



Enhancing Stability and Development in Africa

The Role of the African Development Bank

Fragile States Unit: Policy Brief 01/2013¹

"In an increasingly interconnected world, progress in the areas of development, security and human rights must go hand in hand. There will be no development without security and no security without development. And both development and security also depend on respect for human rights and the rule of law." – Kofi Annan, Former UN Secretary General (2005).²



Justice and Security in Fragile and Post-Conflict Contexts

In fragile and conflict affected states in Africa, the provision of justice and security is often poor, with the most vulnerable members of society suffering disproportionately. The institutions that make up the justice, security and governance structures in these states are often weak or dysfunctional. They are also a major obstacle to conflict resolution, stabilisation, and longer-term peace and development. There is a pressing need to build up these institutions to be sustainable, efficient and accountable, in order to avoid a relapse into conflict.

A Collier study estimated the benefit of averting a typical civil war at \$54bn³; it is clear, that effective reform

of security and justice institutions has an important role to play, as can be seen from examples such as Central Africa, the Sahel Region and the Horn of Africa.

It is important to recognise that issues of Justice and Security Sector Reform (JSSR) are not limited to countries emerging from conflict. However, the needs in conflict and fragile countries are more acute and the stakes much higher, often requiring international support and assistance. Justice and security should be perceived as a public goods issue, in the same way that education, health and the environment are held. The primary focus of justice and security is on human security. It implies providing the people with the basic needs required to invest in their own future and has significant consequences on the business climate, and hence investment decisions.

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² United Nations (UN) Secretary General (2005), In larger Freedom, towards Development, Security and Human Rights for all" A/59/2005, United Nations New York.

³ Paul Collier and Anke Hoeffler, (2004), The Challenge of Reducing the Global Incidence of Civil War, Centre for the Study of African Economies, Department of Economics, Oxford University

Africa has the highest number of fragile states, whatever definition is applied. About 200 million people reside in Africa's fragile states, which continue to realise slower economic growth than other countries. These countries further continue to make slower progress in achieving the Millennium Development Goals (MDGs). Indeed, and as revealed by the 2011 World Development Report (WDR) and the September 2010 UN Summit on the Millennium Development Goals (MDGs) no low-income country coping with fragility and conflict has yet achieved a single MDG. They generally lag 40% to 60% behind other low and middle income countries in MDG achievement, with an estimated 50% higher rate of malnutrition, 20% higher rate of child mortality and 18% lower primary-education completion rate. This is a collective development failure⁴.

The progressively increased focus on fragile states by the African Development Bank (AfDB) and other partners has been driven by a host of pervasive challenges in these countries. Some key challenges include insecurity, weak institutions, human capacity, debilitating poverty and often ongoing violence or legacy of past conflict that hinder development within these fragile states themselves, and also fuel risks of insecurity and destabilize neighboring countries and sub-regions. Over the past three years, the Bank Group has provided approximately Unit of Account (UA) 1.77 billion for 17 fragile states that were eligible for the Fragile States Facility (FSF). These funds have been used to support 124 operations focused on economic growth and private sector development, governance, rule of law, transparency; regional integration and trade; gender and human development; physical infrastructure; and service delivery in sectors such as water and sanitation, transport, energy and telecommunications, and agriculture and food security.

The Security and Development Nexus

The intrinsic link between security and development is widely acknowledged by donors and partner countries. The traditional notion of security has given way to a broader concept of human security that recognises the interconnectedness between security and development. Security is an important aspect of sustainable development and plays a critical role in reducing poverty and addressing human rights in post-conflict and fragile states. There is a growing consensus that longer term development cannot be achieved in the absence of security, and that short term security operations will not bring about sustainable benefits if they are not coordinated with long-term development efforts.

Security sector reform [...] is critical to the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, extending legitimate state authority, and preventing countries from relapsing into conflict. (UN Security Council, 2007)⁵

Although it does not have the explicit mandate to engage in political and/or security related processes, the AfDB's work on a wide range of issues such as healthcare, infrastructure, education, agriculture, employment and economic governance have consequences far beyond the realm of economics. With its 54 African or Regional Member Countries (RMCs) and 24 non-African or Non-Regional Member Countries (NRMCS), as well as its numerous partnerships with a wide range of national, regional and international actors, the AfDB is well positioned to bridge the gap between long-term security and sustainable development.

Dr. Donald Kaberuka 2009: "...Countries emerging from conflict and with fragile states require all three types of intervention simultaneously (security/peace keeping operations, humanitarian relief effort, development programs) – not sequentially: potable water must be available, children must receive an education, crops must be harvested, at all times, whether there is conflict or not."

Dr. Donald Kaberuka, President, African Development Bank⁶.



⁴Review of the Bank Group Engagement in Fragile States Development; Discussion Paper prepared for ADF13 Replenishment Negotiations Meeting for February 2013.

⁵United Nations Security Council (2007), Security Council SC/8958.

⁶Coherent Coordinated and Complementary, 3C Conference 2009, Improving Results in Fragile and Conflict Situations, March 2009, Geneva, Switzerland

What is Justice and Security Sector Reform ?

By adapting a more holistic and broader approach, Justice and Security Sector Reform (JSSR) serves to enhance the link between security and development issues.

Justice and Security Sector Reform is defined as a nationally-owned process aimed at ensuring that justice and security providers deliver effective and efficient justice and security services that meet the people's needs and where justice and security providers are accountable to the state and its people, operating within a framework of good governance, rule of law and respect for human rights.

Strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break cycles of violence⁷.

Legitimate Politics - Foster inclusive political settlements and conflict resolution; **Security** - Establish and strengthen people's security; **Justice** - Address injustices and increase people's access to justice, are part of the peace and statebuilding goals proposed by the **New Deal 2011⁸**.

The commonalities between development issues and JSSR are multiple. Both development and JSSR actors are mandated to include all members of the communities they serve, especially women and youth. Both need to embrace multi-stakeholder and whole-of-government approaches, honor their 'do-no-harm' commitments, focus on structural security and positive peace, and make operational their commitment to long-term processes for sustainable outcomes. Finally, they need to take into account the complexity of the individuals and institutions with which they work, and deliver JSSR and development programmes that contribute holistically to resolving a wide spectrum of post-conflict problems⁹.

The recent developments through the Arab Spring, as well as the World Development Report 2011 highlight the need for effective, accountable and democratically controlled and legitimate security and justice institutions in order to ensure peace, stability and sustainable development. Human security and the well-being of the people are at the heart of contemporary development and JSSR activities.

The main objective of JSSR programmes is to ensure that the security sector offers a country's citizens protection from external and internal threats, without itself becoming a threat. This leads to a safer environment that is less prone to violence and instability, and thereby contributes to economic growth, poverty reduction and human development.

“From a national perspective, Security Sector Reform is not a goal to be pursued in isolation from addressing other societal challenges to peace and security in countries emerging from conflicts. These include youth unemployment, organized crime, extreme poverty and the lack of adequate education and health services”.

Mr. Abdelaziz (Permanent Representative of Egypt to the UN) , 2011 “¹⁰

Similarly, the term “human development” stresses that development is holistic, addresses a population's political, economic and social rights, if long term and sustainable development is to be achieved. The proximity of security issues with many factors that drive human development has meant that development actors are increasingly involved- directly or indirectly- in JSSR activities, attesting to the centrality of justice, security, violence and conflict management in development activities.

JSSR is regarded as a hybrid activity that improves a country's capacity to pursue both security and development by synchronizing security with development objectives so that both support each other.

Justice Reform in South Sudan

The South Sudan judicial system suffers from a profound lack of physical, institutional and human capacities. Its Transitional Constitution includes an extensive Bill of Rights and various provisions establishing an independent judiciary, but for most, the judicial system currently in place relies heavily on traditional courts and customary laws. The transition to the level and breadth of human rights stipulated in the Transitional Constitution will take time and will require building of infrastructure, improving the capacity of legal professionals and raising awareness among the population about justice services, their rights and their responsibilities.

DCAF/ISSAT background note on South Sudan, 2012

⁷World Bank, World Development Report 2011: Conflict, Security, and Development, Washington, DC: World Bank, 2011.

⁸“New Deal for Engaging Fragile States” that was endorsed by the Fourth High Level Forum on Aid Effectiveness (HLF-4) in Busan, South Korea in 2011

⁹Albrecht Schnabel and Vanessa Farr (eds) (2012), “Back to the Roots: Security Sector Reform and Development, The Geneva Centre for Democratic Control over Armed Forces, Geneva.

¹⁰UN Security Council Report on Maintenance of International Peace and Security (October 2011).

Justice Challenges in Guinea Conakry

Given several decades of neglect, Guinea's judiciary is presently in a bad state and suffers from latent lack of capacity. The number of judges amount to roughly 250, or a ratio of one judge per 38,000 inhabitants. In comparison, the accepted standard is one per 10,000 inhabitants. The issue of low salaries is damaging to the judiciary's morale, making corruption an attractive option. Due to a chronic lack of financing, courts have been unable to function properly. For instance, the Assises court has not been in session in several years. Examinations of crimes under its remit (such as murder or rape) are transferred to other courts which subsequently suffer from severe backlog.

Another significant issue confronting the judiciary revolves around its independence or lack thereof. Judges have been affiliated or at least perceived to be affiliated with the executive and military leaders, thus undermining public confidence in its good functioning.

To combat these inequalities, the redistribution of budgetary allocations across different sectors has been an important element of the current SSR process. The 2010 budgetary allocation for the justice sector was a mere 0.44% (compared to the army's 37%), with similar allocations in previous years. The disbursement rate to the Ministry of Justice of this limited allocation is furthermore very low, with some jurisdictions going years without receiving any budgetary funds.

DCAF/ISSAT background note on Guinea Conakry, 2012

African Development Bank and Justice and Security Sector Reform

Inclusive growth and greening and increasingly the economy are part of the AfDB's Long Term Strategy for the next decade (2013-2022). As part of this strategy, the AfDB aims to support the continent's transformation into a modern, stable, integrated and prospering economic bloc¹¹ generating more productive economic and social opportunities, and building sustainable justice and security institutions. The Bank is currently financing a wide array of peace building, state building and democratisation processes in post conflict and fragile states. These activities contribute to the broader stabilisation and reconstruction effort that can directly have an impact on JSSR processes.

JSSR does not take place in a vacuum, but it is part of this wider process. Rebuilding post-conflict and fragile societies, establishing parliamentary

oversight and good governance cannot be achieved by laws, rules and procedures alone. Indeed, such processes require considerable investment in terms of time, resources and effort, and often reflect the socio-political complexities of a society.

Similarly, the AfDB recognises that growth cannot be achieved without stabilisation. Its efforts to ensure good governance and to promote accountability and anti-corruption measures in its regional member countries have resulted in effects reaching far beyond the economic sphere.



The Bank, in 2008, developed a new corporate strategy for enhanced engagement in fragile and conflict-affected states, with the aim of supporting such African countries in their transition out of conflict and tailoring operations to their specific needs. A key part of this revised business model for assisting fragile states has been operationalised through the Fragile States Unit (OSFU) and the Fragile States Facility (FSF). The objectives of the OSFU are to coordinate Bank-wide support to fragile states and to administer the FSF. The OSFU further provides supplementary and advisory support to the Bank's regional and sector departments working in fragile states, particularly in the development of country programming documents and the design and implementation of operations and programmes by various departments and complexes.

The AfDB's Long Term Strategy stresses the importance of accountable governance and highlights the need for reform. It emphasises that good governance is crucial for sustained and inclusive economic growth and to build capable states. As part of its current activities, the AfDB helps to intensify efforts to support government accountability and transparency in order to improve capacity and enhance effective service delivery. As part of the AfDB's efforts to ensure more inclusive growth at the regional and sub-regional levels and to maintain regional stability, the needs of fragile states are taken into special consideration.

¹¹AfDB Long Term Strategy (2013-2022) Supporting Strong, sustained and inclusive Growth in Africa(Approach paper)

For the time being, the focal areas of support in fragile states, through the Fragile States Facility (FSF), include governance and capacity building, accountability and economic management, while projects are supported via country programs.

Given the close links between justice, security and development, JSSR has emerged as an area where the OFSU needs to increase capacity within the Bank, create better knowledge, and augment the understanding of the concept and evolution of JSSR- including actors, concepts and principles- in conflict affected and fragile states. The Report, “Evaluation of the Assistance of the African Development Bank to Fragile States” (2012)¹², produced under the supervision of the Bank’s Operations Evaluation Development (OPEV) found a lack of recognition in practice “that peace, security and development issues are intertwined”. The Report also found that the analyses that underlie program design, while strong on financial and macroeconomic governance, were “weak in the contextual analysis” relating to fragility and conflict, which is essential in informing programming documents and project appraisal reports for fragile states¹³.

The recently approved “New Deal¹⁴”, which builds on the vision and principles articulated from the Millennium declaration to the Monrovia Roadmap, proposes key

peacebuilding and statebuilding goals, focuses on new ways of engaging, and identifies commitments to build mutual trust and achieve better results in fragile states. The members of “the Dialogue”, agreed on the development and implementation of the Peacebuilding and Statebuilding Goals (PSGs) as an important foundation to enable progress towards the MDGs and to guide development partnerships in fragile and conflict-affected states. The five goals are i.) **Legitimate Politics** - Foster inclusive political settlements and conflict resolution; ii.) **Security** - Establish and strengthen people’s security; iii.) **Justice** - Address injustices and increase people’s access to justice; iv.) **Economic Foundations** - Generate employment and improve livelihood v.) **Revenues & Services** - Manage revenue and build capacity for accountable and fair service delivery.

The implementation of the New Deal will be one of the key areas of focus for the OFSU, especially in relation to understanding and enhancing the linkages between justice, security and development in its country strategy papers and including this concept in the operations programming in fragile states.



^{12,13}African Development Bank, ADF/BD/WP/2012/29, 6 April 2012.

¹⁴“New Deal for Engaging Fragile States” that was endorsed by the Fourth High Level Forum on Aid Effectiveness (HLF-4) in Busan, South Korea in 2011.

Building Justice and Security Sector Reform Capacity within African Development Bank

As part of its efforts to sensitise AfDB personnel to the concept of JSSR and to identify synergies and possible contributions to JSSR processes, the AfDB organised two Capacity Building Workshops on “How do Justice and Security Sector Reform Processes work in Africa?” The first workshop was held in Tunis, Tunisia in October 2011 and the second in Nairobi, Kenya in October 2012. The workshops were supported by the Swiss Agency for Development and Cooperation (SDC) and delivered by the International Security Sector Advisory Team (ISSAT) of the Geneva Centre for the Democratic Control of Armed Forces (DCAF). Seventy participants, comprising predominantly of Bank staff, the UN and non-governmental organisations working in different operations in the region, attended the workshops.

“A poorly managed and ineffective security sector can be a source of significant challenge to stability, poverty reduction, the achievement of sustainable development and peacebuilding.”

Mr. Ashiru (Permanent Representative of Nigeria to the UN), President of the UN Security Council 2011¹⁵

The workshops aimed to build knowledge on JSSR and highlight the link between JSSR and long-term development, peace and sustainability. Through the use of interactive methodology and practical case studies, the workshops’ objectives were also to:

- Provide a better understanding of the concept and evolution of JSSR, including actors, concepts and principles within the African context;
- Highlight the context and political nature of JSSR and the challenges faced when supporting JSSR processes in conflict-affected or fragile states in the African context;
- Develop the basic skills required to undertake JSSR programming.

Recognising the interconnectedness between JSSR and development, certain focal points such as good governance, outreach and network, contributing to regional knowledge, investing in youth were identified as key areas where the AfDB could directly contribute to the success of JSSR programmes in the field of development and stabilisation.



¹⁵ UN Security Council on Maintenance of International Peace and Security (October 2011).

Entry Points for the AfDB

Workshop participants also identified possible entry points for introducing the concept of JSSR into the work of the AfDB, as well as making recommendations for future policy discussions. Five key proposals were put forward:

1. **Mapping:** Where possible, incorporate a mapping of JSSR actors and activities as part of needs assessment prior to developing Country Strategy Papers.
2. **Conditionality:** Investigate options for JSSR conditionality including general conditionality prior to supporting JSSR programmes and/ or linking JSSR conditionality into budget supporting operations.
3. **Public Financial Management:** Focus on the AfDB's expertise in Public Financial Management as a niche area for support to JSSR.
3. **Capacity Building:** Undertake JSSR capacity building programmes for AfDB personnel, including specific field trainings for ministries, legal sector staff and other staff members.
4. **JSSR mainstreaming:** Adopt a more systematic approach to the AfDB's engagement in JSSR.

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Way Forward

The Bank continues to assist fragile states and countries in post-conflict transition to move towards more stable economies and political developments. The initial focus will be on inclusive participation in the process of rebuilding the state and its democratic institutions. The AfDB will ensure the integration of JSSR concept in a more systematic approach in its operation as well as its analytical work in conflict affected countries.

The Bank, through the normal lending window of the Fragile States Facility will provide the necessary funding to assist eligible states to consolidate peace, stabilise their economies and lay foundations for sustainable poverty-reduction and long term economic growth. The FSF will continue to raise awareness on JSSR through Justice and Security Sector Reform training. The third session is scheduled to take place in Dakar, Senegal in 2013, and will cater to the Francophone audience within AfDB and the region.

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