Draft terms of reference for the pilot study on the treatment of peace and security in TOSSD

TOSSD Task Force Issues Paper[1]

5-8 November 2018

For discussion under agenda item 9

I. INTRODUCTION AND BACKGROUND

1.   The TOSSD Task Force is currently developing the second pillar of TOSSD, which covers officially-supported resources for development enablers and global challenges at regional and global levels. It is timely to conduct a pilot study on a specific theme related to pillar II at this stage to provide the substantive inputs needed for the emerging Reporting Instructions on pillar II. The Task Force earlier suggested that more work should be conducted on peace and security, and this theme was therefore selected to be the subject matter of the next TOSSD pilot. [2]

2.   This paper presents draft terms of reference (ToR) and methodology for conducting a TOSSD pilot study on peace and security. The ToR include the description of the objectives of the pilot study (section II.1), the methodology for conducting it (section II.2), the expected output (section II.3) and proposed timeline (section II.4). Task Force members are invited to provide their comments on the draft ToR and signal any area of work they feel is missing**.**

II. DRAFT TOR FOR THE PILOT STUDY ON THE TREATMENT OF PEACE AND SECURITY IN TOSSD

3.   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 II).

4.   The Total Official Support for Sustainable Development (TOSSD) statistical measure includes all officially-supported resource flows to promote sustainable development in developing countries and to support development enablers and/or address global challenges at regional or global levels. Sustainable development in the TOSSD context being inherently linked to the SDGs as agreed in the 2030 Agenda, peace and security-related activities within the scope of SDG 16 could be included in

---

[2] With funding from the EU, the OECD is conducting six TOSSD pilots in the course of 2018-19. The pilot on peace and security will be the third pilot carried out in 2018.

TOSSD. A first discussion at the 4th meeting of the TOSSD Task Force supported this proposal, recommending however a cautious approach, concrete eligibility criteria and potential safeguards to be developed in collaboration with experts.

5.   On this basis, the pilot study will explore the relevance of including various SDG 16-related peace and security expenditures in the TOSSD framework, either as "officially-supported resource flows" that "promote sustainable development in developing countries" and/or that support peace and security as a "development enabler" and/or address security as a "global challenge at regional or global levels".

6.   For the purpose of this pilot, "peace and security" refers to security system management and reform; peacebuilding, conflict prevention and resolution; peacekeeping; and other activities involving the military or the police (e.g. as delivery agents of developmental activities). It is therefore a subset of SDG16 which also includes topics of general governance (participatory governance, legal identity etc.).

7.   Peace and security is a good example to test the proposed definitions of the various interlinked concepts attached to pillar II: "global public goods" (e.g. peace, human security) and associated "global challenges" (e.g. international terrorism, spread of weapons), and the means of implementation for making progress i.e. the "development enablers" (e.g. conflict prevention and mediation, prevention of violent extremism).[3]

II.1. Objectives

8.   The pilot study has four objectives:

a. Explore the scope of TOSSD in the field of peace and security and provide inputs for an informed Task Force discussion on:

- **Eligibility criteria**: the boundaries of TOSSD in the field of peace and security, i.e. the types of activities that could be included in TOSSD within the scope of SDG 16. The proposed eligibility criteria need to be straightforward to apply and avoid any ambiguity.

- Potential **safeguards** to include in TOSSD.

- **Delineation between TOSSD pillar I and II** for peace and security expenditures.

b. Test the statistical methodology of TOSSD, in particular pillar II. The pilot will test the application of the draft generic definition of pillar II, the related eligibility criteria and the proposed decision tree, to multiple types of activities. Testing the definitions in practice on a specific theme will help assess the need for refining/adjusting the definition, and provide inputs to the Reporting Instructions on pillar II, for the Task Force consideration.

c. Provide estimates of TOSSD flows for peace and security. In addition to exploring the nature and modalities of various resource flows extended in support of peace and security within the

---

[3] See Issues paper for agenda item 5.

scope of SDG16, the pilot will gather estimates of the volume of funds provided for activities carried out either locally, in TOSSD-eligible countries (pillar I), or at a regional/global level (pillar II).

d. Carry out a light assessment of the capacity of the organisations / countries met during the pilot to provide TOSSD data on peace and security.

II.2. Proposed methodology

Desk review

9.   The desk review consists of an analysis of key documentation related to the security/development nexus, and to the financing aspects:

- General documentation from various stakeholders on SDG 16 and the security/development nexus: UN, International Dialogue on Peacebuilding and Statebuilding, CSOs, earlier OECD work (Casebook on ODA eligibility for peace and security). The exact identification of the reading list will be the first step of the pilot.

- Specific documentation on themes and organisations earlier identified by the Task Force:
    i. *Peacekeeping operations:* UN policy documents on peacekeeping and budget documents for selected peacekeeping operations; same type of documentation for regional peacekeeping operations by the African Union, North Atlantic Treaty Organisation (NATO) and European Union (EU).
    ii. *Border security measures, counter-terrorism operations and other transnational crimes:* United Nations Office on Drugs and Crime (UNODC), International Development Law Organisation (IDLO).
    iii. *Cybersecurity and combating cyberterrorism:* International Telecommunication Union (ITU); Organisation of The Islamic Cooperation – Collaboration of Computer Emergency Response Team (OIC-CERT).
    iv. *International penal justice:* EUROPOL/INTERPOL.
    v. *Disarmament expenses, including nuclear disarmament:* UNODA: International Campaign to Abolish Nuclear Weapons (ICAN).
    vi. Cases similar to the EU anti-piracy operation Atalanta.

10.   In preparation of the missions to a provider country and visit to selected international organisations, the desk review will identify and study relevant documents for the country/organisation concerned (in relation to the budgets, policies, strategies, development co-operation programmes and interventions, engagement in security sector, engagement in international/regional/bilateral peacekeeping operations).

11.   During the pilot, a statistical analysis of available data regarding financing for peace and security will also be conducted, drawing on OECD data on concessional and non-concessional official resources and identifying potential other international sources.

Consultation with experts

12.   At an early stage in the course of the pilot, an expert consultation meeting will be organised to share the findings from the desk review, and raise targeted questions on the treatment of peace

and security in TOSSD. In addition/parallel to the meeting, a written consultation will be carried out with at least the International Network on Conflict and Fragility (INCAF), which is part of the International Dialogue on Peacebuilding and Statebuilding.

13.   See Annex III for the tentative list of experts to invite to the meeting, and the tentative list of topics for consultation.

Missions[4]

Mission to a provider country

14.   A 2 to 3-day mission to a provider country would involve interviewing relevant stakeholders, including the Ministry of Foreign Affairs, the aid agency, the Ministry of Defence, the Ministry of Interior, the CSOs. The list of questions would be based on the list of topics shown in Anne III, and made more specific depending on the findings from the desk review for this country.

15.   In addition, the pilot will query about existing data on the provider's expenditures in support of peace and security, and produce estimates (see Table 1).

Mission to selected international organisations active in the field of peace and security

16.   The missions to selected international organisations (1-2 days per organisation) would involve interviewing relevant departments. The focus of these missions will be to learn more about the types of activities conducted at a global/regional level, the identification of relevant international organisations from whom TOSSD data should ultimately be collected, and the identification of potential sources of data on peace and security-related expenditures. The list of questions would still be based on the list of topics shown in Annex III, and adjusted based on the desk review for the organisation (with a focus on the budget).

17.   Based on interviews and budget information, the pilot will complete Table 1 on the expenditures incurred by the organisation in support of peace and security.

18.   The tentative candidates identified so far are the UN Department of Field Support (dedicated to the support of peacekeeping field missions and political field missions), African Union (also finances peacekeeping operations), and UNODC.

---

[4] In theory, the pilot would be usefully complemented by a mission to a recipient country, with a focus to ensure that TOSSD is well aligned with developing country information needs. The list of questions could be twisted to specifically capture the recipient perspective (e.g. whether peacekeeping is perceived as a resource flow). In practice, given time constraints, it does not seem realistic to commit to such a mission, but this can be re-evaluated in the course of the pilot.

Table 1. Estimates of expenditures contributing to peace and security within the scope of SDG 16

	TOSSD		Memo: ODA
	Pillar I	Pillar II	
Development enablers Peacekeeping missions Peacebuilding, conflict prevention and resolution Disarmament Humanitarian assistance provided by defence and security forces International tribunals for crimes of war Security system reform **Global and regional contributions** Research Advocacy Forums, conferences and facilitated network development Norm and standard-setting activities			
Total			

II.3. Expected output

19.   The results of the pilot will be presented in the form of a report, including:

- Recommendations for the Task Force consideration on i) the types of peace and security related activities that could be included in TOSSD, within the scope of SDG 16, and eligibility criteria; ii) the potential related safeguards to include in TOSSD; and iii) the delineation between TOSSD pillar I and II for this area of work.

- Comments on the applicability of TOSSD statistical methodology, in particular pillar II generic definition and TOSSD decision tree.

- Estimates on TOSSD for peace and security, within the scope of SDG 16.

- Lessons learnt from the light assessment of the capacity of organisations / countries met during the pilot to provide TOSSD data on peace and security.

II.4. Proposed timeline

November 2018
- finalisation of terms of reference
- desk review
- drafting of the Questionnaire for consultation and roll out to INCAF

December 2018/January 2019
- expert meeting in Paris
- mission to provider country
- missions to multilateral organisations (UNDFS, African Union, UNODC)

February 2019
- analysis of responses to the Questionnaire

- producing report

March/April 2019
- Task Force considers the report and takes action to reflect findings in TOSSD Reporting Instructions.
- Results are ready in time for the seventh UN High-level Political Forum on Sustainable Development (HLPF July 2019) which will address the theme, "Empowering people and ensuring inclusiveness and equality" and conduct an in-depth review of SDG 16 (among others).

Issues for discussion

- **Task Force members are invited to provide their comments on the draft ToR and signal any area of work they feel is missing. In particular, suggestions are welcome on:**

    - **The methodology for conducting the pilot, the list of experts to consult, the topics for consultation.**

    - **The expected output.**

The Task Force discussed the background document for this item in small groups. This was followed by a plenary discussion in which Task Force members highlighted the following points:

- Task Force members were in principle in favour of the inclusion of peace and security related activities in TOSSD, within the scope of SDG16. However, they signalled the importance of establishing eligibility criteria and potential safeguards, and of involving experts in the process. Overall, they supported a cautious approach and noted that defining the modalities would be challenging.

- Members discussed alternative approaches for developing the eligibility criteria for peace and security activities under TOSSD: i) migrating ODA rules into TOSSD as a starting point; ii) building TOSSD rules with little attention to how the question is treated in ODA; or iii) developing a positive list of eligible activities to clearly define the boundaries on this complex topic. Also paragraph 13 of the background document[5] for the item was seen as a potential good starting point.

- Several possible safeguards were mentioned:

  o Clear linkage to an SDG target.
  o UN endorsement of the operation, including peacekeeping missions that are not formally approved by the UN Security Council, but still recognised by the UN (e.g. G5 Sahel).
  o Exclusion of financing for the purchase of military equipment, e.g. weapons.
  o Oslo guidelines.
  o Objectives of promoting peace, rule of law and human rights (not security interests).

- Task Force members had diverging views on the inclusion of activities that involve use of force. However, many members were in favour of considering use of force eligible in the context of UN missions ("Chapter 7" UN missions).

- Task Force members stressed the importance of not rushing the process. Experts should be involved in the discussion on this topic to avoid unintendedly legitimising certain actions by making them eligible under TOSSD. Further discussions should be based on concrete examples.

- The delineation between pillars I and II is not straightforward. Peace and security have regional and global dimensions and are clearly development enablers (pillar II), but also sometimes generate cross-border transfer of resources to specific countries (pillar I).

- Elements discussed for possible inclusion under TOSSD covered:

  o The share of peacekeeping operations that is currently excluded from ODA (85%).
  o Counter-terrorism operations (including developing countries' domestic budgets for counter-terrorism). Reaching consensus on the definition of "terrorism" may be challenging but it was noted that the UN had an agreed framework on this theme.
  o Cybersecurity and combating cyberterrorism.
  o International penal justice, such as Interpol.
  o Border security measures, for example to avoid smuggling of firearms or drugs.
  o Disarmament expenses, including nuclear disarmament.
  o Cases similar to the EU anti-piracy operation Atalanta.

- The session was productive in identifying several international organisations active in the field of peace and security, which should be investigated further for the next meeting: EUROPOL/INTERPOL, International Campaign to Abolish Nuclear Weapons (ICAN), International Telecommunication Union (ITU), International Development Law Organisation (IDLO), Organisation of The Islamic Cooperation – Collaboration of Computer Emergency Response Team (OIC-CERT), United Nations Office on Drugs and Crime (UNODC).

- The Casebook on ODA eligibility for Peace & Security produced by the OECD should be distributed to TF members as it was also deemed useful in this context.

---

[5] See paragraph 13 in: http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/Item%203%20-%20Peace%20and%20security.pdf

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.

Tentative list of experts to consult, noting that it needs a balanced representation of different stakeholder groups:

- **TOSSD Task Force representatives**: one volunteer representative from each stakeholder group (provider country, emerging provider country, developing country, multilateral organisation).
- **Members of the International Dialogue on Peacebuilding and Statebuilding** (International Dialogue). The International Dialogue brings together countries affected by conflict and fragility, development partners, and civil society. It is composed of:
  - Members of the International Network on Conflict and Fragility (INCAF)
  - G7+ group of fragile and conflict-affected states
  - Member organisations of the Civil Society Platform for Peacebuilding and Statebuilding (CSPPS).
- **Organisations active in peace and security at the regional or global level**
  - UN Department of Field Support (UNDFS)
  - UN Department of Peacekeeping Operations (UNDPKO)
  - NATO
  - UNODC
  - INTERPOL
  - African Union, ECOWAS
  - EU
- **Research institutes:** Elcano Institute, Institute for Security Studies - Africa
- **CSO**s: CSPPS (member of the International dialogue mentioned above), CSOs focusing on intercultural dialogue, members of the DAC-CSO reference group (e.g. OXFAM or Reality of aid).

Tentative list of topics for consultation with experts, at a meeting, through a written questionnaire to INCAF, and during missions (to be completed based on desk review)

a. Scope of TOSSD in the field of peace and security

- **What are the areas of support where providers actively contribute to peace and security?** Can they be linked to SDG 16 targets? Is there a recommended typology of activities for framing the discussion? See below proposed starting point, inspired from classification used in Australia for TOSSD activities in the field of peace and security.

    Peace and security expenditures
    - **Development enablers**
        - Peacekeeping missions
        - Peacebuilding, conflict prevention and resolution
        - Disarmament (small arms and light weapons, mine clearance, mass-destruction weapons, nuclear)
        - Humanitarian assistance provided by defence and security forces
        - International tribunals for crimes of war
        - Security system reform
            - Strategic security planning and policy advice

- Military and police academy education exchanges
- Other civil service policy and field training exchanges
- Transnational migration and goods control
- Preventing and combatting terrorism and transnational crime
- Infrastructure security
- Cyber security
- Monetary security
- Anti-poaching, wildlife and marine resource protection
  - **Global and regional contributions**
    - Research
    - Advocacy
    - Forums, conferences and facilitated network development
    - Norm and standard-setting activities (e.g. Arms trade treaty)

- **What are the modalities used to deliver peace and security contributions?** E.g. project, technical assistance (including through secondments), budget support, norms and standard setting, advocacy work, conferences.

- **Are the contributions cross-border resource flows to TOSSD-eligible developing countries (pillar I) or contributions at a global level (pillar II)?**

- **In the case of contributions at global level, benefitting both developing and developed countries, what criteria can help decide on their inclusion/exclusion?**

- **What could be the best approach for developing eligibility criteria?** Alternative approaches were discussed by the Task Force: i) migrating ODA rules into TOSSD as a starting point; ii) building TOSSD rules with little attention to how the question is treated in ODA[6]; or iii) developing a positive list of eligible activities to clearly define the boundaries on this complex topic. **Experts are specifically asked to indicate the activities that they think should be eligible under TOSSD, and the activities (if any) that they think should not be eligible under TOSSD.[7]**

- **Are safeguards needed? Why? Which safeguards?** (See the existing safeguards in ODA rules in Annex IV.) In particular, if the use of force is admitted under TOSSD, should it be associated to specific safeguards? Same goes for direct support to the partner country's military.

  To avoid ambiguity and interpretation issues, 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:

---

[6] 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.

[7] Dare there examples of non-sustainable contributions in the context of peace and security activities?

- a blanket exclusion of financing weapons

- compliance with Oslo Guidelines (using military only as a last resort, humanitarian principles of humanity, neutrality and impartiality)

- the requirement that peacekeeping operations be mandated by the UN to be recorded under TOSSD.

b. Is the statistical methodology proposed for TOSSD, in particular pillar II, sound and feasible? Experts are invited to comment the draft generic definition of pillar II and related eligibility criteria and to test the application of the proposed decision tree to multiple types of activities in the field of peace and security.

c. What are the existing sources of data on expenditures in the field of peace and security?

ANNEX IV. 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 (paragraphs 95-119).