



## Example of a development enabler at regional level: Peace and security

TOSSD Task Force Issues Paper<sup>1</sup>

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For discussion under agenda Item 3

### I. INTRODUCTION AND BACKGROUND

1. In the 2030 Agenda for Sustainable Development, nations have indicated that *"We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development."* In line with this ambition, a sustainable development goal has been established to *"Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"* (SDG 16 and twelve related targets, see Annex 1).

2. There is a real gap of information on contributions to peace and security in the current international statistics on development co-operation as many activities in this area are excluded from the scope of ODA. The TOSSD measure, by promoting greater transparency about the full array of officially-supported resources in support of the 2030 Agenda, could capture these broader security expenditures and recognise, under Pillar II, the role of peace and security as an enabler of sustainable development.

3. This paper lists a variety of examples of peace and security related activities that are currently excluded from ODA but that could be considered under TOSSD, given their direct links with the targets attached to SDG 16. It then invites discussion on the scope of TOSSD in the field of peace and security and possible associated safeguards.

### II. EXAMPLES OF PEACE AND SECURITY RELATED ACTIVITIES THAT ARE CURRENTLY EXCLUDED FROM ODA BUT THAT COULD BE CONSIDERED UNDER TOSSD

4. While recognising that the lack of development creates insecurity and the lack of security impedes development, ODA rules have remained strict and conservative in this area so as to protect the integrity of the concept and to maintain clear boundaries between military action and development aid. The rules were updated in 2016 and a "casebook" was developed to illustrate their application with examples of ODA and non-ODA activities.<sup>2</sup> Main principles and safeguards embedded in the rules are given in Annex 2.

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<sup>2</sup> See the updated rules at [http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DCDDAC\(2016\)3FINAL.pdf](http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DCDDAC(2016)3FINAL.pdf) (paragraphs 95-119); the Casebook at <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/oda-eligibility-database/> and a read-out of the updates at [http://www.oecd.org/dac/HLM\\_ODAeligibilityPS.pdf](http://www.oecd.org/dac/HLM_ODAeligibilityPS.pdf).

## Peacekeeping

5. Only a share of peacekeeping expenditures is counted as ODA. For operations conducted under a mandate from the UN Security Council and funded from the UN peacekeeping budget, this share is 15%. The figure reflects the costs of activities conducted by civilian or uniformed (both police and military) personnel in ODA-eligible areas, identified through scrutinising peacekeeping operations' budgets and undertaking special surveys.<sup>3</sup> The civilian-led eligible activities include rule of law, human rights, electoral assistance, disarmament, demobilisation and reintegration, mine detection and mine-clearing services and quick impact projects. Most activities within the police components of the operations are eligible as they involve training on routine civil police functions and support to local police. Tasks mandated to military contingents are generally in relation to **peace enforcement** (patrolling, convoy and escort, crowd management etc.) and not ODA-eligible given that ODA precludes **the use or display of force**, including in the context of humanitarian aid. However, within the margins of these military activities, the military regularly deliver for example humanitarian assistance, infrastructure engineering and medical assistance to the local civilian population which are eligible and counted as ODA.

6. As the military accounts for 74% of UN peacekeeping personnel, the fact that most of their activities are not eligible leads to a relatively small share of UN peacekeeping being counted as ODA. It could be considered however that the operations in their entirety contribute to establishing the enabling environment for sustainable development and thus be included in TOSSD. In addition to the assessed contributions to the UN peacekeeping budget, support in form of military contingents for specific operations could be considered (net of compensation received from the UN). This would in particular recognise the role of emerging countries that support UN peacekeeping with large troops. Other peacekeeping operations (e.g. African Union or NATO-led operations) are entirely excluded from ODA as their budgets and activities have not been studied yet to determine the possible ODA shares. The legitimacy of their inclusion in TOSSD could be discussed too.

## NATO Trust funds

7. The main aims of NATO Trust Funds are to:

- Assist partner countries with the safe destruction of surplus and obsolete landmines, weapons and munitions, and build capacity in areas such as demining and munitions stockpile management (Partnership for Peace Trust Funds).
- Support wider defence transformation through projects such as easing the transition to civilian life of former military personnel, converting military bases to civilian use, and promoting transparency, accountability, good governance and gender mainstreaming in the security sector.
- Support defence capacity-building packages for selected countries facing significant security challenges, with a view to strengthening their defence and security institutions and capabilities.
- Support NATO's crisis management operations.

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<sup>3</sup> See <http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/ODA-Coefficient-for-UN-Peacekeeping-Operations.pdf>.

8. Several NATO trust funds do not qualify as ODA or only partially, as they often entail support to the armed forces including the Ministries of Defence of countries concerned. For example, regarding the *Afghan National Defence and Security Forces Trust Fund*, activities that support the sustainment of the Afghan Army are generally not ODA-eligible (except when they support good governance and civilian oversight) while activities that support police in their routine functions are ODA-eligible. The *Jordan Trust Fund* which supports the Jordanian Armed Forces to increase female officer representation and provide women with wider career opportunities is not eligible either – capacity-building through the recruitment and training of more women in the army is considered direct aid to the military in the partner country.<sup>4</sup> Such trust funds, aimed to promote sustainable peace, could be considered for inclusion under TOSSD given their linkages to SDG 16.1 “*Significantly reduce all forms of violence and related death rates everywhere*” but also 16.6 “*Develop effective, accountable and transparent institutions at all levels*” and others (e.g. 16.3, 16.5). TOSSD would hence recognise efforts in engaging with the military, a key actor in the security sector, as support for the enabling environment for sustainable development.

### Combatting terrorism

9. Work with civil society to **prevent radicalisation** and support deradicalisation, in the spirit of the recommendations of the *2016 UNSG Plan of Action to prevent extremism*, can be ODA-eligible as long as they exclude intelligence gathering, while activities to **combat terrorism** are excluded from ODA. Projects that go beyond prevention (providing positive alternatives to those most at risk of violent extremism in partner countries and countering the narrative of violent extremism that incites support for violence) and actually aim at countering terrorism or countering the financing of terrorism through e.g. co-operation between intelligence agencies are excluded from ODA. (See a concrete example in Box below.) Combatting terrorism is explicitly mentioned in SDG target 16.a.: “*Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime*”. There is thus a strong case for considering the inclusion of this type of interventions in TOSSD.

#### United Nations Office on Drugs and Crime (UNODC) project to strengthen criminal justice measures against terrorism and other organised crimes in Jordan, Iraq and Lebanon

UNODC undertakes a project to strengthen criminal justice measures against terrorism and other organised crimes in Jordan, Iraq and Lebanon. The activity will aim at strengthening the capacity of countries in the Middle East region to prevent and manage risks associated with radicalisation and violent extremism, including countering the threat from ISIL and other terrorist organisations. It will:

- Enhance capacity of law enforcement agencies on advanced criminal intelligence analysis, Special Investigation Techniques (SITs) and increased knowledge and awareness of SITs in complex terrorist investigations in compliance with fundamental human rights and the principles of rule of law.
- Support Iraqi criminal justice system so that it responds more effectively and in line with

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<sup>4</sup> See other examples in the Casebook.

international human rights standards to the increased terrorism cases (better handle the massively increasing terrorism-related cases, deal with the evidence collected in the battlefield, and tackle the changing modus operandi adopted by ISIL following their defeat).

The activity is deemed not ODA-eligible due to its focus on countering vs preventing terrorism and to the fact that it includes some training on intelligence gathering and support to armed forces. Indeed the project involves training on Special Investigations Techniques (techniques applied in the context of criminal investigations, in such a way as not to alert the target persons, including undercover operations, informants, interception of communications). Intelligence agencies and military institutions are mentioned as implementing partners of the project.

### Promotion of disarmament

10. ODA reporting of disarmament activities is strictly limited to activities for civilian purposes (e.g. demining or small arms and light weapons control) and does not cover mass destruction weapons. This rationale has led to the exclusion from ODA of activities supporting the non-proliferation of nuclear weapons, contributions to the Arms Trade Treaty or contributions to the Organisation for the Prohibition of Chemical Weapons (OPCW). While seen as potentially vital contributions to the global security without which development is impossible, the activities are not primarily developmental in themselves. For example, contributions earmarked to OPCW interventions in Syria were considered having a political/military purpose rather than a direct relation to the development of the partner country. However, disarmament and development have always been presented as inextricably linked, and disarmament could be considered addressing SDG target 16.1, justifying its inclusion in TOSSD.

### International tribunals for crimes of war

11. The International Criminal Court or the International Tribunals for Rwanda, Sierra Leone and ex-Yugoslavia have been mandated to prosecute individuals for crimes which have been defined as international, or rather supranational, such as genocide or crimes against humanity. Their motive is to promote universal human rights, and not primarily developmental considerations in the countries concerned. The tribunals are also considered to have no immediate developmental impact as they do not support capacity development of the judicial and legal framework of the countries in question. The importance of human rights throughout the 2030 Agenda, the universal nature of the Agenda and its focus on interconnectivity advocate for TOSSD to capture the international tribunals for crimes of war, the most relevant target being SDG 16.3. *“Promote the rule of law at the national and international levels and ensure equal access to justice for all”*.

## III. SCOPE OF TOSSD IN THE FIELD OF PEACE AND SECURITY

12. The prominence of peace and security in the 2030 Agenda entails that contributions in this area should be considered as enablers of sustainable development and thus be captured in the TOSSD measure, as long as the activities can directly be linked to one of the SDG 16 targets. In the above examples peace enforcement aspects of peacekeeping operations, NATO Trust Funds and promoting disarmament all relate to at least SDG 16.1 (and possibly others), combatting terrorism to SDG 16.a and international tribunals to SDG 16.3.

13. To avoid ambiguity and interpretation issues<sup>5</sup>, the eligibility rules of peace and security expenditures under TOSSD should be straightforward. The direct link to an SDG target is a key element, but there may be a need to set some additional clear boundaries, to avoid recording under TOSSD e.g. unilateral military interventions of provider countries or contributions to developing countries' defence budgets. Examples of possible safeguards could be a blanket exclusion of financing weapons, compliance with Oslo Guidelines (using military only as a last resort, humanitarian principles of humanity, neutrality and impartiality)<sup>6</sup> or the requirement that peacekeeping operations be mandated by the UN to be recorded under TOSSD.

14. It will also need to be discussed whether contributions for peace and security should fall under Pillar I or Pillar II of TOSSD. As for environment (see paper for discussion under agenda item 2), it could be argued that a peacekeeping operation does not bring benefits or transfer resources to the country concerned, but that it rather contributes to regional and worldwide stability, and hence could be recorded under Pillar II. Standard-setting activities in the field of peace and security (development of treaties and legal instruments against terrorism) would fall under Pillar II. However, many activities will entail co-operation with a specific developing country (see example in the Box above), and hence should be recorded under Pillar I.

**Task force members are invited to:**

- **give their views on the treatment of peace and security under TOSSD and the associated narrative.**
- **comment on whether and which safeguards should be added, keeping in mind the need to keep the rules straightforward.**
- **provide examples of multilateral or regional institutions and programmes that should be considered in this context, for inclusion under Pillar II or Pillar I depending on their cross-border nature.**

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<sup>5</sup> In the ODA context, the peace/development nexus has long been discussed and current rules reflect a trade-off – on one hand, it is necessary to respond to developmental challenges in conflict situations, including in relation to military actors, and on the other hand there is a need to maintain the two fields clearly separate to avoid militarisation of aid. With the Agenda 2030 and TOSSD, the discussion should be simpler as peace and security clearly has a space on its own.

<sup>6</sup> [https://www.unocha.org/sites/unocha/files/OSLO%20Guidelines%20Rev%201.1%20-%20Nov%2007\\_0.pdf](https://www.unocha.org/sites/unocha/files/OSLO%20Guidelines%20Rev%201.1%20-%20Nov%2007_0.pdf)

## ANNEX I. SDG 16 AND RELATED TARGETS

### **Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

16.1 Significantly reduce all forms of violence and related death rates everywhere.

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.

16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

16.5 Substantially reduce corruption and bribery in all their forms.

16.6 Develop effective, accountable and transparent institutions at all levels.

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.

16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance.

16.9 By 2030, provide legal identity for all, including birth registration.

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

## ANNEX II. OVERVIEW OF PRINCIPLES AND SAFEGUARDS EMBEDDED IN THE ODA RULES

### ON PEACE AND SECURITY

#### Principles:

- ✓ Financing of military equipment or services is generally excluded from ODA reporting.
- ✓ Using military personnel as a last resort to deliver humanitarian aid or perform development services (additional costs only) is eligible.
- ✓ The primary objective of ODA-eligible peace and security-related activities must be the promotion of the economic development and welfare of developing countries.
- ✓ Development co-operation should not be used as a vehicle to promote the provider's security interests.
- ✓ The supply of equipment intended to convey a threat of, or deliver, lethal force, is not reportable as ODA.
- ✓ Police: civil police work is eligible, but not training on counter-subversion methods, suppression of political dissidence, or intelligence gathering on political activities.
- ✓ Preventing violent extremism (e.g. through education) is eligible but counter-terrorism is not eligible (e.g. support for armed response).

#### Safeguards:

- ✓ Humanitarian principles are integrated as a key reference point: humanity, neutrality, impartiality and independence.
- ✓ Military can deliver aid only as last resort (i.e. provided a specific capability or asset requirement that cannot timely and effectively be met with available civilian assets has been identified).
- ✓ The OECD Secretariat has the possibility to question the use of the military as the last resort.
- ✓ The OECD Secretariat can request justification for exceptionally using ODA to finance development or humanitarian activities that are delivered through the military of the partner country.

The rules can be found at [http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DCDDAC\(2016\)3FINAL.pdf](http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/DCDDAC(2016)3FINAL.pdf) (paragraphs 95-119).