Report on the Berlin Conference

1. INSIGHTS FROM THE DEBATE

The Berlin Conference took an in-depth look at the linkage between the notion of the monopoly on the use of force and the notion of the state. In this discussion we deliberately revisited some of the arguments that came up at the kick-off conference in Singapore. While some differences remained throughout the debate, there was increasing convergence on the following aspects that will form important points of reference for further deliberations and the final report.

1.1 CONCEPTUAL DISCUSSIONS

The state is both crucial and problematic

On the one hand it became perfectly clear that a simplistic and undifferentiated understanding of the state is not helpful for discussing future security orders. Concretely, it is not justified to merely equate the state with the public good. In a variety of cases the state serves the narrow self-interest of elites and interest groups rather than the public good. In many cases the state is the perpetrator, and thus part of the problem, and it is difficult to foresee a constructive role for the state in solving security problems in such situations. Yet, it was also agreed that the public good is the major qualifying criterion, and whether the state is able to serve the public good while remaining accountable to its people is what matters regardless of how the state is structured.

On the other hand, the state cannot be sidelined. Even if one is willing to allow for the possibility that other institutional security orders outside or parallel to the state may be legitimate, too, this does not justify discarding the state template altogether. It is true that the Western model of the modern nation state may be neither desirable nor realistic an institutional blueprint for other societies around the globe. And it is also true that empirically, there is no such thing as »ungoverned spaces« even in cases where the formal state is not present or in control of the territory. Yet, the most powerful collective actors in control of the most advanced means of violence and force are – and will probably remain for the foreseeable future – powerful nation states. The state often still remains the yardstick; the often-predicted demise of the nation state has not occurred and there are few indications, as of now, that this might change fundamentally in the near future.

The global security architecture in the international system, as defined in the UN Charter, is clearly oriented on member states, regardless of size and characteristics. The way the international system is organized leaves no space for not being a state. Nonetheless, the group is aware that in societies of limited statehood, the building of state structures and institutions where there are none, for the purpose of mimicking an »ideal-type« of structure, can be problematic and alienated from their own people. The group emphasized the need to be conscious of the different social and political contexts in which societies operate in order to understand the ambivalent faces of the state – as an instrument for the public good or for repression, extortion, and exploitation.

For a host of reasons, the international system is changing. One of the central outcomes is a profusion of actors at multiple levels engaging in or threatening the provision of security for citizens. Multi-layered systems of overlapping security institutions have also emerged, as well as differentiated (formal and informal) regulatory regimes. As a consequence it seems important not to focus entirely on the nation state and not to echo the currently widespread call for a strengthening of states as such in order to increase the stability of the international system. On the contrary, given an international tendency to pursue ad hoc policies in every new crisis, it will be important to make the case that wherever states are strengthened or state-formation processes facilitated by the international community, this should only be done where a legitimate form of state – providing for the public good and accountable to its citizens – is realistic and facilitated in parallel.

Since the global security order is contested, the traditional »Westphalian« type of security provision,

with the emphasis on state sovereignty and non-interference in domestic affairs (which major powers have never fully respected) cannot be the vision for the Reflection Group. *Instead, in its deliberations, the group will be mindful of the realities of an international system that is characterized by an asymmetry of power relations among states.*

The problems of the »state vs. non-state« dichotomy

While in practical terms, states continue to matter and seem to play the central role in security policy in large parts of the world, the implied dichotomy between state and non-state actors comes with a variety of problems. While it stresses the fundamental differences between state and non-state actors, the reality is not as clear-cut as the terms suggest. Neither the »state« nor the »non-state« actors are as homogenous as the terms insinuate. Indeed, working on this simple assumption might in a variety of cases obscure more than it reveals. The terms »multi-layered,« »polycentric,« and »hybrid« describe more adequately the complexity, fluidity, and fuzziness of the international system and its formal and informal institutions and actors.

One example of the inadequacy of this binary »state/non-state« distinction was the emergence of private military and security companies. These are quite often employed by state actors to strengthen its monopoly of force, and their personnel is often recruited in large numbers from military and police forces. In practice, therefore, the links between the formal state security sector and this type of private security actor is perhaps in some cases considerably more relevant than their differences in »normative status.« The important aspect here is legitimacy, accountability, and the oversight (civil, democratic) over security actors, irrespective of whether they are »state« or »non-state actors.«

The neglected role of ideology

The debate on the state and its monopoly of force needs to consider the role of ideology in defining state security practices. What are the underlying ideologies of particular concepts, some of which advance the erosion of the monopoly on the use of force? It was argued, for example, that the contemporary Western trend to privatize and outsource functions that heretofore have been considered sovereign functions of the state rests strongly on a basic ideological mainstream of neoliberalism. In this neoliberal understanding the role of the state should be reduced where private actors can provide services supposedly more efficiently (the concept of the »lean state«). Irrespective of the more differentiated theoretical debate about neoliberalism in academic circles, the political decisions that set in motion the trend toward increasing use of private military and security services have been shaped by

political decision-makers working with much more mundane neoliberal convictions and powerful business interests. It might be helpful to analyze and highlight this and other ideological underpinnings of the driving forces with regard to the future of the monopoly of force, too.

The link between a functioning monopoly on the use of force and economic development

A strong argument was made in the course of the conference that without an effective monopoly on the use of force, economic development would be hindered. From a different perspective it was also argued that high levels of violence do not necessarily seem to lead to a lack of development, as illustrated by the case of Brazil. While this point was not disputed, it was suggested that this seems to be linked to the level of analysis. Differentiating different subnational regions might still validate the claim that those areas worst affected by high levels of violent crime are comparatively less prosperous than others.

The spatial and temporal dimension of the state and the state monopoly on the use of force

The dynamics of the debate and the very different examples cited by members of the group highlighted an aspect that might otherwise be too easily taken for granted: The different sizes of states and their temporal status (limited statehood, state formation, mature state) matter a lot for the actual execution of the monopoly on the use of force. The example of the South Pacific island states – which were described as resembling more of a small municipal government than what is usually being understood as national government – figured prominently in two regards:

- On the one hand they were referred to as a case where societies are organized in ways that do not resemble anything like a modern nation state with a monopoly on the use of force. The »state« is often very personalized and »work in progress.« While this was seen as an interesting model to some extent, it was also questioned whether this specific case of very small states (societies) could be scaled up to bigger societies. While arguments were brought forward to substantiate such a claim, they necessarily remained counterfactual/ hypothetical in nature.
- On the other hand it is a fact that some of these states/societies have de facto delegated their external security (and to a certain degree their ultimate internal security) to regional mechanisms (supra-national bodies) and/or »metropolitan« powers. Security provision is »internationalized.« Due to the very limited population and the specific geography of these territories, armed forces for their defence would not be viable.

It could be of interest for the Reflection Group to speculate about the possibilities of this delegation of security provision to eventually transform into a regionally based security community.

Clarifying terms: commercialization, privatization, outsourcing and delegation of security
In the political discourse on the monopoly on the use of force, there is a tendency to refer to **privatization** of the use of force. Terminologically this embraces a wide range of private – in the sense of »non-state« – actors, while practically it often refers merely to something that is better characterized as **commercialization**. In the discussion the term **commodification** has been used to signal that »security« has become a commodity.

In the course of the debate it also turned out that the term **outsourcing** of security is also employed in contexts that better might be described and understood as a **delegation** of state security functions to other actors. The example most often referred to was the case of South Pacific island states that delegate their external security to regional powers and regional security arrangements.

To complicate the terminology further, **outsourcing** and **franchising** (terms used in the business world) have been used in the debate to describe and illustrate trends for engaging non-state actors (such as specialized companies or even militias) to perform security functions originally carried out by the police and the military. While this might even be more effective in certain cases, the question of the effect on the legitimacy of security provision remains. There are also cases where groups (such as rebels, organized crime) take over security functions against the explicit interests of governments or where state security institutions are absent, which can be described as **hostile take-over**.

Hybrid (security) orders
The aspect of hybridity also figured prominently in the debate. It was soon agreed that hybridity is more useful as a description of a reality that fails to conform to ideal-type concepts of statehood rather than a normative concept in itself. It makes little sense to advocate for the establishment of hybrid orders. Yet, it is quite helpful to realize that a variety of structures formally referred to as states do not function in ways ideal-typical states are supposed to. A key aspect of hybrid security provision is a certain legal plurality where state law and customary law are both applied.

Every monopoly of force is challenged – the question is whether a state can legitimately enforce its monopoly (constructivist perspective)
The concept of a legitimate monopoly on the use of force circumscribes an ideal type of structure. The notion of hybridity, on the other hand, aims to highlight the empirical reality that in some countries the security order differs substantially from this ideal type, despite formal recognition as a sovereign nation state. The ideal type of the monopoly of the use of force has never been fully functional anywhere. It was stressed that even in cases where the factual institutional order more or less reflects the ideal type this does not mean that the monopoly on the use of force is perfect. In all cases threats and challenges to such a monopoly exist. Yet, the overwhelming majority of citizens and institutions act on the basis of this assumption (social practice), while the state counters and contains challenges to its monopoly of violence. Practice and concept therefore match each other.

States of exception becoming the rule rather than the exception
One problem that was emphasized from an academic perspective concerned the above-mentioned notion of ungoverned spaces/territories beyond the influence of the formal state, and the increasing tendency by external actors (mostly strong »metropolitan« states) to »police« such areas. This amounts to a proliferation and normalization of »states of exceptions.«

1.2 REGIONAL DISCUSSIONS
Dynamics and developments in the Horn of Africa
For the Horn of Africa three dominant patterns were identified: Deeply eroded states without a functioning monopoly on the use of force, states that serve as instruments of repression and regime survival, and finally states whose monopoly on the use of force is contested by various actors. Especially with regard to the skepticism towards the need for establishment of functioning and legitimate monopolies on the use of force, it was argued that while local and community-based »non-state« security providers may indeed provide stability and security within local communities, in this region they tend to intensify intergroup rivalries and violence. With regard to the often repeated call for adherence to local and traditional norms (instead of imposing global and supposedly Western norms), it was cautioned that such labels might also be used to justify norms like »eye for an eye«.

Dynamics and developments in South East Asia
For the region of South East Asia it was stated that only few states in the region face major challenges to their monopoly on the use of force. The heterogeneity in the region was traced back to different processes of state formation. The most robust monopolies on the use of force were identified to exist in the semi-authoritarian

regimes of the region, while it was stressed that overall governments adhere strictly to the norm of state sovereignty. It was also pointed out that this argument can be easily overstated. The recent move towards a regional political and security community and various forms of practical cooperation in the field of security (for example with regard to counterterrorism) already effectively infringe upon national sovereignty in the strict sense of the term.

Dynamics and developments in Europe

In Europe three transformative dynamics were identified that reshape the understanding of the state monopoly on the use of force. New threat perceptions and security discourses have displaced classical, state-centric understandings of security. First, the practical dynamics in the field of cross-border cooperation on domestic security policy within Europe demonstrates an increasing integration. This, it was stressed, would imply serious questions of accountability, transparency, and oversight that are seldom discussed, and it remains open to what extent such cooperation functions in situations of crisis. The transformation of the institutional security architecture in Europe raises questions of legitimacy and accountability since democratic oversight still largely rests at the various national levels. The second relevant dynamic was described as the »diffusion« of the European model of statehood in international interventions and statebuilding support. The spread of the Westphalian model of statehood (to central European countries) has facilitated the notion in the OECD world of a need for comprehensive security sector reform support to establish the monopoly of force in states in crisis or transition. In practice, these attempts have yielded very mixed results. Finally it was pointed out that domestic European security agencies are increasingly deployed outside Europe, which implies that the lines between internal and external security have become more blurred. A convergence of internal and external security fields takes place. The typical Westphalian separation of law enforcement (for domestic security) and military force (against external aggression) into two functionally different types of security organization is gradually eroded.

Dynamics and developments in Latin America and the Caribbean

For Latin America it was stated that the primary security concern is public security rather than conflict and war. High rates of homicide, increasing involvement of the military in domestic security, the militarization of the police, the misuse of the state monopoly of force for repression, and the privatization/commercialization of use of force shape the regional security landscape. Furthermore, the trend towards internationalization

of crime was highlighted. Most recently, the question sometimes arises of whether it might make sense to negotiate with criminal actors in order to achieve more stability and/or reduce rates of violence in the short term. Finally a trend towards decentralization and networked structures of organized crime was highlighted as a challenge for states in the region which – being territorially based – significantly lag behind increasingly deterritorialized organized crime.

Dynamics and developments in the South Pacific

The specific dynamics of South Pacific island states were illustrated with reference to the case of Bougainville. In this case there is currently no structure that would resemble what we understand as a state monopoly on the use of force and apparently no intention of setting up such structures. The international intervention in the conflict was unarmed, the political negotiations rested on a strong, long-term, and locally-owned process and converged towards more political autonomy for Bougainville. Rather than an externally driven statebuilding project, the approach was to merely support a locally driven state-formation process, despite the fact that the establishment of the otherwise often advocated monopoly on the use of force was not foreseen in this model.

1.3 REALITY CHECK – REALITY SHOCK?

Practitioners from Europe »cross-checked« the conceptual debate in a roundtable discussion with the group. Most importantly, they cautioned not to »over-idealize« the concept of the monopoly on the use of force. In its ideal form it might never have existed and it is probably always contested to some degree. It was also questioned how far changes in the setup of security provision between nation states and supranational institutions like the EU as envisaged in policy documents (for example of the EU with regard to increasing transnational cooperation in the field of internal security) really reflect substantial changes in practice. Especially for the European Union such changes formulate aims rather than realities. In practice security institutions and national governments water down ambitious EU aspirations in national and subnational practice. This notwithstanding, the general trend for the European Union does indeed seem to imply mid- to long-term changes in the fundamental setup of the security architecture and accordingly the monopoly on the use of force in Europe. Yet, in contradistinction to the view that the EU model would constitute some sort of post-modern turn away from the »modernist« state model, it was argued that one might just as well see the European Union as an actor that aspires to become a state itself. Especially the way it acts – for example in contexts like the UN Security Council – such an aspiration to act like a state can be observed.

A more nuanced understanding of what a monopoly on the use of force means emerged from the discussion. Indeed there usually is more than one center of power in each state; in terms of factions and power centers at the state level, of different branches of government, and of centers of power at sub-state levels.

The practitioners strongly underlined the trend towards blurring lines between domestic and international security. While the use of domestic security agencies in international peace operations should perhaps not be overdramatized (since they are mostly employed in training rather than in executive roles), the so-called »wars« on »drugs« and »terror« are particularly worrisome. In these two cases the civil/military and domestic/external demarcation lines have become increasingly blurred.

The suggestion that the EU »exports« its model of statehood to other regions by means of statebuilding support was put into perspective, too. While the practitioners did not deny such tendencies, they qualified them in one important respect: There is no single standard model of statehood, and indeed different European states approach statebuilding with different models, for example with regard to presidential/parliamentary and centralized/federal systems.

Overall the West's statebuilding and peacebuilding approach attracted strong criticism during the reality check, due to its narrow focus on implementing »technical statebuilding projects.« Instead a more political approach was advocated. It was agreed that the focus of the Reflection Group's deliberations should be more on context-specific peace and security processes, rather than on prescribing institutional (standard modern state) templates. It will be important to think through how peacekeeping operations and peacebuilding efforts can be channeled to meet the goal of a more sustainable peace through legitimate state institutions.

One final concern that had also come up from a critical academia perspective beforehand found support during the reality check: Against the backdrop of widespread peace- and statebuilding fatigue in the West (due to its poor or at best mixed results) there seems to be a policy shift towards »policing« supposedly ungoverned spaces.

2. CONCRETE TAKEAWAYS FOR THE REPORT

There was agreement that the Reflection Group should aim at producing both a policy-relevant report and academic publications.

We did mention, but not discuss, certain issues that might be of importance in our final report, such as technology developments and »big data.«

Clarify terms

The final report should be clear and stringent in defining and coherently using conceptual terminology. In this sense the report will entail a sort of »glossary« of important terms that often create confusion in the debate.

Use, refine, and interlink conceptual frameworks

In the course of the Berlin Conference a couple of conceptual frameworks were introduced to the debate by the think pieces provided by Reflection Group members. As they were repeatedly referred to in the course of the deliberations, they obviously seem to be helpful for structuring the discussion about the future of the monopoly on the use of force and qualify for being included in the final report.

Differentiate between timeframes

With regard to the final report and against the background of the scenario-building exercise, the point was made that the group should differentiate its analysis and in particular its recommendations according to three different timeframes: short-term, mid-term, long-term.

Draft scenarios

The draft scenarios developed in the course of the Berlin meeting will be revised and refined in an additional step and might then be included as a point of reference in the final report.

Allow for complexity – transcend linearity

In the debate it was reiterated that in reality we work on the basis of imperfect and incomplete information. Furthermore, we should be aware that most of our thinking assumes linear correlations and developments, while in reality we have to allow for unintended consequences, multicausality, and threshold values beyond which developments no longer follow linear paths. In the opposite perspective, one also has to evaluate developments and trajectories in terms of path-dependencies.

3. CONCRETE TAKEAWAYS FOR THE 2015 FALL CONFERENCE IN LATIN AMERICA

1. **Focus on domestic security:** With respect to the thematic range to be covered by the group and the schedule of the remaining meetings (Latin America Fall Conference 2015, New York Spring Conference 2016), it was widely agreed that the Fall Conference should focus on the nexus between internal/domestic security provision and the monopoly on the use of force, whereas the Spring Conference 2016 should focus on the nexus between the monopoly on the use of force and the international system. The issue of deterritorialization and transnationalization of security challenges (often but not exclusively related to organized crime) requires other responses than the strictly national (or for that matter global). While the territory is the foundation of the state, for non-state groups territory is often less important.

2. **Comparative approach:** Furthermore it was agreed that the Fall Conference should take a comparative perspective on developments in the different regions worldwide, including the issue of potentials for regional cooperation in security.

3. **Discuss draft scenarios:** Additionally, the draft scenarios will be discussed either at the Fall Conference or at a separate meeting, with a view to the need for further refinement/revision and their potential to be included in the final report.

4. **Another reality check:** Given the very positive feedback about the »reality check« at the Berlin conference, another reality check will be prepared for the Fall Conference 2015.

4. CONCRETE TAKEAWAYS FOR THE SPRING CONFERENCE 2016 IN NEW YORK

1. **Relationship between international order and state monopoly of force:** Whereas the preceding conferences focussed on the state (Singapore and Berlin) and the context-specific dimension of the state monopoly, the Spring Conference 2016 will reflect on the relationship between the international order and the concept of the state monopoly on the use of force. A multilayered system of security provision with overlapping and competing institutions and actors has emerged that no longer resembles the »Westphalian« state order. The present status quo of the international system, in which states remain the main actors, is being challenged.

2. **The future of peacekeeping/peacebuilding:** Peacekeeping has evolved significantly from its earlier underpinnings. But to what degree is the increasing tendency towards the use of force and mixing of peacekeeping with combat-type operations problematic? What are the consequences for the monopoly on the use of force if peacekeeping operations are increasingly designed to support host states in dealing with »spoilers« that challenge their monopoly of force?

3. **The changing face of intervention and the role of RtoP:** How to address the reservations with regard to RtoP in many parts of the world? Where are the limits/checks on the potential of RtoP to legitimize states of exception?

4. **Human rights vs. state rights:** Where does the monopoly on the use of force fit in between an international order based on the state monopoly on the use of force on the one hand and human rights on the other? If the state is not per se the guarantor of human rights how can the inherent tension between state sovereignty and human rights be reconciled?

REFLECTION GROUP MONOPOLY ON THE USE OF FORCE

The Reflection Group »Monopoly on the use of force 2.0?« is a global dialogue initiative to raise awareness and discuss policy options for the concept of the monopoly for the use of force. Far from being a merely academic concern, this concept, at least theoretically and legally remains at the heart of the current international security order. However it is faced with a variety of grave challenges and hardly seems to reflect realities on the ground in various regions around the globe anymore. For more information about the work of the reflection group and its members please visit: http://www.fes.de/GPol/en/security_policy.htm

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