these forces—the idea of a Westphalian state (see glossary) and its attributes were disseminated as the “normal” and “modern” form of human organization. It has been gradually enshrined as the norm in the international political and legal system which recognizes only states as actors. That is, institutional entities that control physical territory and monopolize the use of force within that territory are capable of using violence to defend said territory and are recognized as the legitimate authority. Sovereign states are recognized as such by other sovereign states (a self-referential system). The second element, the *monopoly*, is also an *idealization*; even full-fledged states have never enjoyed a complete monopoly on the use of force. There are a variety of reasons why this monopoly is often frayed and fragmented, but two important ones are *capacity* and *ambition*. Simply put, some states have not had the institutional capacity to enforce a monopoly and others have not considered

### Box 1.1: About the Global Reflection Group “Monopoly on the Use of Force 2.0?”

In 2014, the Friedrich-Ebert-Stiftung (FES) set up the Global Reflection Group “Monopoly on the Use of Force 2.0?” to examine the challenges presented by the current international, regional and domestic security arrangements, the implications for peace and security, and necessary changes to security provision at all levels. Over 20 experts from around the world and with different professional areas of expertise debated these issues in a series of five topical workshops and conferences between 2014 and 2016. Back in 2013/2014, the first deliberations to set up the Reflection Group were influenced—among others—by the unraveling of state structures and protracted conflicts in Syria, Iraq, Libya, Mali and Nigeria. At the end of our reflection process in 2016/2017 we are witnessing growing populism and nationalism, as well as the rise of autocratic governance on a global scale, developments which might be interpreted as a counter-trend to the unraveling of the state. Roundtable discussions at the end of each meeting engaged additional politicians, practitioners and other experts, who provided critical input and feedback to stimulate debate, generate further insights and serve as a reality check. Several conference papers and think pieces by individual members of the group that helped inform discussions and this report can be found on the Group’s website.<sup>2</sup>

The **guiding questions** for the Reflection Group have been how security can be provided inclusively, so that all people can benefit. What arrangements can ensure the right to security and avoid or reverse the trend of exclusivity? Our **conclusion** is what we call a “two-pronged approach”: strengthen the state monopoly on the legitimate use of force or, where appropriate, initiate a process to meld the growing number of fragmented security providers into a regulated and coordinated security architecture that protects citizens in an inclusive and accountable way. This approach aims to make the best use of the monopoly on the use of force while recognizing the multiplicity of actors involved in both security provision and undermining security that must be addressed.

<sup>2</sup> For an overview, please visit <http://www.fes.de/de/reflection-group-monopoly-on-the-use-of-force-20/>.

a legitimate monopoly a useful ambition. We need a much more nuanced image of this monopoly than the conception of a neatly delineated state function and prerogative when discussing historical cases and when looking at the present situation.

In order to understand the gamut of actors (e.g., private armies, vigilante groups and public-private partnerships) that compete or complement the state ambition and claim to a monopoly we must unpack its third crucial aspect: *force*. If understood as merely the monopolization of force or violence, monopoly is understood in purely functional terms, so that the identity of the monopolizing actor and its motives become irrelevant. However, a more substantial understanding of the concept would point to the need for a normative framework in which the use of force has a purpose beyond upholding the



integrity of the state—that is, to provide security. Put in simpler terms: the absence of random, arbitrary, privatized violence and legal and normative constraints on the state’s use of force transforms the monopoly from a negative concept (absence of non-state and interstate violence) to a positive one of providing security.

This invites the question: security provided by whom for whom?

### 3. Function and purpose of a monopoly

A salient aspect of the monopoly on the use of force is *effectiveness*. In very plain terms: Does it work? The

issue becomes one of identifying viable and capable institutions that can monopolize the use of force and maintain this monopoly. The effectiveness criterion is very important for building a monopoly on the use of force, because theoretical perfection and idealized arrangements can never be a substitute for actual performance. Yet, a singular focus on effectiveness, which includes the ability to institutionalize a monopoly on force, sidesteps the question of *who* is secure. At the heart of our deliberations has been the question of how to provide *inclusive* security. Inclusivity leads to the consideration of legitimacy and what it means in different contexts as a component for maintaining a monopoly on the use of force. Although always imperfect, inclusiveness and effectiveness create a mutually reinforcing dynamic that underpins a legitimate and durable monopoly on the use of force.

The Universal Declaration of Human Rights, adopted by the UN in 1948, provides a generic, yet salient, foundation for a set of inalienable rights that humans have by virtue of being human. The monopoly on the legitimate use of force is supposed to help ensure the provision of security for all. The right to security in a broad sense (the right to life, the right to safety) belongs to each person, but is most clearly defined and grounded in the relationship between the state and the individual as a citizen of a country. So here we return to the state as the legal entity controlling territory and protecting rights, to as well as stipulating the obligations required of the inhabitants defined as citizens.

A *human security* dimension of the monopoly on the legitimate use of force is specific to the post-World War II order. The development of the human security concept in the 1990s and the Responsibility to Protect (R2P) principle—by all UN member states at the 2005 World Summit—have defined clearer parameters for the idea and underscored legitimacy as a normative principle based on human rights. The human security vision of the state’s monopoly on the legitimate use of force is contingent upon accountable, effective and inclusive provision of security for both state and people. This does not mean that the state must be the sole provider of

#### Box 1.2: The Monopoly on the Use of Force

The **Westphalian model of sovereignty** entails the monopolization of force by the state within its territory. The state is acknowledged as sovereign within its territory by other states. This recognition is a political function among states and is not linked to any specific kind of domestic political arrangement. There is a formalist element, recognition among states are not actual evaluations of ability to monopolize the use of force, and a pragmatic element, the monopolization of force is not normatively evaluated, it is about the primacy of the state. Thus Somalia is formally recognized as a sovereign state without any institutions to underpin let alone sustain a monopoly on the use of force. Conversely the sovereignty of states with a modicum of institutional monopolization on the use of force is not questioned on the basis of how that monopoly is used and sustained. Historically the state whose authority and legitimacy derived from, and was sustained by, the monopoly on the use force was primarily built on notions of hereditary kingship. Over the course of the 18th and 19th centuries the notion of legitimacy changed in parts of Europe. Subjects turned into citizens (popular sovereignty rather than kingship) whose consent became crucial for legitimate rule including the use of force by the state. This is best epitomized in the **historical-sociological typology suggested by Max Weber** on how legitimacy for a political system is generated (traditional, charismatic, legal-rational). The legal-rational model that he identified as part of modernity is in many ways recognizable to us as how modern states ought to derive their legitimacy, the consent of the governed which in turn defines all non-state use of violence as illegitimate. Here legitimacy is still very much centered on the relationship between a state and its society. If not earlier, the shortcomings of this understanding became painfully evident with World War II. Since then very concept of security (provider, recipient, form) has changed. In this vein the much less state-centric concept of **human security** has developed since the 1990s where legitimacy is founded on universal human rights. In short the way that security affects the people engaged in consenting to government has become a criteria for the legitimacy of the state and its use of force. As a logical extension of this perspective the notion of state sovereignty is also revised and the responsibility of a state to its citizens is no longer considered a purely internal matter but of concern to the whole international community. This is at the core of the Responsibility to protect (R2P) principle which was adopted by the UN in 2005 as a global commitment to protect „populations from genocide, war crimes, crimes against humanity and ethnic cleansing“. However, it has not yet altered the fundamental way in which states view their own responsibilities and are held accountable within the international system.

security but that it is responsible to its citizens for how security is provided. We have, however, not yet reached the point where this principle is universally accepted or integral to the definition of sovereignty.

Under the human security concept, the *legitimacy* of a state monopoly on the use of force flows from citizen expectations for the level and quality of citizen participation in the political process of governing the state (including democratic civilian control over the security sector). In many cases, the more inclusive and accountable the political arrangements, the more legitimate the state's monopoly on the use of force. Therefore, governance and forms of participatory politics play a crucial part in any attempt to devise locally acceptable arrangements for a monopoly on the use of force for the twenty-first century.

This brief elaboration shows that the most ambitious version of the idea of a state monopoly on the legitimate use of force only came about rather recently and has been realized to a satisfactory degree only in a limited number of countries. Even this remains a fragile but precious achievement. Accordingly, the first major conclusion may be to emphasize the normative civilizational progress the norm has undergone and the need to safeguard this progress in those cases and places where it functions to a reasonable degree.



## II. Status of the monopoly on the legitimate use of force



## II. Status of the monopoly on the legitimate use of force

### 1. The state as centerpiece

The state remains a key actor in the provision of security. Its prominence rests on two pillars: the progress in providing security through state monopoly on the legitimate use of force; and the assumption of state monopolies on the legitimate use of force embedded in international law. The UN system further reinforces the primacy of the state by virtue of its composition; its Security Council is mandated to uphold international peace and security. International interventions, often with a UN mandate, carried out with the explicit aim of state and institution building over the past two decades illustrate the continued attachment to the state as the essential provider of order and security. However, the hope that the United Nations would coalesce the power of member states into a new era of collective security, envisioned in the Charter of the United Nations and entrusted to the victors of World War II in the Security Council, was never realized. Although the UN has contributed to peace and security in regions of peripheral importance to the major powers, conflicting interests among the P5 in the Security Council cripple the effectiveness of the UN when they have conflicting geo-strategic interests. The international community has adapted to the gap between aspiration and practice with measures ranging from forceful military intervention (with or without a UN mandate), economic sanctions, arms embargoes and diplomatic efforts to inactivity when major powers use their veto to block action.

The strength and scope of the state has varied greatly over time and in different parts of the world. In many regions, the state never achieved a monopoly on force, let alone on the legitimate use of force. And all states have been subject to countervailing forces. In recent times, globalization has diminished the position of even the strongest states in the global economy as well as in the use of force. Transnational security risks, such as climate change, and challenges to state authority, like multinational corporations, international criminal cartels, and terrorism, cannot be adequately addressed by individual states alone. At the same time, neither the UN nor international law has enforcement authority to compel states to act collectively.

Domestically, many states are facing challenges by religious and/or ethnic minorities seeking to redress longstanding grievances. Solutions range from more equitable representation and access to opportunities and autonomy within the existing state, to independence.

Demands are often bolstered by armed movements that undermine the state’s monopoly on force. In many more states that are traditionally viewed as established market democracies the rise of nationalism, coupled with the expansion of armed militias, are challenging an order and a political process long deemed durable.

In these uncertain times, how does the state guarantee the security of its citizens, both internally and externally? The gap between theory and practice is often vast. Domestically, the very nature of the state stratifies power according to criteria such as race, class, and/or gender. Because societies are composed of constituencies with many competing interests, an abstract ideal of the state acting in the interest of all is not achievable. Nor can the state act as a fully neutral arbiter of competing interests. Expanding access to and more inclusive participation in politics and governance remains an important and realistic objective, though progress in this direction has varied greatly. Historically speaking, preempting revolutions provided the impetus for reforms to expand political and economic participation. These reforms had a real impact on existing state structures but also served to maintain their basic parameters—what the British call “enlightened conservatism.”

Although the institutional architecture of the modern state has spread across the globe, its ideational underpinnings have not always travelled equally fast. Where processes of state formation were not preceded or accompanied by citizens’ contestation of state power, notions of equal citizenship, equal protection and equality before the law are missing. The carving out of “modern states” by imperial powers was an extreme form of this process. In such cases, citizens associated the state with an arbitrary foreign power and the insecurity that it generated. In other cases, local elites captured the state and its security institutions for their benefit at the expense of the population as a whole. Under both circumstances, it is not “the state” to which large segments of the population turn for security.

This chapter will examine states in their current complex relation of legitimacy and effectiveness to the monopoly on force and the provision of security. Five key drivers challenge the human security vision of a state monopoly on the legitimate use of force and help explain the contemporary gap between theory and practice: **(1)** the re-configuration of normative understandings of security, **(2)** the blurring of external and internal threats and the failings of legal frameworks, **(3)** the predatory misuse of force, **(4)** the privatization and commercialization of security, and **(5)** the modernization of technologies. The

overall frame of reference for these trends is globalization. Our purpose is neither to detail the effects of the challenges nor to analyze a causal link, but to describe their relevance to the provision of security. In addition, we will assess the policies that are pursued to cope with the complex security situation.

## 2. Drivers of change that challenge the state monopoly of force

Globalization (see glossary) has challenged the basic concept of the nation-state and its control over a defined territory. Historically, networked elites, financial systems and economies, open movement of goods, capital and labor were the norm. The major limits were those imposed by isolationist or nationalist policy concepts, geography and technology. The world wars of the twentieth century disrupted this pattern. Today, cross-cutting and intersecting networks and connections at the local, state, regional and global levels enabled by technology have produced increasing interdependence (economically, politically and socio-culturally). At the same time, fragmentation is a corollary to globalization, which also threatens existing states and their monopoly on the legitimate use of force from within. Identity politics is a case in point: identity politics has filled the vacuum created by the demise of ideological contenders for universal allegiance at the end of the twentieth century. Though positive examples of peaceful separation of societies (e.g., Czechs and Slovaks) can be found, the resurgence of identity politics and even violent extremism in countries undergoing political liberalization

(post-authoritarian transitions in particular) is often the result of a failed “nation-building” project, for which the state and political elites bear major responsibility. Identity politics constitutes a driving force behind disintegration and division—a major trend in the international arena and a counterpoint to growing interdependence. Political opportunists seized upon real or imagined ethnic and/or religious grievances to recruit supporters. Separation along ethnic and/or religious lines undermined the USSR and Yugoslavia. And breakaway movements in many states in East and South Asia, the Middle East, Africa, Latin America and Europe are emblematic of a trend in which each group feels it must establish and govern its own, exclusive political space.

Separation along ethnic and/or religious lines usually undermines the state and its monopoly on legitimate the use of force (although there are examples of separation along religious or linguistic lines, e.g., the division of federal states in India or Switzerland, which have ameliorated existing grievances.) Both are unraveling in tandem, with dire consequences for the order and predictability upon which security, stability, development and prosperity depend. Fractionalized politics structure citizens’ lives around purportedly immutable differences such as ethnicity and/or religion, producing brittle polities crippled by built-in fissures. The antidote to fractionalized politics is an inclusive polity that is able to manage conflict and support change and rests on crosscutting cleavages that bring people from many parts of society together at different times for different purposes.

**Table 2.1: Major Trends and Challenges to Security**

<b>2.1 Reconfiguration of normative definitions</b>	Broader concepts of security like “human security”, “comprehensive security”, “non-traditional security”, “responsibility to protect” have challenged a policy focus on the security of the state alone
<b>2.2 Blurring of external and internal threats and the failings of legal frameworks</b>	Asymmetric war, terrorism, transnational criminal networks; “militarizing” police and “policing” armed forces; new degree of interplay reduces accountability of both military and internal security institution
<b>2.3 State misuse of force</b>	Predatory misuse of force and abuse of power by governments; support of autocracies in the name of “stability”
<b>2.4 Privatization and commercialization of security</b>	Companies and other non-state actors using force on behalf of states or for their own objectives
<b>2.5 Modernization of technologies</b>	Anticipated technological breakthroughs in automation have altered battlefield dynamics: they allow interventions from a distance in cases of deficient or contested monopolies of force

## 2.1. Reconfiguration of security concepts

The focus on broader security concepts such as “human security” and “societal security” challenges the importance of the state as the sole provider of security. Running parallel to this, the trend to “securitize” policy issues such as climate change, infectious diseases, migration, the drug trade, cyberspace or even the economy has become controversial because securitization implies the mobilization of extraordinary measures by the state to counter a potentially existential threat.

While these non-traditional risks may cause as much harm as the more customary security concerns, securitizing these issues remains contentious. And while the introduction of broader security concepts is an attempt to go beyond a state-centric understanding of security by including the security of individuals and groups, their underlying values (as embodied in the UN Declaration of Human Rights) have not fully become part of political practices. The tension has become clear in the concept of “responsibility to protect” (R2P) that legitimizes military intervention to protect a population. Parts of the developing world have become suspicious of R2P after Libya, where it was seen as an instrument of more powerful member states to effect “regime change” in a weaker one.

### Box 2.1: The European Model of the Monopoly on the Use of Force

The European Union can be singled out as an unprecedented **supranational** and intergovernmental integration of security provision. Over several decades, processes of de-nationalization and Europeanization have led to the transfer of decision-making competencies from the national to the European level as well as setting up joint institutions (like Frontex, Europol, Battlegroups). The success of the EU has inspired others. For example, the African Union and its sub-regional organizations are developing home-grown arrangements to create peace and prosperity on its conflict-affected continent.

A second dynamic of transformation concerns the **blurring of lines** between domestic and external security provision. Although always related, internal and external dimensions of security have become inextricably linked. The new degree of connection is reflected in many European security strategies today—against terrorism, organized crime, state fragility, the proliferation of weapons of mass destruction and the spread of infectious diseases—issues that are difficult to classify as either domestic or external security challenges. In response, “comprehensiveness” in the management of new security challenges has become a key theme. While military forces have increasingly incorporated “domestic” security tasks into their repertoire, internal security services have both externalized and internationalized police work across and outside the EU’s internal borders. As a result, the roles of military and police forces in the provision of public security, especially in volatile post-conflict situations have started to overlap.

A third related dynamic concerns the **transnationalization** of security. In a move that has been described as a step towards global policing, domestic police services operate transnationally to counter organized crime, terrorism and other security risks that transcend national borders. In the expanding reach or “externalization” of domestic police forces, services have increasingly been deployed abroad or to liaise across borders: national police services have begun to cooperate across state boundaries. However, corresponding oversight mechanisms are lagging behind.

Even though the resurgence of nationalism among EU member states calls into question the EU experiment, the West continues to spread the “Westphalian” model of statehood—and with it the Weberian state monopoly on the legitimate use of force—around the globe, accompanied by specific security governance scripts, including security sector reform and other state building measures.

## 2.2. Blurring of external-internal threats and the failings of legal frameworks

New threat perceptions and security discourses have modified state-centric understandings of security. Three processes are taking place simultaneously: internationalization and supranationalization, the blurring of boundaries between domestic and external security provision, and transnational dynamics of security integration (see box 2.1.).

One type of contemporary armed conflict, asymmetric warfare, takes the form of both internal (intra-state) war and cross-border operations conducted between states and non-state armed groups, without any defined battlefield (front lines and hence a home front) or any distinction between combatants and civilians, and with scant regard for international humanitarian law. Prime examples are the conflicts in Ukraine, South Sudan, Somalia and the Lake Chad Basin. Through its ability to strike at strong and weak states alike, terrorism has inaugurated a new phase of “mutual strategic vulnerability” that is forcing states to recognize their overarching interests as states and their mutual investment in the survival of the international state system. A source of equal concern is that states often respond with impunity and/or tactics of dubious legality, ranging from drone warfare to extraordinary renditions and extrajudicial killings (as in Afghanistan, Nigeria

and Kenya), as well as acts that constitute war crimes, including massive and indiscriminate bombing of urban or densely populated areas (as in Syria and Yemen).

In addition, transnational criminal networks (TCNs) subvert the state and state institutions in different ways. On the one hand, they hollow out the state from within (corrupting judicial and security organs, buying politicians and lawmakers, fostering rent-seeking mentality and impeding state functionality and legitimacy); on the other, TCNs challenge the state monopoly on the legitimate use of force by mobilizing and sustaining powerful private “armies” and armed gangs (see box 2.2.). Terrorist and transnational criminal networks have often become partners of convenience and at times are indistinguishable from each other. State monopolies on the legitimate use of force are thus being eroded both internationally and domestically.

The responses to these internal and external threats increasingly occur in legal grey zones, which highlights the weaknesses of current legal frameworks (domestic and international) to manage police vs. defense responsibilities in internal vs. external mandates. The internal and external dimensions of security provision for both police and military have always been closely linked in countries such as France or Italy that have gendarmeries. Many militaries in the global south followed a development model, in which they were a key modernizing institution. Militaries were charged with integrating disparate ethnic and religious groups, as well as with developing a national economy—both of which were essential to security. Some Latin American and African governments have employed their militaries for these development purposes. Similarly, the experience of the military’s role in Southeast Asian countries such as Indonesia, Thailand and Myanmar exhibited an expansion or a dual role of the military to include development and politics. Until these countries democratized in the mid-1990s, the role of the military went beyond ensuring national security.

Many systems of security governance often lack a clear distinction between the internal and external roles and

jurisdictions of the various forces. In some instances, the military is employed to serve functions that otherwise would be under the jurisdiction of the police, e.g., in the state building process in Middle Eastern countries (“constabularization of the military”). In other contexts, such as Russia, police forces have been equipped and deployed in ways that resemble a military rather than a police strategy (“militarization of the police”). Informal

### **Box 2.2: The Rule of Law and the Political Economy of Corruption: Mexico**

Corruption is a universal phenomenon that is found in varying degrees in virtually every society. However, endemic corruption and non-state violence are often closely linked and are indicators of deficient statehood. Corruption is an important means in the hands of non-state actors to protect unlawful business practices against state prosecution. Rival “business groups” may employ violence against each other and/or to protect business from state interference. State agents may be made compliant not only through bribes, but also through intimidation. In extreme cases, control of the state itself is the goal in order to extort revenue on a grand scale. The use of violence to achieve control is part of the investment. In the Reflection Group’s deliberations, political decision-makers from Mexico and Brazil strongly emphasized the need to strengthen the state monopoly on the legitimate use of force as a prerequisite for coping with criminal activities, especially the drug trade. In such circumstances, three options are available. One is to deploy more specialized police intelligence to uncover and dislodge sophisticated organized crime networks rather than just targeting “rank and file” criminals. The second structural approach focuses on the business models of organized crime, which thrive on the prohibition of certain goods and services. The legalization and regulation of some of the major illegal markets could cut organized crime off from its major sources of revenue. At the same time, taxation of a regulated drug market could generate the public resources needed to establish the rule of law and strengthen legitimate public security authorities. A third option would require a political decision to intervene in local politics and government structures that have been captured by criminal organizations. Direct intervention from the federal government to break the criminal-political nexus and to dismantle the complicity networks between criminals and politicians might become necessary, as was done in Michoacan. The governmental action should encompass the arrest and legal persecution of criminals as well as corrupt authorities to prevent the resurgence of this nexus. However, corruption and human rights abuses committed by federal forces and/or local governments remain a challenge. In the long run it is necessary to strengthen democratic institutions and to improve the surveillance and accountability mechanisms that hold security forces and government officials to account in case of abuses of power.

security cooperation, the presence of domestic police forces abroad, covert operations and surveillance practices to counter organized crime, terrorism and other security risks have led to what can be called “transnational policing.” This new degree of interplay reduces accountability of both military and domestic security institutions.

**Box 2.3: Autocratic Legacies in Central Asia**

Central Asian states are at different stages of reforming internal security authorities (law enforcement, police, prosecutor's office and the judicial system). When their state security institutions were established in the early 1990s, the Soviet legacy served as a template for the design of military and police structures. Most reforms and legislative measures were intended to strengthen the state's role in law enforcement. The monopoly on the legitimate use of force is a new issue in all Central Asian states. Even Turkmenistan adopted a new military doctrine in January 2016, right after celebrating its twentieth anniversary of permanent neutrality status. On the one hand, the old Soviet system of government and management and the legacy of military service are still relevant. On the other, there is need for and interest in reforms and changes in many spheres of strategic planning. Among the major security threats and challenges to the region are drug trafficking (via the Northern route from Afghanistan to Russia), organized crime (human trafficking, illicit trade in small arms and light weapons, fraud and corruption), and state fragility, exacerbated by the ideological penetration by radical Islam and violent extremism (e.g., from the Middle East). Fighters in international extremist groups returning home pose additional threats to domestic security, which have put counterterrorism policies high on the political agendas. However, the increasing securitization of society as well as the misuse of force by state actors in Kazakhstan in particular have led to human rights abuses, social media control and entrenched authoritarian tendencies in the political sphere.

**2.3. State misuse of force**

Ideally, the state is supposed to be the neutral arbiter, standing above competing social and economic claims and providing reasonably equitable (and accountable) security. In reality, too many governments misuse power (and force) (see box 2.7. on East Africa). When governments abuse their power or where the state has been captured for rent-seeking purposes inclusive security is seldom provided. Although states have an interest in maintaining the monopoly on the legitimate use of force, some trade it for political ends. For example, governments may enable or support "terrorists," criminal groups or other armed groups in pursuit of geopolitical objectives in competition with other states abroad, e.g., Syria, or political competition at home, e.g., Mexico (see box 2.2.).

Often, fundamental norms and values are sacrificed in the name of "stability." Authoritarian regimes have become "strategic partners" to global or regional powers in their struggle against terrorism. "Counterterrorism" is also invoked to suppress or limit legitimate political opposition. These "wars" are conducted with little accountability and political oversight, and at increasing cost to privacy and civil rights at home (see box 2.3.).

In other regions, widespread insecurity for large parts of the population raises tensions and high levels of both interpersonal and organized criminal violence threaten to overwhelm the state. Security is not provided as a public good; rather, it is delivered selectively to certain groups or elites (see box 2.4.).

**2.4. Privatization and commercialization of the use of force**

The economic rationale of globalization and the underlying concept of deregulation have opened up space for non-state or private actors in almost every type of activity and increasingly in the security sector as well. Some governments deliberately and voluntarily implement privatization, directed at the outsourcing of police and military functions to private companies with regard to both external efforts and domestic arrangements. The interventions in Iraq and Afghanistan have exacerbated this trend. At times more private contractors than US armed forces operated in these countries on behalf of the US government. Some traditional military functions are outsourced or subcontracted. Although security contractors should be accountable to the government, they are not subject to the US Uniform Code of Military Justice. Instead, private security contractors fell within a legal grey zone, accountable neither to the US government nor to the host country for human rights or other abuses.

Another trend is the growth of transnational private security companies (like Securitas, G4S) catering to *private* security interests (individual homes, businesses) in many parts of the world. This has led to a globalization of private security. Privatization of security marks a reversal of the ideal of a "state" monopoly on the legitimate use of force, accompanied by inevitable inequality and absence of necessary public oversight mechanisms (see box 2.5.).

**2.5. Modernization of technologies**

Modernization of security technologies has always been a key component in strengthening security capabilities, be it at the level of military technological development or in the fields of internal security and border control. However, recent and anticipated breakthroughs in automatization and the extension of the battlefield (e.g., to cyberspace) have added a new dynamic. The evolution of military robotics has, for instance, led to



the emergence of security provision from a distance (by remote control). Unmanned weapons systems such as drones, surveillance from space, smart munitions, the availability of “big data” and the ability to execute war fighting from far away in real time is not just technical change. These trends challenge the existing international order, including international law.

Automated warfare using hi-tech weaponry means diminished reciprocity: States who employ such weapons do not risk the lives of their own soldiers; at the same time, the enemy can seldom strike back with the same arms. This lack of reciprocity increases the willingness to use lethal force with less concern for civilian casualties. Moreover, private actors can also use these technologies and abuse them to curtail civil rights. As is often the case with new technological developments, there is a discrepancy between what is technologically possible and what is legally regulated. This grey zone of unregulated use of new technology poses a daunting challenge to the accountability and legality of state and non-state actions.

#### **Box 2.4: Use of Force in Latin America at the Domestic Level**

The risks of inter-state conflict and use of force in the region is very low. The main security issues are, first, weak states that do not have a monopoly on the use of force and, second, states that are corrupted by criminal gangs and organized crime.

Public security is one of the main problems in Latin America. The absence of the state in parts of these countries has allowed transnational crime to move in, drug trafficking being the most prominent. Most Latin American societies face threats to citizens’ security and rising levels of violence. In addition, not only the police, but also the armed forces are involved in domestic security. The military is usually not trained for this purpose and the level of human rights violations is high. The use of both police and the military force to control protests and demonstrations has increased. In some cases, states are unable to protect citizens and, in other cases, state institutions are themselves perpetrators of violence and sources of insecurity. Many Latin American countries are among the most violent in the world with high homicide rates. According to different reports of homicides per 100,000 members of the population in 2016<sup>3</sup>, the situation is worst in Venezuela (91.8), El Salvador (81.2) and Honduras (59), followed by Jamaica (50), Guatemala (27.3) and Brazil (25.7). Violent non-state actors have taken over. Organized crime, gangs and drug traffickers have become a threat to communities in regions where the state has lost control. Traditional or communal providers of security are unable to fill the vacuum created by the absence of the state. Many of these are rural areas, but important cities are also affected. The groups in question establish their authority by force. To compound the problem, government institutions are infiltrated by organized crime at the central, regional and local levels in countries such as Mexico. To date, policies to come to grips with violent non-state actors have failed. In many cases these groups have become a state within the state. Another important issue is the use of force by state authorities against its citizens for political reasons.

<sup>3</sup> <http://www.insightcrime.org/news-analysis/insight-crime-2016-homicide-round-up>.

**Box 2.5: Various Forms of Privatization of Security Provision**

Various forms of top-down and bottom-up privatization (sometimes better described as commercialization, outsourcing or commodification, see glossary) of security provision can be distinguished:

**Outsourcing:** This purposely planned and implemented top-down concept outsources traditional military functions to private companies.

**Hostile takeover:** Non-state actors that use violence for political or economic gain practice a bottom-up takeover to obtain control of a state, territories or parts of society. They operate without the authorization of state authorities.

**Franchising:** Franchising is a common practice in business, involving licensing the right to use a firm's brand or business model. Government agencies occasionally "franchise" quasi-governmental functions to non-state actors to act as their proxies.

**Friendly takeover:** A consensus-based takeover. Developments in information technology have drastically changed individual and social behavior; they offer unprecedented access to personal data and surveillance of people's movements. "Spying on you" gives enhanced surveillance powers to governments and companies.

**Bottom-up privatization:** Unlike outsourcing, local national and transnational private security companies cater to private security interests (individual homes, businesses.).





### 3. Scope and limits of current security policies and practices

Six dominant policies/practices may illustrate the scope and opportunities, as well as the limits and challenges, of achieving inclusive security (see Table 2.2.).

**Table 2.2: Scope and Limits of Security Policies and Practices**

<b>3.1. Security assistance and security sector reforms</b>	Often donor-driven and focused on security in the “global north”; train and equip programs for security actors are particularly problematic because they exclude necessary reforms and are prone to unintended consequences
<b>3.2 UN and regional peace operations</b>	Needs substantial overhaul and reform to be effective in active conflict areas: changes include paring back cumbersome system, screening of troop contributing countries’ interests; rigorous vetting of police and military; appointment of mission leaders based on their knowledge of host country, language, communication, mediation and facilitation skills; improve training and equipping of personnel; shift decision-making to the field, toughen penalties for infractions of the UN code of conduct and enhance oversight and accountability of peace operations
<b>3.3 Counterterrorism</b>	Misdiagnosis and exaggeration, militarized response exacerbates extremism and inadvertently weakens the state’s monopoly on the use of force, leading the curtailed civil liberties
<b>3.4 Intelligence practices and covert operations</b>	Redefined threat environment raises renewed controversies over the role, strategic mission, and governance of intelligence
<b>3.5 Delegation of authority to use force</b>	Often without appropriate democratic civilian control
<b>3.6 Hybrid security provision</b>	Under-researched area of work, but increasingly common

#### 3.1. Security assistance and security sector reform

Despite the outlined countervailing tendencies, we do see a strong affinity toward formal state institutions in current international security policies. In particular in crisis and post-war contexts, state and institution building has been established as the dominant paradigm for internationally sponsored interventions. The objective is to establish political institutions capable of performing basic functions in fragile states, including the improved ability to provide security to its citizens in a legitimate and effective manner. The *raison d’être* of this strategy (at least for external actors) is that reforms of the security sector coupled with containing or demobilizing non-state armed groups are crucial to stabilizing

post-war societies. Usually, security sector reforms (SSR) complement separate efforts at demobilization, disarmament and the reintegration of combatants as well as a range of other targeted post-conflict interventions including de-mining, small arms and light weapons (SALW) collection and armed violence reduction.

However, external attempts to reconfigure the governance of security in crisis and post-war states are strongly dependent on complicated local contexts in which formal and informal spheres of power often overlap and intersect. Whether or not security sector reforms foster the legitimate and effective provision of security to a state’s citizens depends on the inclusivity of

the post-war political settlement. Although SSR is an important feature of any successful political settlement, positive examples of SSR have been rare. Despite the

train and equip programs for military and police forces over democratic control and oversight of the security sector.

### Box 2.6: UN Peace Operations

From 1945 to 1990, the UN launched a total of 18 peace operations. Between 1990 and 2014 it launched an average of over three per year (including both peacekeeping operations and special political missions). Over the last few years the number of uniformed personnel (military, police, military observers) in total UN Peacekeeping Operations has levelled off at about 90,000 plus over 15,000 civilian personnel (at the beginning of 2017). At the same time, the average duration of both peacekeeping operations and political missions lengthened notably; more than half continue under extended resolutions for over ten years, with little or no prospect of closure in the foreseeable future. Critics argue that this is partly due to the lack of an effective strategy to achieve mission mandates. Vested interests of international UN staff (lucrative employment), and some local leaders who benefit from UN contracts and employment serve to perpetuate missions.

To cope with the challenges entailed in more complex and extended peacekeeping and peacebuilding missions, a High-level Special Report on UN Peacekeeping in 2015 (HIPPO Report) proposed the following reforms which the UN adopted:

- (a)** More flexible and mobile robust forces (such as the "Intervention Brigades" pioneered in the DRC) and standing police capacities, in addition to encouraging efforts by regional partners to form standing intervention forces for rapid deployment (such as the "Standby Brigades" of the African Regional Economic Communities);
- (b)** Delegation and "subsidiarity": Partnering with regional and sub-regional organizations to bear more of the burden of maintaining and sustaining peace within their own area of responsibility;
- (c)** Delegation/outsourcing to "coalitions of the willing" and bilateral partners, usually (though not always) operating under UN mandates (e.g., African Union forces have taken the lead in battling violent extremism in Somalia and have supported missions in the Sahel and the Lake Chad region);
- (d)** Outsourcing: Deployment of private security contractors in UN operations is controversial, its actual scale remains to be documented and rules of engagement have yet to be developed and/or published;
- (e)** Partnerships, not only with member states (e.g., Iraq) and regional organizations, but also with NGOs, civil society organizations (CSOs), and the private sector; and
- (f)** Coordination of international and multi-stakeholder peacebuilding and SSR partnerships.

widespread claims of SSR programs to enhance democratic oversight and develop capable organs of security governance (such as strengthening parliamentary defense and security committees) such programming has typically been a low priority of external sponsors. The dominant policy approach remains to favor technical

### 3.2. UN and regional peace operations

The UN Security Council has never been able to take action on an issue of geo-strategic importance for one of the P5 or where the interests of the P5 conflict. As a result, major decisions at the global level have only been taken in other, mostly non-security policy areas by other international groupings such as the G-8, the G-20 or similar regional or sub-regional groupings. In addition, the developed world's participation in UN peacekeeping has been largely restricted to funding and providing logistical support, thus depriving the UN for the most part of the vital resources of trained manpower and "state-of-the-art" equipment. That, however, has not prevented major Western powers from garnering top posts at the Department of UN Peacekeeping and at mission headquarters in the field, thus dominating the decision-making apparatus. The gap between those who make policy and those who conduct the missions has created one of the major infirmities in UN peacekeeping, namely, the inadequacy or lack of political support by the major powers to mission leadership when dealing with belligerents and with political leaders of neighboring states who manipulate the local leaders.

Its weaknesses notwithstanding, the UN Security Council is the sole organization with the authority to mandate interventions (with force if necessary) to ensure international peace and security, or to authorize such interventions on its behalf. In addition, the UN is key to containing the use of force in international relations and encouraging peaceful resolution of inter- and intra-state conflicts. In the immediate aftermath of the Cold War, the international interventions led by the UN greatly in-

creased in frequency, scope and depth in response to an increase in conflicts (particularly in Africa). Peacekeeping went from being an occasional (even exceptional) tool to being a regular feature of international politics and security, focusing primarily on intra-state conflicts, rather than on inter-state conflicts as originally conceived.

At the same time, many peace operations have changed from “soft” to “robust” operations, from lightly armed peacekeepers who monitor (or at best moderate between) opposing groups to peace enforcement troops (see box 2.6.).

The second (parallel) development in UN missions was the shift in the 1990s from traditional peace mediation and peacekeeping to addressing the roots of violent conflict and instability. The new focus is on elections and democracy, the rule of law, fiscal stability, a lean developmental state, privatization and market liberalization as key components in the state-building and peacebuilding toolkit. At the same time, as a consequence of questionable results of state-building efforts, international peacekeeping is also focused on promoting local agency.

Serious cracks have developed in this intervention mechanism and in the very foundation of the international security architecture. A key factor is the over-extension of the UN system relative to available resources. Several other factors have also come into play: first, the revival of superpower rivalries (e.g., USA vs. Russia on Syria, China vs. USA on the South China Sea), tendencies toward unilateralism and proposed cuts to member states’ payments to the UN (e.g., the USA) and gridlock among the P5 members of the Security Council have resulted in inaction in the face of repeated atrocities; second, the growing activism/interventionism of regional and middle powers (such as in Yemen); third, and often related, the increasing use of proxies by UN SC member states to pursue their interests in regional conflicts or agendas (e.g., East Africa, see box 2.7). Notable, too, is the resistance to expansion of UN peacekeeping mandates and the use of force within both the Security Council and the General Assembly. Some of the leading military powers resist deploying their own military personnel to UN peacekeeping missions, leaving the field to the traditional troop contributing states from Asia, Africa and Latin America. At the same time, UN SC mandates are sometimes stretched to the limit (as in the case of Libya). The fragmented international intervention mechanism that is now emerging (subject at

### **Box 2.7: East Africa: Multiple Protracted Crises Thrive where Monopoly on Force is Absent**

The Horn of Africa is one of the most unstable and highly militarized regions in Africa. The region has been riven for decades by inter-state and intra-state conflicts posing serious security challenges to the citizens. Somalia is in turmoil and South Sudan has been dealing with chronic violence since its independence in 2011. Ethiopia and Eritrea have been unable to end their deadlocked border conflict. Sudan is contending with armed rebellions in its peripheries. Conflicts in the region are interlinked, often dragging one or more states into a vicious circle of instability. Supporting subversive groups in neighboring states has been a common trend. The unresolved border tension between Sudan and South Sudan has often translated into proxy warfare destabilizing both states and threatening the region’s wider security. The region is also facing emergent transnational security threats, including terrorism, and is a region where many refugees come from.

Security and security oversight institutions in most states are too weak to deal with traditional and emergent security threats. Most of the states exercise only tenuous control over the means of violence. As a result, the region is awash with small arms and light weapons, leading to a growing militarization of civilians.

In the absence of a human security version of a state monopoly on the legitimate use of force, non-state security providers have filled the security vacuum. Traditional authorities, armed militias, warlords, private security providers, pirates and terrorist groups have proliferated, e.g., in Somalia, further exacerbating human suffering and loss. Al-Shabbab, an Islamist extremist group, controls territories in south-central Somalia. The failure to regulate the means of violence and provide human security has also led to a series of military and peacekeeping interventions by regional states and the international community. The very state security apparatuses that ought to provide protection further threaten citizens’ security in the Horn of Africa. Security institutions including the military, police and intelligence are widely used as instruments of oppression and are primarily tasked to eliminate or neutralize threats to regimes on power. This has had an impact on the ability of states to use force for legitimate purposes, as security interests and priorities are often defined narrowly by small elites with the short-term objective of regime survival. Eritrea exemplifies this type of situation as a highly militarized state with one of the biggest armies in sub-Saharan Africa. Almost all states in the Horn of Africa (with the exception of Kenya) are characterized by one-party rule, authoritarian tendencies and reduced political space. Partnering with oppressive regimes that advance the West’s short-term interests (fighting terrorism) prolongs insecurity in the region.

best to limited UN control and oversight) is raising serious questions of accountability: blatant breaches of international humanitarian law and human rights on the part of warring states (as the UN and international community stand helplessly by) are further undermining the legitimacy of the states’ monopoly on the legitimate use of force as well as the perceived impartiality and capabilities

of the UN itself. Furthermore, the emergence of violent extremism has undermined the traditional UN approach to peace-mediation and peacekeeping, which relies on the willingness of conflict parties to negotiate their differences, cease hostilities, and demobilize their forces

### Box 2.8: Increased Role of Intelligence Agencies and their Control

Historically speaking, the predominant role of intelligence has been that of regime security. The recently rising priority of counterterrorism in the mandate of intelligence organizations may mean that this is changing. This may politicize these organizations and reduce democratic oversight even further.

Although legislation governing the activities of intelligence agencies existed before the 1970s in some countries, legal frameworks did not place meaningful limits on intelligence agencies until the 1980s. Moreover, the legislative basis permitting intelligence agencies to interfere with the rights of citizens frequently depended on executive decrees and directives that failed to meet the basic conditions for democratic governance and rule of law, because they were neither subject to parliamentary approval nor were they publicly known. Expanded powers are often accepted as exceptional measures against extraordinary threats but with time they become established tools for dealing with a wider range of security threats. Technological developments (particularly information technology) offered new possibilities to intelligence agencies and the increased threat of terrorism justified more intrusiveness. Moreover, the intersection of national and international security agencies has expanded significantly. While intelligence is regarded as being at the very core of state power, and thus a sovereign asset, intelligence organizations are often globally networked (yet sharing of information remains difficult), with little national political oversight. The national-international connection provides further incentive to shield these agencies from local scrutiny and may be one reason why intelligence does not feature prominently in Security Sector Reform and Governance (SSR/G) programs.

Yet, democratic oversight of intelligence is essential to human rights protection, democratic consolidation and the rule of law. In practice, protecting human rights in the field of intelligence means applying appropriately graduated policies for the use of special powers so that national security concerns cannot become *carte blanche* for rights violations. Proportionality is thus a key principle in intelligence which requires that the intrusiveness or severity of an action be weighed against the gravity of the threat. A functional system of democratic oversight can build such principles into layers of discretionary decision-making such that the greater the intrusion a particular technique represents, the higher the authority required to authorize it. In order to act in a timely manner, special oversight bodies, such as the United States Foreign Intelligence Surveillance Court (FISC, also called the FISA Court), are needed.

under a peace agreement. Discussions are ongoing as to whether UN peacekeeping should get involved in counter terrorism. Such engagement might negatively affect the impartiality of UN operations, not to mention exceed its capabilities.

### 3.3. Counterterrorism

Terrorism is a notoriously difficult concept to define. In our understanding, terrorism is a political strategy that involves the asymmetrical deployment of threats and violence against state officials as well as civilians—all of whom are deemed to be enemies. However, current policy approaches struggle to come to grips with this understanding and remain largely inadequate.

Terrorist movements are fluid and agile and remain to a certain extent undaunted by the security-based efforts of individual states and the international community to quash them. Although they are vastly outnumbered and “outgunned” by the international forces arrayed against them, terrorism as a political strategy persists. Misdiagnosis and exaggeration of the problem have gone hand in hand to shape an ineffective strategy to combat terrorism and violent extremism. Failure to understand the grievances that fuel violent extremism stems from limited knowledge of local conditions. Once a group is labeled “terrorist” or extremist, grievances voiced by the community they spring from tend to be ignored. Increasingly groups are labeled terrorist for political expediency. To be sure, ISIS and Al Qaeda present real terrorist threats. But many groups, such as Boko Haram, Al-Shabaab, separatists in the Caucasus, Hamas in Gaza, opponents of the Assad regime in Syria, the Muslim Brotherhood in Egypt and the FARC in Colombia have all been labeled as terrorist by governments who refused to acknowledge, let alone ameliorate, actual grievances. “One does not negotiate with terrorists” is the universal refrain that often hinders the achievement of lasting peace. Hence President Santos of Colombia dropped the terrorist label in order to negotiate a peace agreement with the FARC to end the 50-plus-year insurgency. Similarly, the Prime Minister of Sri Lanka at the time, Ranil Wikramasinghe, entered into a

ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) in 2001—irrespective of its failure. In general, the consequence of misdiagnosis and exaggeration is a militarized response that exacerbates extremism and inadvertently weakens the state’s

monopoly on the legitimate use of force by curtailing civil liberties and inflicting suffering on the civilian population.

While many organizations labeled “terrorist” operate predominantly within national boundaries, terrorist organizations like ISIS and Al Qaeda have a much more extensive reach. They share one quality with transnational organized crime in that both operate across national borders. As such, a serious multi-lateral strategy is required to cope more effectively with both and to address constructively structural causes.

### 3.4. Intelligence practices and covert operations

In the immediate aftermath of the end of the Cold War there was less emphasis on some kinds of intelligence gathering such as human intelligence. In less than a decade, however, the heightened and diffuse threat environment (violent extremism, drug and human trafficking, cybercrime and transnational criminal rings) once again made the “business” of intelligence a global top priority. In the United States, the “Global War on Terrorism” (added to the war on drugs) led to the merger of many agencies into the Department of Homeland Security. It gave rise to intrusive investigative and surveillance powers that generated concerns for privacy rights and rule of law. At the same time the Director of National Intelligence was established to overcome the failure of different agencies to share information that might have prevented the 9/11 attacks against the United States. Successful attacks by extremists in Europe and the United States have increased efforts to improve intelligence and intelligence sharing among countries.

These actions have brought the classic tension between security and privacy into sharp relief. New threat perceptions create political support for widening surveillance and detention powers, improved capabilities and increased resources for intelligence agencies. This, in turn, compounds existing issues of governance over the monopoly on the legitimate use of force. The increasing securitization of a wide range of private and civil institutions, new surveillance technologies, and the blurring of the boundary between law enforcement and military operations, have greatly extended the traditional range and penetration of intelligence activity as well as public knowledge and sensitivity to these activities (see box 2.8.).

#### Box 2.9: Security Delegation: The Positive Case of the Pacific Region

Most countries in the South Pacific are small, geographically isolated, and have little or no capacity to exercise the state’s monopoly on the legitimate use of force (either domestically or in terms of external defense). State formation in most of these countries is still a work in progress. The metropolitan/former colonial powers (USA, UK, France, Australia and New Zealand) continue to maintain a strong security presence in the region, including through a range of collective security arrangements and/or military alliances (e.g., ANZUS Treaty). With few exceptions, most Pacific Island Countries do not have any armed forces (and hence no capacity for external defense). In this context, most of them have “delegated” the monopoly on the legitimate use of force for defense to external (mostly metropolitan) powers through formal and/or informal agreements as part of independence arrangements. In recent years there has been a growing commitment to regional defense cooperation in the Pacific and greater regional law enforcement and security cooperation, including a “coordinated response to regional crises” (for example Regional Assistance Mission in Solomon Islands).

### 3.5. Delegation of authority to use force

Small states with limited capacity for security provision may delegate their responsibility to external powers or organizations—this can be viewed as an alternative security arrangement. A variety of forms of security delegation exist that can be categorized along the following criteria: type of security that is delegated (external defense or domestic security); type of actor to which security is delegated (states, non-state/private/commercial actors, or regional organizations); voluntary or by default (forceful delegation); comprehensive (e.g., in the South Pacific, see box 2.9) or selective (e.g., in the case of Colombia or some Central American countries vis-à-vis the United States).

When security delegation works, the delegating state can save resources for use on other national priorities. However, the provision of a “nuclear umbrella” (as is the case for many US allies in Europe and Asia) poses the question of limited sovereignty and problematizes the monopoly of the use of force. The precondition for a functioning security delegation is usually the level of trust between the delegating state and the state/institution to which security provision is delegated—irrespective of the degree of asymmetry. Delegation of security provision is, of course, also prone to *Realpolitik* and major powers’ interest politics. The regional organization, ideally representing the institutional “neutrality” of such organizations, usually has only limited room to maneuver in sensitive security policy making as it is prone to its members’ clash of interests. Rather, it is often the regional hegemon or major donor(s) who sets the agenda. IGAD is such an example where international support came with a clear political agenda.



### 3.6. Hybrid security provision

Attempts at the centrally orchestrated and controlled “building” of a uniform system of peace and order (“state-building”) and the endeavors of governments and their international supporters—security sector reform, state capacity-building, justice sector reform among others—are elements in a much broader mix of processes of state and peace formation. While state-building suggests a planned, technical, linear and predictable endeavor, state-formation in reality is a messy, contradictory, non-linear and complex long-term process which involves a wide and diverse range of actors and institutions, be they state, parastatal or “non-state”/“customary”/“traditional”.

In many regions (such as Africa and the Pacific), customary or local security and justice providers can be an important resource for conflict mediation and peacebuilding. Traditional leaders, elders or other local authorities have in many cases proven to be efficient and effective providers of security, able to contain violence by melding public and customary law (hybrid forms). These local systems of governance may be fragmented, vulnerable, weak, or competitive, yet they are often seen as having relatively high degrees of legitimacy and local ownership. At the same time, the role of traditional authorities is not unequivocally positive, as they have also

reinforced traditional inequalities in society. Despite paying some lip service to traditional and customary institutions, policy approaches like SSR have typically failed to incorporate them into governance and structural reforms, or to even take account of their existence. In the rare cases where this has been done, as in Sierra Leone and Somaliland, traditional arrangements have been incorporated “off-script” by local rather than external sponsors of reform.

Hybrid political orders draw attention to the reality on the ground in many so-called weak or fragile states in the Global South. Diverse and competing authority structures, sets of rules, and logics of order coexist, compete, overlap, interact, intertwine and blend. They are the result of a process of friction between local and global actors, models and approaches. They emerge from different societal spheres that nevertheless do not exist in isolation, but permeate and depend on one another. Consequently, these orders are shaped by the closely interwoven texture of various sources of origin: they are—and have always been—hybrid.

A typical characteristic of hybrid arrangements is that the maintenance of internal security and order is not only based on a state monopoly on the legitimate use of physical force alone, but on the relations and interactions of a plethora of state and non-state (traditional, civil society and private) actors and institutions. While some entities at first glance appear to be “state” (the police, the army, the courts) and some to be “non-state” (priests, vigilantes, chiefs), a closer look reveals blurred boundaries and intersections, with intense interactions and relationships. Chiefs are both “state” and “non-state,” community police are more “state” in some contexts and more “non-state” in others, vigilantes and police or police and community watch groups overlap, the formal state justice system and informal customary law intersect. The state/non-state boundaries are porous and blurred.

Accordingly, what really matters are processes, relationships and interactions (rather than static entities and formal structures). The hybridization of peace, governance, security and socio-political order is an on-going process of becoming through metamorphosis and blending (see box 2.10.).

#### **Box 2.10: Bougainville: A Positive Example of Hybrid Security Provision in the Pacific Region**

After a protracted violent conflict, the Pacific island of Bougainville in Papua New Guinea (PNG) has undergone a comprehensive and to date relatively successful process of post-conflict peacebuilding and is currently in the process of state formation (a referendum on independence from PNG is likely in 2019). A home-grown state based on a hybrid political order is emerging. State formation is focused on reconciling institutions of the state with non-state customary community governance mechanisms and cultural norms. Peace, order and security are maintained through the combined efforts of state, customary actors and civil society. The Bougainville Police Service, for example, has two components: regular police and community auxiliary police. Members of the police service are constitutionally obliged to cooperate closely with Councils of Elders and with traditional leaders in communities. Many communities and their leaders insist on the application of customary means of dispute resolution and the prerogatives of traditional authorities with regard to the maintenance of security and order even under present-day conditions. These local non-state institutions and actors provide everyday order and security for the majority of the people.

The state’s monopoly on the legitimate use of force, which is seen as decisive for order and security in full-fledged states, has never been exercised in Bougainville. This “deficiency,” however, has not hindered post-conflict peacebuilding, nor has it been detrimental to the establishment of political order and security. Rather, order and security are based on the positive mutual accommodation of externally-introduced state and local customary institutions.

### III. The future: A mosaic of legitimate security provision?



### III. The future: A mosaic of legitimate security provision?

#### 1. Developments defining the future of global security

In reflecting on the future shape of global security provision, we argue that despite the outlined challenges to the state's monopoly on the use of force, the state remains the key actor in the international system and should not be side-lined either in principle or in practice. In order to address the drivers of change that challenge the monopoly on the legitimate use of force, current security practices and policies must be adapted in a way to provide more inclusive and better regulated security for the people.

What are the consequences of the changing and inter-related local, national and global security environment for the monopoly on the legitimate use of force and the provision of inclusive security? In what follows, we will first juxtapose the trends of fragmentation versus consolidation of the use of force and of inclusive versus exclusive security provision. Then we will present possible future scenarios for the monopoly on the legitimate use of force and conclude by asking "Where should we go from here?" As mosaics of (legitimate) security architectures become increasingly dominant, how can

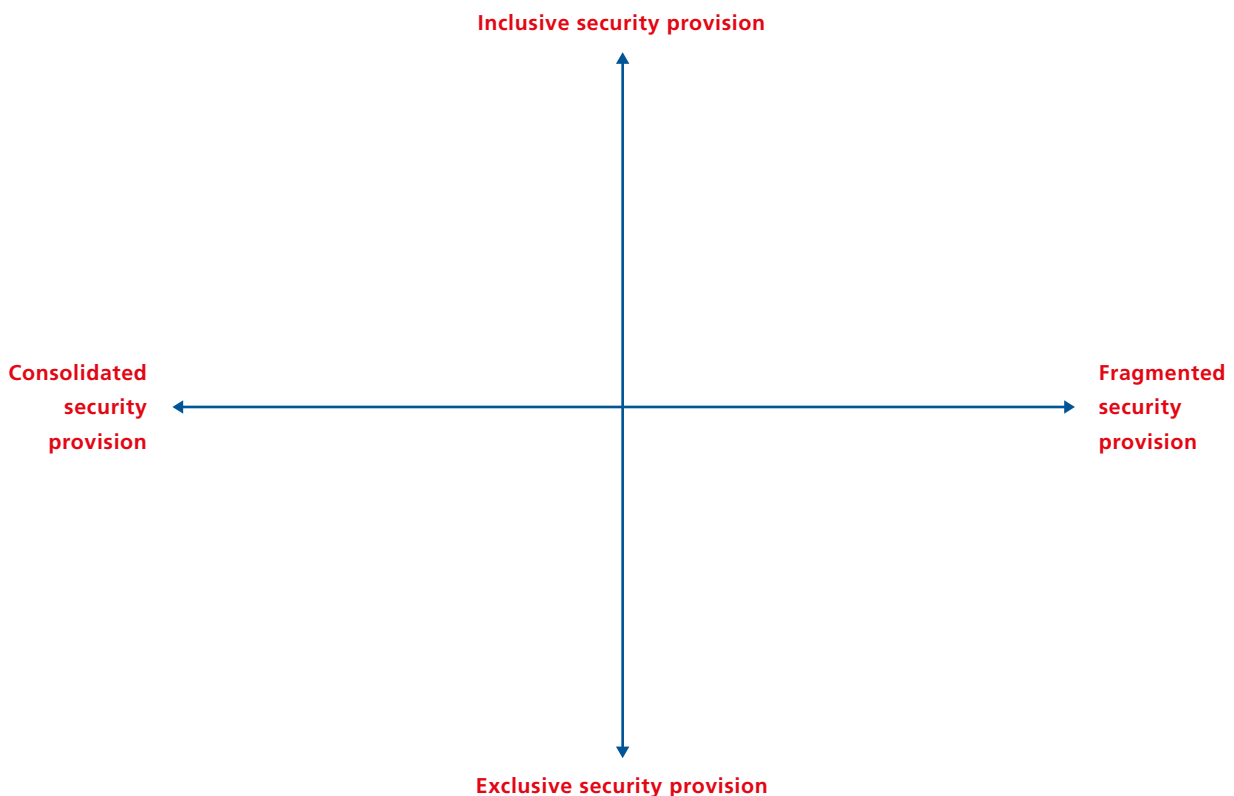
they be structured or managed in order to provide inclusive security?

#### 1.1. Opposing trends

Distilling the current trends and regional examples discussed in section II, four major developments emerge that are likely to define the future of the international security environment and the provision of inclusive security at the national and local levels. Mapped in a two-by-two matrix, these developments in security provision oscillate between consolidated versus fragmented security actors (on the horizontal axis) and inclusive versus exclusive security provision (on the vertical axis) (see figure 3.1.).

**Fragmentation:** Numerous and quite different types of actors engage in both security provision and violent activities. These can be state, hybrid or private actors. Driving forces include non-state security services, privatization, outsourcing, commercialization and criminalization. Cross-cutting and intersecting networks and ad hoc alliances between these actors at the local, state, regional and global levels have emerged, even though they are not well coordinated and are often in conflict or competition with each other. The fragmentation into different security providers is not necessarily a negative development provided that they are legitimate and ac-

Figure 3.1: Opposing Trends in Security Provision





countable and abide by a common set of rules. In the best case, different providers offer additional resources for inclusive security provision.

**Consolidation:** The opposite trend to fragmentation is a security environment in which a variety of security providers cooperate or where the state monopoly on force assures legitimacy and accountability of security provision. Consolidation implies controlling and regulating multiple actors, and it may even be necessary to form them into a coordinated network in order to enhance human security.

**Inclusion:** Security provision is a public good which operates in accordance with basic human rights principles. If security provision becomes more inclusive of different sections of society (differentiated by gender, age, ethnicity, religion and region) it benefits a larger group of people and becomes more legitimate in the eyes of the population. This may be achieved in part through effective public oversight of the security actors/sector. Equally important is that security and justice institutions have the authority and commitment to guarantee the safety, rights and welfare of all citizens (or, more globally, of all human beings) and communities.

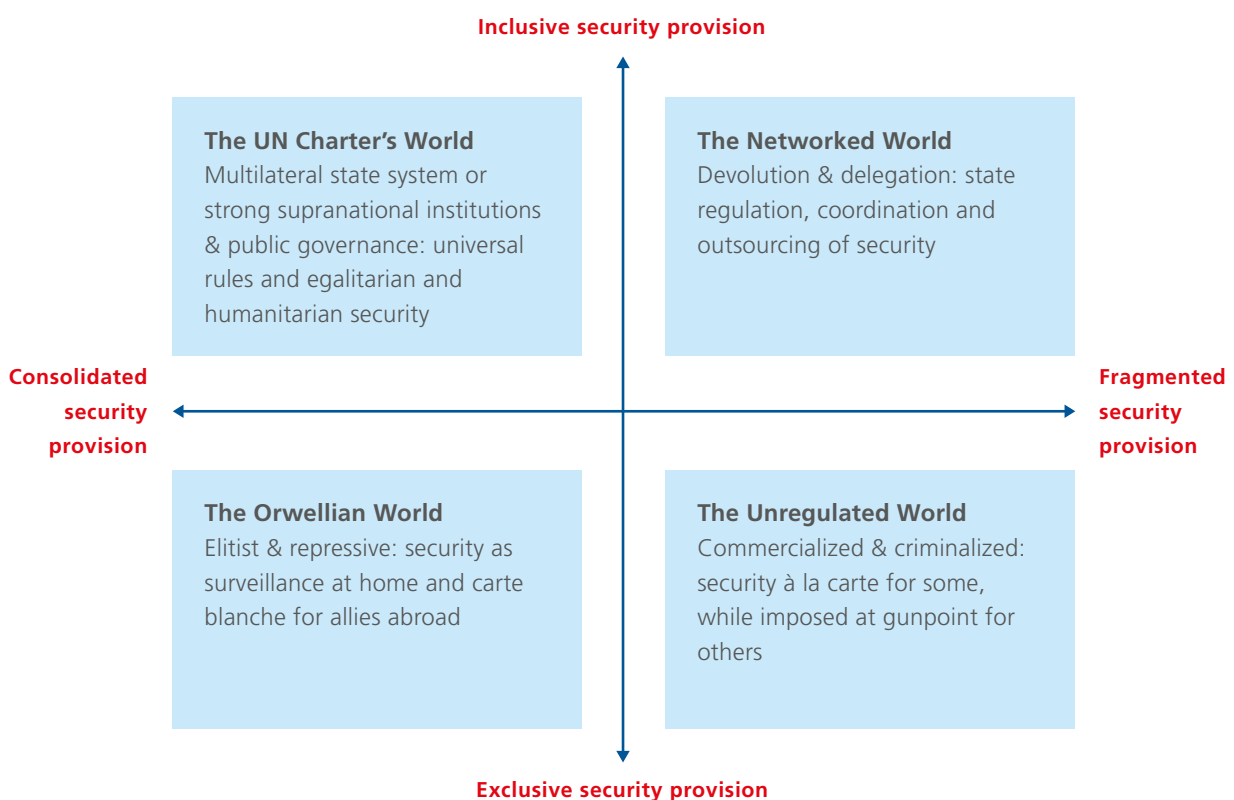
**Exclusion:** In a security environment in which only part of the population is protected security is no longer a public good (which is inclusive and universally provided). Instead of a state monopoly on the legitimate use of force, security provision has become segmented and is offered exclusively to people who can pay for it or who live under the protection of specific security providers. Exclusive provision of security is often a by-product of societies with deep socio-economic or political cleavages. This exclusive and segmented provision of security tends to lead to authoritarian, disorganized, criminalized situations with zones of insecurity for the general population and zones of relative security for privileged segments of society

### 1.2. Four scenarios for security provision

From the opposing trends described above, four future global scenarios for the monopoly on the legitimate use of force can be outlined (see figure 3.2.).<sup>4</sup>

<sup>4</sup> The global scenarios have been built using the Shell scenario methodology. They are mainly based on the working theses prepared and discussed in the 2015 Spring Conference of the Reflection Group, a scenario session in that same conference, and a two-day workshop with the Reflection Group held in 2016 in Geneva. The participants consisted of academics, civil society and practitioners from the different regions of the world. Subsequently, the draft alternative futures were further tested and strengthened by reviewers. For more information see "The Future of the Monopoly on the Legitimate Use of Force: Four alternative global futures" by Jair van der Lijn: <http://www.fes.de/de/reflection-group-monopoly-on-the-use-of-force-20/think-pieces/>.

Figure 3.2: Four Scenarios for Security Provision



**Inclusive and consolidated security provision**, which we call **The UN Charter’s World**: It reflects a multilateral state system or even strong supranational institutions, which ideally embody attributes such as universal security and public governance.

**Inclusive and fragmented security provision**, which we call **The Networked World**: It creates space for a network of actors, offering liberalization with individual freedom, but within a regulated and coordinated framework; it involves multiple actors—state, non-state and hybrid—at various levels from the local to the global, publicly controlled, coordinated and regulated.

**Exclusive and consolidated security provision**, which we call **The Orwellian World**: It provides elitist and repressive security; it is authoritarian and extremist and is based on a strong state with unaccountable security provision.

**Exclusive and fragmented security provision**, which we call **The Unregulated World**: It offers commercialized and criminalized security à la carte for some, with order being imposed at gunpoint for others; it involves a multitude of actors—state, private, hybrid, decentralized and disordered—operating within a laissez-faire or even radically liberalized system without formal rules and regulation. It may result in wars and disintegration processes with external interference.

The aim of these scenarios is not to predict future developments, but instead to provide an overview of alternative global futures that attempts to cover the widest variety of potential futures. As the future unfolds, it is unlikely to look exactly like any of the scenarios described above, but it will probably include some features of some or all of them.

Members of the Reflection Group generally believe that, for practical and moral reasons: **(a)** inclusive security provision is superior to exclusive security provision; and **(b)** consolidated security provision should be preferred over fragmented provision of security. Members of the Group also acknowledge that while “The UN Charter’s World” is favored over the other scenarios, the global trend towards fragmentation highlights very real challenges to inclusive and human security provision. What, then, can we learn from the scenarios? Below we offer seven guideposts for policy makers and practitioners to note when analyzing the trends in the global security environment.

### 1.3. Seven guideposts for policy responses to global security trends

1. **A fragmented world**: The current global direction in which the monopoly on the legitimate use of force is developing toward more fragmented and more exclusive security provision is highly problematic. Although this general trend varies from region to region and from country to country, it seems to be of a systemic nature. If this trend continues the least favorable scenarios are likely to be realized.
2. **A diverse and complex world**: The relationship between the monopoly on the legitimate use of force and security provision differs across the globe. Trends give rise to countertrends and unexpected outcomes. For example, when faced with the scenario of “The Unregulated World,” ASEAN might be expected to strengthen its cooperation and behave more in line with “The UN Charter’s World.” In contrast, many countries in Central Asia might be expected to fragment more than others. While Latin American countries might be expected to follow the “West” in general, many African countries may have a hard time steering clear of “The Unregulated World.” Some undemocratic, autocratic forms of governance produce relatively inclusive security (examples being Cuba and China) which is counterintuitive to Western assumptions. This global diversity will require correspondingly diverse and tailor-made policies.
3. **The state must continue to regulate and coordinate**: The state monopoly on the legitimate use of force as an arbiter and coordinator of security governance remains the preferred option. Empirical evidence shows that there is no viable alternative for protecting collective security interests when a state has collapsed. A future with inclusive, but fragmented security provision is possible only when the state or some other legitimate societal institutions play a strong regulatory and coordinating role. Potential efficiency gains through partial privatization could make the “Networked World” a second-best choice to the “UN Charter’s World.”
4. **Security provision despite fragmentation**: Although the fragmentation of security provision may be seen as ungoverned and chaotic or commercialized, both “The Networked World” and “The Unregulated World” scenarios involve some kind of collective social organization that may lead to inclusive and legitimate security provision at the local or regional level in the eyes of the recipients.

Fragmented security arrangements are not necessarily commercialized; they can also mean emancipation of the individual. Non-state security provision arrangements are many: they include traditional security institutions, communal or collective security groups and elders or other leaders in traditional societies. We need to recognize not only state rule-based security arrangements, but also non-state (relational) security provision. That said, legitimate “non-state security” architectures have seldom proved to be sustainable. Typically, they either became less inclusive and legitimate or fall victim to powerful spoilers.

5. **Security is not the end-state but a process:** All four scenarios show that sustainable peace and inclusive and accountable security do not constitute an end-state but involve an on-going struggle embedded in local, regional, national and international power hierarchies and asymmetries. A people-centered perspective on security is a useful point of departure for understanding security as a process affecting not only political and social order but also the safety, welfare, entitlements and rights of individual human beings. Therefore, accountable, legitimate and inclusive security and justice institutions depend on their capacity to guarantee rights and safety and to benefit those they are supposed to protect. This highlights the question of *whose security* we are talking about.
6. **The risk of political instability:** Some states and societies may oscillate between an “Unregulated World” and an “Orwellian World.” Political instability often elicits efforts by domestic or international actors to consolidate the state through authoritarian and repressive measures in the interest of short-term stability. In the long run, highly repressive regimes are brittle. They may generate a radicalized and militarized opposition capable of toppling the regime (with external assistance); but they are unable to support a subsequent political transformation, as evidenced, for example, by Libya.
7. **Technological development has contradictory effects:** Technology is likely to be an important driver of the monopoly on the legitimate use of force in future—as it is for social models and values in general. In which way it will determine the future is less clear; but it is unlikely to present a binary choice between “positive” and “negative.” Technology can be either a tool for repression or a great equalizer or liberator. It can become a force for gov-

ernment control or it can offer emancipating effects on mass communication and social media. At the same time, the proliferation of fake news stories on social media and hacking into political processes by domestic or foreign actors threaten to undermine democratic systems, institutions and inclusive processes. The state lags far behind the capabilities of disrupters and spoilers. An urgent task for the state is to develop the abilities to counter and to regulate the disruptive forces of technology.

## 2. Where to go from here? Acknowledging the mosaics of legitimate security provision

### 2.1. A two-pronged approach to security provision

Looking from a global perspective, we are already living in a system with multiple layers of authority for the use of force. In addition to the nation-states, several sub-national and supranational entities are involved in the governance of security. Accordingly, it is important to look at the realities and practices of security provision rather than reiterate the dogma of a monopoly with the nation-state as sole provider or honest broker in conflict situations (both within and beyond national boundaries).

The present status report (section II) and the four scenarios outlined above underscore the need for a political agenda that takes dominant trends and security challenges into account. In order to create more equitable security arrangements, a more sustainable and inclusive two-pronged policy approach is required. This combined strategy leans toward a combination of “The UN Charter’s World” and “The Networked World” and is underpinned by the following principles:

1. **Upholding the norm of state responsibility to provide security:** For those states with a reasonably well functioning monopoly on the use of force there is a need to “keep it up and keep it good”, which carries a lot of implications for domestic and transnational security policy provision. Where we can have reasonable expectations that state institutions, even if weak or compromised, are in principle able to claim and exercise a monopoly over the legitimate use of force and to provide inclusive security, this must be supported within the UN system. External assistance should help to strengthen both legitimacy and effectiveness through reforms, capacity building and increased public oversight of security provision.

**2. Recognizing the proliferation of actors engaged in security provision:** Efforts should be focused on establishing a legitimate and effective security architecture that coordinates and regulates security providers at the global, regional, national and local levels. Non-state actors are capable of providing security, especially when they forge constructive and inclusive relations with local populations. In addition, incentives should be created to foster cooperation and the authority to publicly regulate and oversee security actors.

Don't take the monopoly on the legitimate use of force for granted. In proposing such a strategy our intention is not to replace legitimate and functioning state monopolies of the use of force. On the contrary, when they exist such monopolies should be maintained, cultivated and refined. However, when they do not exist a multi-level, multi-actor, mosaic-type security system or a publicly regulated mosaic architecture is necessary and this approximates the current reality in the international system. The two-pronged approach aims to acknowledge the hybrid security contexts we are currently witnessing and proposes to deal with existing “mosaic security contexts” more candidly—both in political and institutional/practical terms. It aims to adapt the current realities of the international system of multiple structures and practices to make it more legitimate and effective (positive perspective) and/or to keep it from deteriorating (negative perspective). We envision an international security architecture where each piece contributes to the overarching agenda of providing inclusive security. This idea has been well articulated and discussed in academia and policy research over the past 10 to 15 years (see, e.g., World Development Report 2011). However, conservatism among practitioners coupled with institutional inertia has led to the growing gap between knowledge and policy. Although these obstacles persist, new international regimes have been established such as the Copenhagen Accord on Climate Change, the Millennium and Sustainable Development Goals and the ban on land mines and cluster ammunition. Therefore, establishing new regimes for security provision should be possible despite the challenges to acknowledge the mosaic security architecture. This mosaic security architecture is both a description of reality, as it already exists to some extent, but it also is our normative aspiration as it needs to be more solidly grounded.

## 2.2. Challenges and dilemmas

Legal, normative, political and conceptual challenges exist for mosaic security contexts. Among the most pressing challenges are the following:

### 2.2.1. International law

International law, which provides the formal basis for international security, upholds state-centric norms. While international law may seem frustratingly slow when it comes to regulating the monopoly on the legitimate use of force, its most salient instruments, namely, international humanitarian law and human rights law, systematically and substantially circumscribe the national monopoly on the legitimate use of force. Going beyond the original state-centric focus, the proponents of international humanitarian law have begun to develop instruments to obligate non-state armed actors to uphold humanitarian law (e.g., Geneva Call's work with non-state armed groups on the Ottawa Treaty). This path should be followed more vigorously.

### 2.2.2. State sovereignty and R2P

The mosaic type security architecture calls into question traditional state functions by acknowledging the security role of non-state actors. Political resistance within the international system is likely to be high if non-state institutions are accepted as well as fragmented security arrangements. The case of the Responsibility to Protect (R2P) doctrine has generated considerable resistance to new concepts that challenge the primacy of state authority. R2P both endorses state sovereignty and challenges it by authorizing intervention as a last step when the state fails to fulfill its responsibility to protect its citizens. Nonetheless, R2P remains focused on the state, while we suggest going beyond the state by acknowledging non-state security providers and suggesting means to integrate them into regulated “national” security architectures.

### 2.2.3. Vested interests and varying institutional capacities

Divergent political interests and institutional considerations are major impediments to the acceptance of a mosaic security system. At the international level the weak performance of many regional and sub-regional organizations, the deep-rooted political differences amongst their members, as well as conflicts of interest within the UN, make the proposal of a mosaic security system a difficult one. This picture is further complicated by wrangling over security governance arrangements as well political and economic power struggles at the national and local levels.

From an institutional perspective, the capacities to regulate or monitor a mosaic security architecture at the regional or global level do not yet exist. In addition, the regulatory capacities of many states are imperfect, democratic oversight of many state security actors remains

weak and even in developed democracies oversight and monitoring capacities are often underdeveloped. Customary leadership and/or law and the state and/or formal law are often disconnected, which is another reason why the international community accepts national ownership of peace processes over local ownership. Building institutional capacities, however, requires the political will to embrace a common vision and regulations of inclusive security provisions, safeguarding both human security and a just international order. This is far too seldom the case. On the contrary, major powers often appear to favor the “right of the stronger” over “the rule of law.” However, the inadequacy of present crisis management mechanisms highlights the need for alternative approaches.

**2.3. Conceptual considerations: Levels and principles**

Aside from the practical obstacles to advancing a mosaic security architecture, there are also conceptual problems that need to be addressed in order to convince a variety of actors to collaborate within a functioning mosaic architecture. For example, in “The Networked World,” conceptual questions include:

- How can the different layers and actors be legitimized, given the competition for legitimacy and the deficit in democratic processes at various levels?
- How much authority must be delegated to different levels to avoid conflicting sovereignties and instead guarantee a functional division of labor between these segmented authorities?
- Who is authorized to design the regulation at different levels and in accordance with which norms?

Who will delegate these authorities? Who can monitor the rules or sanction their misuse? What are the incentives to participate?

With the two-pronged strategy in mind, it seems plausible to formulate a long-term vision of a system of shared authority among different levels of governance. Many federal systems of authority and security provision have been in existence for a long time and function well. What is new here is the need to organize security arrangements that in some cases include non-state security actors as well as state authorities. A segmented, but carefully crafted system with several levels of authority and a clear division of labor for the organized and legitimate use of force is feasible. Security providers should be complementary (when their interests converge), accommodating (when their interest diverge) and substitutive (when one actor or level is ineffective). Ideally, they should not be in competition with each other. Of course, in practice, *divide and conquer* tactics, hegemonic relationships, and power asymmetries between strong and weak states, proxy wars, unaccountable states and non-state actors preying on the people continue to exist. In other words, *Realpolitik* mechanisms cannot be automatically overruled.

If a ruinous zero-sum game between the various security providers is to be avoided, clear rules for acquiring legitimacy must be spelled out and a set of agreed behavioral norms must be established as a foundation for a legitimate public system of force. We propose a normative framework of universal principles based on human rights with local applications (see figure 3.3.). The extent to which security is provided for all segments

**Figure 3.3: A Multi-Layered/Multi-Actor Concept for Inclusive Security Provision**

<b>Subsidiary principle: bottom-up</b>			<b>Supremacy principle: top-down</b>
↑	<b>Multiple layers</b>	<b>Multiple actors</b>	↓
	<ul style="list-style-type: none"> <li>• Global</li> <li>• Regional</li> <li>• National</li> <li>• Local</li> <li>• Individual</li> </ul>	<ul style="list-style-type: none"> <li>• State</li> <li>• Non-state</li> <li>• Hybrid</li> </ul>	
Legitimate use of force: input and output legitimacy in the eyes of all segments of local population	Equipped with rights and duties: ensuring <b>accountability and oversight</b> of security actors and redress mechanisms at various levels. At the local level: additional context-specific mechanisms of coercion and incentives allow for harmonizing supremacy with subsidiary level		Norms and rule setting: universal principles (i.e., human rights, R2P) with local application

of society, as well as the degree of legitimacy in the eyes of the local populations, serve as minimum criteria for designating actors who may be allowed to participate from those who must be excluded from a security provision network. For this, multiple actors at different levels need to ensure the accountability and oversight of security actors. Especially vulnerable and marginalized groups and individuals at the local level need channels to exercise their rights to hold security providers to account and to seek remedies for abuse. It seems unlikely that non-state actors will change their behavior by simply making laws at the national level (top-down) that require compliance with local and international norms. Other context-specific institutional arrangements based on mixed mechanisms of coercion and incentives are necessary (bottom-up), as reflected in other regional settings, such as the case of non-state justice institutions found in different African countries.

The long-term vision for this multi-level and multi-actor mosaic system should involve at least the following five levels:

- The **individual level**, where the individual is protected but is not allowed to take the law in his/her own hands, while recognizing vernacular or citizen perspectives on security and safety as well as the transformative potential of "citizen agency";
- the **local level**, which might consist of federalist structures or hybrid forms of shared authority based on clan, kin or religion. The local level offers proven modes of exercising authority and regulating violence especially in the domestic realm. Local knowledge can enable flexible and effective responses;
- the **national level**, with credible and accountable institutions of organized force and good governance (safety, security, justice and the rule of law);
- the **regional and/or sub-regional level**, with regional regimes and organizations engaged in providing security, monitoring and safeguarding peace agreements and facilitating peace beyond the various national boundaries; and
- the **global level**, through the United Nations and based on international law, regimes, accepted international principles and norms.

Naturally, the levels are not as neatly separated as suggested by the ideal-typical scenario outlined above, because in practice security dynamics traverse these levels and scales with ease. In order to move toward a regulated mosaic in the changed security environment, a transformation is needed that takes into account both internationalization, supranationalization and transnational forms of security governance. At the same time the resources at the local level should be tapped. This requires taking more seriously the role of non-mandated, non-state security providers in the provision of security at the national and local levels.

It is argued here that the weakness in one level of the security system (e.g., a weak state) can be compensated for by the level below (with multiple hybrid actors at the sub-national or local levels) or above (the regional, sub-regional or even global level).

Although, the term "mosaic" security architecture highlights the diversity in the different regions of the world and the need for tailor-made approaches, there are a few basic principles that need to be observed in order to make it viable. In *legal terms*, this public system of force must be based on the rule of law. In *political terms*, it must be clear that military intervention is not an alternative to diplomacy, negotiations and conflict mediation or moderation. Crisis prevention and conflict mitigation should have priority in order to support inclusive political settlements. In *militarily terms*, if the urgent need is to control violence, force will have to be applied. The criteria for the use or non-use of force (Geneva Convention) need to be clearly refined in order to realize an appropriate and effective compromise between the application of force and the use of non-military instruments. And in *social terms*, the security system should be inclusive (offering public security), legitimate and accountable. The guiding principle should be to offer participation to citizens in political decision-making and to emphasize diversity rather than uniformity. The *temporal* factor is important. Quick-fix solutions are unrealistic. Rather, we have to adopt a long-term generational approach.

## IV. Recommendations

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## IV. Recommendations

Reflection Group members were mindful of the fact that, while discussions about security policy and practice are proliferating, deliberations about the more fundamental questions surrounding the future of the concept of a monopoly on the legitimate use of force are scarce and often have been too academic.

Looking ahead, we argue that the first step in addressing the serious challenges to inclusive security provision is to consciously shift security policies to reverse the global trend toward fragmented and exclusionary security provision that threatens human security. We acknowledge that this objective will not be achieved in the short term; instead it will take the form of a gradual process that is guided by the desire for a more human-centric security framework that protects human rights and encourages more multi-actor engagement. This calls for broad-based multi-stakeholder discussions about the applicability of existing and emerging global norms and rules as well as their local applications. This approach cannot be centrally imposed from the top down. Rather, it requires the

involvement and engagement of a wide range of actors, across states and at multiple levels. Indeed, this is an opportune time to re-think and advance new security thinking that is inclusive and transformative. Such an approach is not only timely but also complements other initiatives, such as the UN Sustainable Goals (SDGs), which state that sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. Although primarily oriented on development, Goal 16 of the SDGs specifically highlights the need to promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Indeed, the SDGs might be a particularly apt reference point as they formulate a universal agenda, see states in the driver seat assuming responsibility and strongly calls for international partnerships.

The set of recommendations outlined below are grouped into four actionable areas that cover the global, regional and national agendas on legitimate security provision and can be applied at multiple levels (see table 4.1.).

**Table 4.1: Actionable Areas and Recommendations**

<p><b>1. Forge global coalitions to advance and support the mosaics of legitimate security architecture</b></p>	<p>1.1 Build on existing norms and develop new ones that go beyond the state-centric focus</p> <p>1.2 Acknowledge the diversity of legitimate security providers</p> <p>1.3 Support global frameworks and an inclusive networked approach</p> <p>1.4 Increase the space for civil engagements</p>
<p><b>2. Invest in institutional reforms at the global level</b></p>	<p>2.1 Pursue reform of the UN</p> <p>2.2 Integrate civil society cooperation with the UN</p> <p>2.3 Support more extensive cooperation among regional organizations</p> <p>2.4 Invest in global redress mechanisms</p>
<p><b>3. Strengthen national laws and multilateral agreements to address pressing global threats to security</b></p>	<p>3.1 Create multi-lateral arrangements to counter transnational security threats</p> <p>3.2 Promote and strengthen domestic and international arms control and disarmament measures</p> <p>3.3 Prevent the misuse of technology</p>
<p><b>4. Strengthen and uphold functioning monopolies on the legitimate use of force</b></p>	<p>4.1 Strengthen democratic oversight and accountability</p> <p>4.2 Institute and refine regulatory frameworks for commercial security providers</p> <p>4.3 Regulate intelligence agencies</p> <p>4.4 Improve the legitimacy and capacity of the police</p> <p>4.5 Go beyond “stabilization” in countering violent extremism</p> <p>4.6 Support security sector reform to create accountable security provision</p>



## 1. Actionable areas

### Area 1: Forge global coalitions to advance and support the mosaics of legitimate security architecture

In order to foster a more legitimate and functioning international security order that is based on legitimate and inclusive security, it is critical to build coalitions of like-minded states and develop networks and partnerships between and among a wide range of non-state actors, institutions and organizations that share the same goal and interest in advancing human security for all. Forging coalitions allows for sharing and strengthening global norms critical to the goal of attaining inclusive security. A range of options—carrots and sticks—can be applied to move authoritarian and exclusive security arrangements toward more inclusive and legitimate ones.

We recommend pursuing a two-pronged approach that recognizes the importance of the state as a security provider and includes the option of multi-faceted (mosaic-type) security arrangements.

#### 1.1 Build on existing norms and develop new ones that go beyond the state-centric focus:

Proponents of international humanitarian law (IHL) have gone beyond engaging solely with states and have begun to develop instruments that require non-state armed actors to uphold humanitarian law. This path should be followed more vigorously. The Responsibility to Protect (R2P) approach was one such initiative. To ensure the protection of people, it is essential to develop norms that reframe the original state-centric focus. It is essential to foster multi-sectoral collaboration among security institutions, international and regional institutions, civil society groups and other non-state actors. The major powers in particular have a responsibility to apply existing norms and to facilitate the development of new norms that go beyond the exclusive state-centric focus.

#### 1.2 Acknowledge diversity of legitimate security providers:

Legitimate local and national actors should be supported in order to improve security provision. Support should build on established structures, focusing on “what works”—instead of what “ought to be.” Reform must focus on creating accountable security actors. Bringing in the respective countries civil society groups will expand the circle of relevant stakeholders beyond traditional security institutions. While promoting the engagement of several actors on different levels, the prerequisites of oversight, accountability and transparency are critical to building more trust and confidence among diverse security actors involved in security provision.

#### 1.3 Support global frameworks and an inclusive networked approach:

Political champions among states, as well as from political, economic and security institutions, will be needed to persuade other like-minded actors to build and join networks in the increasingly fragmented world. The importance of the UN as a global platform must not be undermined. It is an institution for setting, crafting and disseminating norms geared to promoting human security and international peace and security. The UN’s role in implementing and facilitating multi-actor cooperation, i.e., through Peacekeeping Operations and the Peacebuilding Commission (PBC), and across all of its agencies, generates synergies with other state and non-state actors. To support and sustain these efforts, strong civil society engagements must be encouraged so that global policy discourses on security match and translate into local interests and needs.

#### 1.4 Increase the space for civil engagements:

In order to counter the trend of curtailing civil rights and civil society engagement for political reasons, more attention must be paid to inclusive political processes and expanding participation, as well as to the challenges in forging and fulfilling social contracts, i.e., political settlements, accountable and legitimate institutions, social cohesion (vertically and horizontally) and constructive state-society relations. Against the backdrop of rising authoritarianism, nationalism and security approaches that favor regime or state security, creating space for civic engagement should be integral to any major multilateral security talks and agreements. At the same time the UN and global civil society should strengthen accountability mechanisms, such as the Universal Periodic Review, and should advocate the “Civic Charter<sup>5</sup>” as a global framework for popular participation.

<sup>5</sup> <https://civiccharter.org/>.

## Area 2: Invest in institutional reforms at the global level

The UN culture needs to shift to one that is proactive, engaging a much larger group of communities beyond its traditional constituencies (member states) to work across the wide spectrum of political, socio-economic and security challenges facing the world.

**2.1 Pursue reform of the UN:** As the report of the High Level Independent Panel on Peace Operations (HIPPO), as well as the review of the UN Peace Building Architecture and the review of the implementation of UN Security Council resolution 1325, underlined, the UN needs immediate and radical reform on several fronts. The present configuration of the Security Council lacks legitimacy and credibility, especially since there is no representation in the permanent category from either Africa or South America. Equally, the staffing needs radical reform to make it more responsive, accountable and representative. The P5 must be held accountable for the deadlock of UN reforms. They are not the overlord but the Security Council is the bearer of the monopoly of the use of force of last resort. Thus, it has a special responsibility for peace and security. However, the lack of oversight and accountability is particularly glaring.

**2.2 Integrate civil society cooperation with the UN:** Civil society must become an integral part of a coherent system that delivers on the UN agenda. Therefore, practical steps to establish regularized access to the UN are needed, including CSO engagement with the General Assembly and the Security Council.

**2.3 Support more extensive cooperation among regional organizations:** Regional organizations can and do play an important role in maintaining regional peace and providing security for citizens. Organizations such as the African Union (AU), Association of Southeast Asian Nations (ASEAN), the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS) and respective sub-regional organizations should be financially assisted to strengthen the capacities of their member states to prevent conflicts through mediation and negotiation, as well as their own conflict prevention mechanisms.

**2.4 Invest in global redress mechanisms:** Against the backdrop of moves by certain African countries to withdraw from the International Criminal Court (ICC), the investment in other redress mechanisms needs to be buttressed. Global redress mechanisms are indispensable to a mosaic security system in order to bolster accountable, collective action.

## Area 3: Strengthen national laws and multilateral agreements to address pressing global threats to security

Challenges from a multitude of transnational and domestic actors, emboldened by technology, and from impersonal forces like climate change pose qualitatively new threats. These challenges call both for strengthening activities at the national level and for transnational arrangements.

**3.1 Create multi-lateral arrangements to counter transnational security threats:** Since the state is often not in a position to react adequately there is a need to cooperate more effectively on such challenges. Such arrangements should go beyond the traditional groupings in the international arena (along regional or ideological lines). At the same time, the existing global diversity requires diverse and tailor-made policies. The international community and national governments must be conversant in the evolving dynamics in various parts of the world in order to craft policies and practices to address emerging challenges and to provide for more inclusive and better regulated security provision for their people.

**3.2 Promote and strengthen domestic and international arms control and disarmament measures:** Any efforts to promote better security governance by state and non-state actors also require a serious effort to exercise effective control over the instruments of violence (from small arms to weapons of mass destruction), both at the national and international levels. At the national level this involves stricter gun control laws and policies. At the regional and international levels a number of treaties (e.g., Arms Trade Treaty, ATT) aim to control the illegal trade in weapons. Policy makers need to be reminded that there are still many loop-holes and that the proliferation and misuse of small arms and light weapons threatens the human security of societies and that they are also crucial factors in destabilizing the international order.

**3.3 Prevent the misuse of technology:** One lacuna in peacebuilding efforts is finding political, technical and legal ways to limit the dangerous effects of incendiary messages transmitted through social media without curtailing the emancipatory potentials of these technologies. The same urgency in crafting international legal frameworks and regulatory regimes applies to the development of new—potentially dual use—technologies, e.g., drones, robotics and 3D printers as well as the indiscriminate use of "big data."

#### Area 4: Strengthen and uphold functioning monopolies on the legitimate use of force

The deterioration in the global security environment should serve as a wake-up call to invest in a functioning human security version of a monopoly on the legitimate use of force, specifically by focusing on the process and output by which force is controlled (inclusion, fairness and accountability) and human rights are effectively protected.

##### 4.1 Strengthen democratic oversight and accountability:

A core and indispensable feature of the security sector is its accountability and oversight mechanisms. Given transnationalization tendencies as well as technological developments, accountability and oversight are difficult to uphold or implement. To improve this situation institutional innovations are needed but also the political will to implement them. Democratic and civilian control of all actors in the security sector is essential. Against trends that threaten inclusive security (such as populist, nationalistic and reactionary politics), concerted efforts must be made to fight corruption, extortion and judicial impunity. It is important to break the nexus between organized crime and corruption and its negative relations to security—including the defense sector.

##### 4.2 Institute and refine regulatory frameworks for commercial security providers:

Fragmented security provision is not a problem if the security providers are legitimate and if they are regulated. In order to better regulate the kinds of services offered by commercial (private/non-state) security providers, clear and effective regulatory frameworks must be established. These frameworks must go beyond voluntary codes of conduct, such as the “The International Code of Conduct for Private Security Service Providers” which have no vetting, enforcement or disciplinary authority.

##### 4.3 Regulate intelligence agencies:

In many countries, oversight mechanisms are not yet mature (if they exist at all). Situating intelligence within a system of democratic, civilian oversight and control (with strong parliaments and civil societies) can serve both national and human security.

##### 4.4 Improve the legitimacy and capacity of the police:

Regional comparisons reveal a fairly common assessment that less attention and financial resources are devoted to the police than to the armed forces, even though police should be the primary providers of security to citizens. It is essential to focus on building a legitimate and accountable police service (with adequate resources) in order to provide more inclusive public security. Community policing

has shown great promise in building trust between citizens and police, even though it can also derail other security mechanisms. While strengthening legitimate and functional police forces is important, non-state security providers may be an equally important part of the security landscape.

##### 4.5 Go beyond “stabilization” in countering violent extremism:

There is a tendency to accept illegitimate and repressive monopolies on force if they are believed to provide “stability.” However, a focus on stabilization risks locking conflicts in and neglects underlying political or socio-economic causes. In dealing with the threat of terrorism and violent extremism, a more constructive approach requires, first, the clear legal definition and disaggregation of organizations labeled “terrorist.” Attention must be paid to issues of political and economic governance that potentially engender or sustain such groups. Whatever approach is adopted (political, military and police), it must pay attention to underlying structural causes. The stabilization measures taken must be within a transparent legal framework and political strategy that adheres to basic human rights norms.

##### 4.6 Support security sector reform to create accountable security provision:

In this regard, security sector reform plays an important role. However, all too often donor ambitions to advance human rights and to contribute to democratic security governance appear to be subordinated by train and equip and enhancement measures focusing mainly on increasing the efficiency of (state/formal) security agents. In doing so, however, they may entrench the status quo of exclusive security provision and potentially undermine necessary political transformation processes to promote constructive state-society relations in the realm of security. Hence, the importance of reform must focus on creating accountable security actors, including an effective and trusted judicial system.

## 2. Concluding remarks: Gradual and transformational change is needed

The current trends that define the international security environment are worrisome given the drift towards more fragmented and exclusive security arrangements. They cannot be easily reversed. Yet, fragmentation does not have to be negative per se; some non-state actors can be legitimate and credible providers of security, especially if they are able to forge mutually beneficial and accountable relationships with the people.

Following the two-pronged approach outlined earlier, we stress the need to uphold the norm of the state’s responsibility within the UN system to provide inclusive security, to establish and strengthen a state or publicly oriented monopoly on the legitimate use of force where possible, and to enhance public governance of other forms of security provision tailored to local conditions.

In the short term it seems as if parts of Western Europe and the United States will continue a slow descent into what cultural theorist Stuart Hall has called “authoritarian populism.” Inequalities will continue to deepen worldwide. Such inequalities may increasingly take the

form of racism, ultra-nationalism, sexism, ethnic and religious fractures and xenophobia. The erosion of virtues such as solidarity, compassion, humanism and kindness is likely to be superseded by the belief that “winning” is all that matters. In the words of the African philosopher and scholar, Achille Mbembe, he “who wins—by whatever means necessary—is ultimately right.”

However, we cannot afford to just wait and see how things might evolve. Instead we must keep alive the vision of a world defined by rules and characterized by a desire to provide human and inclusive security. This report is intended to stimulate corresponding debates and to encourage broad-based alliances to further a progressive narrative on security policy in the twenty-first century. Such public discussion about the fundamental setup and adaptation of security policy surely needs to start and be grounded first and foremost in a national context. It should however be transnationally and internationally linked and buttressed. This discussion itself is the prerequisite and basis for any meaningful public oversight and accountability that is so urgently needed both for national security architectures as well as for the emerging global security mosaic.

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## **Meetings of the Group and Think Pieces**

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### Conferences and Workshops

**Spring Conference**, New York, March 7-11, 2016

**Interim Workshop**, Geneva, February 25-26, 2016

**Fall Conference**, Mexico City, November 9-11, 2015

**Spring Conference**, Berlin, April 27-30 2015

**Kick-Off Conference**, Singapore, December 3-4, 2014

### Think Pieces

#### Think Piece No. 20

The Future of the Monopoly on the Legitimate Use of Force: Four alternative global futures, Jaïr van der Lijn

#### Think Piece No. 19

Ethnic Separatism and Religious Extremism in Southeast Asia: Implications for the Monopoly on the Use of Force, Carolina G. Hernandez

#### Think Piece No. 18

Mapping Security Provision in Southeast Asia, Carolina G. Hernandez

#### Think Piece No. 17

The Place of Intelligence in the State's Monopoly on the Legitimate Use of Force, Fairlie Chappuis

#### Think Piece No. 16

Monopoly on the Use of Force in Latin America and the Caribbean, Francine Jácome

#### Think Piece No. 15

A Terminal Threat to State Monopoly on the Use of Force? The international search for answers to combating terrorism and violent extremism, Ann L. Phillips

#### Think Piece No. 14

The Impact of Identity Politics on the Monopoly on the Use of Force, Ann L. Phillips

#### Think Piece No. 13

The Security-Development Nexus – A View from Southern Africa, André du Pisani

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The Nexus of State Monopoly on Use of Force and Security in the Horn of Africa, Kidist Mulugeta

#### Think Piece No. 11

The Responsibility to Protect – An Asian Perspective, Satish Nambiar

#### Think Piece No. 10

The Political Economy of Security Practice, Marc von Boemcken

#### Think Piece No. 9

Security – What Is It? What Does It Do? Marc von Boemcken and Conrad Schetter

#### Think Piece No. 8

Transforming the European State Monopoly on the Use of Force: Horizontal and Vertical Dynamics, Ursula Schröder

#### Think Piece No. 7

Disposable or Indispensable? The Monopoly on the Use of Force in the 21st Century, Eboe Hutchful

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Case Study: Security Provision in Bougainville, Volker Böge

#### Think Piece No. 5

Hybridization of Security, Volker Böge

#### Think Piece No. 4

Security Perspectives in Latin America, Francine Jácome

#### Think Piece No. 3

Tendencies to Rearrange, Dismantle, and Destroy the Monopoly on the Use of Force – Causes, Consequences, and Types, Herbert Wulf

#### Think Piece No. 2

Prosperity and Monopoly on the Use of Force, Ann L. Phillips

#### Think Piece No. 1

Is There a Need for New Peace and Security Rules in the Twenty First Century?, Herbert Wulf, Mely Caballero-Anthony and Marius Müller-Hennig

**All conference reports and think pieces are accessible via:**

<http://www.fes.de/de/reflection-group-monopoly-on-the-use-of-force-20/think-pieces/>.

**All FES Publications on Peace and Security are accessible via:**

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## Key Terms and Glossary

## Key Terms and Glossary

**Collective security:** Security arrangements which accept that the security of one state is of concern to all, as foreseen in the UN Charter.

**Comprehensive security:** Comprehensive security is an umbrella term that subsumes the economic, environmental and human dimensions of security. Hence, it reflects a broader understanding of security that shifts away from the traditional understanding which focuses on the state as the central actor and on national defense as the main security concern. It is often criticized for leading to "securitization" of many social and political areas. The term is also used to indicate that not only armed forces, but also other actors such as the police or aid agencies, are responsible for defense.

**Consolidated security provision:** Refers to a security arrangement that is fragmented amongst different security actors but in a regulated and coordinated manner. The antipode to consolidated security provision is fragmented security provision.

**Domestic security:** Refers to internal law enforcement by the police and judiciary and is often also referred to as "safety."

**Exclusive security provision:** Security provision becomes exclusive when security is provided only to people who can afford it or who belong to certain socio-cultural groupings. The antipode to exclusive security provision is inclusive security provision.

**External security:** Securing of borders against potential attackers by armed forces (military).

**Fragmented security provision:** Fragmented security provision indicates a proliferation of security actors besides the state institutions (state, hybrid or private). The antipode to fragmented security provision is consolidated security provision.

**Globalization:** The process of international exchange in many areas, such as economics, finances, trade, transportation, communication and culture. It implies overcoming local and national perspectives and relies on interdependence. Advances in technology (such as transportation and telecommunications) have generated this process.

**Human security:** Is a concept which challenges the traditional notion national defense and instead focuses on the individual as the reference point of security. Human security means protecting people from a combination of threats associated with war, genocide, and the displacement of populations. The concept emerged with the UN Human development report 1994.

**Hybridity:** In hybrid political orders, diverse authority structures, sets of rule and logics of order co-exist, compete, overlap, interact, intertwine and blend, combining elements of introduced Western models of governance and elements stemming from local indigenous traditions of governance and politics. A key aspect of hybrid security provision is a plurality of actors and a certain legal plurality where state law and customary law are applied.

**Inclusive security provision:** Perceives universal security provision as a public good. The antipode to inclusive security provision is exclusive security provision.

**Internationalization of the monopoly on the use of force:** Refers to the spread of the "Westphalian" model of statehood including the monopoly on the legitimate use of force around the globe. Emanating from the "Global North," the international spread of the specific norms, organizational structures and practices that make up the (Weberian state) monopoly on the use of force has led to the global diffusion of specific security governance scripts around the globe.

**Legitimacy:** Legitimacy is a widely used (and diversely interpreted) term and concept in political science. Legitimacy may not only rest with formal (state) entities but also with informal (non-state actors). Legitimacy signifies the popular acceptance of authority.

**Liberal peace building:** The key components of liberal peace building are the promotion of liberal democracy (including the rule of law, SSR, free markets, multi-party elections, good governance, human rights provisions, civil society) and market-based economic reforms (privatization, liberalization, deregulation and international trade).

**Local ownership:** The term is widely understood as the extent to which domestic local actors control both the design and implementation of political processes.

**Monopoly on the legitimate use of force:** The MoF originated during the European history as a result of the Westphalian Peace in 1648. Controlling violence, regulating the use of force and enforcing the rule of law within nations and internationally were the fundamental achievements of this process.

**Mosaic security system or architecture:** The term "mosaic" security points to the diversity of security provision and multiple layers of actors in security provision. It indicates that the state is not the only legitimate provider of security. Mosaic security arrangements have become an increasingly dominant trend, moving away from a state monopoly on force.

**Multi-level, multi-layered, polycentric networks:**

Multi-level and multi-layered structures connote that actors are involved and decisions are taken at different interrelated (possibly hierarchical) levels. Polycentric structures imply that many centers of decision-making are involved without necessarily involving a central or decisive authority. Similarly, networks are not necessarily hierarchically organized. On the contrary, they often are open and lack a clear structure.

**Non-state actors or groups:** This is a broad category, including an array of highly diverse players (except for governments and governmental organizations) ranging from non-profit, non-governmental organizations (NGOs) to private companies, humanitarian organizations, informal or formal networks, even militias, rebels and organized crime. The transition from NGOs to actors in the business world and to governments is fluid. The term “non-state actors” is often treated as a residual category.

**Non-traditional security (threats):** Are usually transnational challenges to the survival and well-being of people and states, such as climate change, infectious diseases, natural disasters, migration, food shortages, trafficking of humans and drugs and other transnational crimes, including terrorism.

**Oversight/Accountability:** Formal or informal scrutiny by authorized bodies (often legislatures) in respect to the implementation of laws and rules. Actors (governments, individuals or agencies) have an obligation to explain and justify their conduct.

**Peace:** Includes both “negative peace” (absence of violence) and “positive peace” (institutionalization of justice and freedom).

**Peace operations/Peacebuilding:** Peace operations are international interventions by the UN and regional organizations, mandated by the Security Council, to stop or prevent major violent conflicts. Peacebuilding is an approach to building peaceful relations among people that covers a variety of aspects, including political, social, economic, cultural and psychological factors. It aims to prevent violent conflict and provide security to citizens by the state.

**Privatization of security:** In the political discourse there is a tendency to refer to the **privatization** of the use of force. Yet, terminologically speaking, this embraces a wide range of private, non-state actors. Some of these activities are characterized as **commercialization** of security. Furthermore, the term **commodification** has been used, signaling the fact that “security” has become a commodity. **Outsourcing** of security refers to the practice whereby private companies now supply

services formerly provided publicly. This term tends to obscure the role of the state, since it is also employed in contexts that might be better described and understood as a **delegation** of state security functions to other actors. For example, small states may delegate their external security to regional powers or regional security arrangements. To complicate terminology further, outsourcing and **franchising** (terms used in the business world) have been employed in the debate to describe and illustrate trends of engaging non-state actors (such as specialized companies or even militias) to perform security functions originally carried out by the police and the military. There are also cases where groups (e.g., rebels or organized crime) take over security functions when state security institutions are not present or against the explicit interests of governments, in which case it is described as a **hostile take-over**.

**Responsibility to Protect (R2P):** Is a controversial political concept which was established at the UN World Summit 2005. The underlying notion is that a nation-state is responsible for protecting its citizens from forms of violence such as genocide, war crimes, ethnic cleansing and crimes against humanity. The international community is responsible for assisting states in fulfilling their responsibilities. However, if a state fails to protect its population against genocide and mass atrocities, the international community, through the United Nations, must be prepared to take collective action to protect the populations affected.

**Securitization:** Is a concept that considers aspects of “security” other than traditional defense issues (e.g., migration, global warming).

**Security sector reform (SSR):** The reform of the security sector aims at stabilizing societies by reforming the armed forces, police and judiciary and containing or demobilizing non-state armed groups. It includes governance, accountability and oversight issues.

**Security:** The state of being free from danger or threat. Security is a contested term which has been redefined many times.

**Sovereignty:** The Peace of Westphalia established the modern system of states as the dominant framework for international and global order. Each nation-state has sovereignty over its territory and domestic affairs. The principle of non-interference restrains external actors from interfering in the domestic affairs of another state.

**Supranationalization of the monopoly on the use of force:** The transfer of decision-making competences in security matters from the national to a higher (e.g., regional) level. The European Union can be singled out as an example of unprecedented supranational

integration of security provision that has resulted in the gradual emergence of European-wide internal and external security architectures.

**Transnationalization of the monopoly on the use of force:** Efforts to counter transnational security challenges (such as organized crime and terrorism) have led to the creation of crossborder security cooperation between security agencies.

**Weberian state:** The German sociologist Max Weber defined an ideal type of state as a system of administration and law that monopolizes the legitimate use of force/violence within its territory.

In 2014, the Friedrich-Ebert-Stiftung (FES) set up the Global Reflection Group “Monopoly on the Use of Force 2.0?” to examine the challenges presented by the current international, regional and domestic security arrangements, the implications for peace and security, and necessary changes to security provision at all levels. Over 20 experts from around the world and with different professional areas of expertise debated these issues in a series of five topical workshops and conferences between 2014 and 2016. The **guiding questions** for the Reflection Group have been how security can be provided inclusively, so that all people can benefit. What arrangements can ensure the right to security and avoid or reverse the trend of exclusivity? Our **conclusion** is what we call a “two-pronged approach”: strengthen the state monopoly on the legitimate use of force or, where appropriate, initiate a process to meld the growing number of fragmented security providers into a regulated and coordinated security architecture that protects citizens in an inclusive and accountable way. This approach aims to make the best use of the monopoly on the legitimate use of force while recognizing the multiplicity of actors involved in both security provision and undermining security that must be addressed.

For more information about the work of the Reflection Group and its members, please visit: <http://www.fes.de/de/reflection-group-monopoly-on-the-use-of-force-20/>

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