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Security sector reform

The EU and its policy towards security sector reform: A new example of the 'conceptual-contextual' divide?
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THE EU AND ITS POLICY TOWARDS SECURITY SECTOR REFORM: A NEW EXAMPLE OF THE ‘CONCEPTUAL-CONTEXTUAL’ DIVIDE?

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First introduced into the public domain by the UK Labour government following its electoral victory in 1997, Security Sector Reform (SSR) is a relatively recent concept.¹ The often cited 1998 speech by former UK Secretary of State for International Development, Clare Short, at the Royal College of Defence Studies (London) has become a symbol of the key role that the UK played in developing this concept, but also a clear indication of how new this concept is. Short called for “a partnership between the development community and the military” to address the “inter-related issues of security, development and conflict prevention”.² Her statement effectively parted from the type of military assistance and defence cooperation – often referred to as “old defence diplomacy” – that characterised the eras of European colonialism and the Cold War. That is, technical assistance aimed at strengthening the armed and security forces of allied countries without consideration for the governance aspect, including the democratic accountability of those forces.³

As a field of study and practice, the development of SSR has been influenced by a number of trends. These include the re-thinking process of Cold War-related security concepts in favour of people-centred definitions that went on since the late 1980s in Africa, Asia and Latin America; the “new wars” of the 1990s, to use Mary Kaldor’s terminology; and, more recently, the aftermath of 11 September 2001.⁴ Consequently, at present, SSR has links to a multitude of pressing problems, from poverty alleviation to sustainable development, good governance and conflict mitigation/resolution.⁵ SSR has widened its scope from an initial narrow focus on the defence sector to include other security agents as well as issues related to justice; disarmament, demobilisation and reintegration (DDR); and the proliferation of small arms and light weapons.

Due to the changes in the nature and scope of SSR, the concept occupies an important role within the policy agenda of key international actors, from individual states (like the UK and the Netherlands) that have developed specific SSR policies or comprehensive governmental approaches, to international institutions such as the OECD, the UN and the EU. The latter two have in recent years moved a step further by producing policy concepts that institutionalise their efforts in this field in search for more coherence, comprehensiveness and coordination. Even the World Bank has succumbed, albeit more timidly than other institutions, to the need to incorporate security-related policies.

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The present chapter is located within the study of institutional responses to the multidimensional nature of SSR. It will provide an analysis of the EU’s efforts to improve its performance in this field by focusing on its two recent policy concept papers. It will highlight the main traits and synergies of the documents, using the example of police assistance as an illustration of the Union’s readiness to engage actively in the field of SSR. In doing so this article engages with those scholars who point out that “a ‘conceptual-contextual divide’ exists between SSR’s stated goals and its actual implementation”.

**EU Concepts on SSR: What, Where, When?**

There are two EU documents on SSR, the 2005 *EU Concept for ESDP Support to Security Sector Reform* (henceforth ‘Council SSR Concept’) and the 2006 *A Concept for European Community Support for Security Sector Reform* (henceforth ‘Commission SSR Concept’). As explained later in the chapter, these documents were brought together under a common policy framework in 2006. These two SSR concepts build on various EU reference documents, including the *European Security Strategy* that advocates a Union ready to engage in a larger variety of missions. Moreover, security sector reform, within a broader institution-building approach, is mentioned in the strategy document as one of the possible approaches to fulfil EU objectives, including preventing and/or resolving violent conflict, combating terrorism and addressing state fragility. A similar message can be found in the *Civilian Headline Goal 2008* document, endorsed at the December 2004 European Council. It calls for going beyond Petersberg-type missions to include, among other things, support to SSR and DDR.

The Council and Commission SSR concepts also build on their previous efforts in this field. For example, at a strategic level, in 2004 both the European Commission and a number of EU Member States were heavily engaged in the development of the OECD Development Assistance Committee (DAC) *Security System Reform and Governance* guidelines (due at least in part to their membership of this committee). At an operational level, the Union through both its Council and Commission mechanisms has already been engaged for a number of years in the implementation of various aspects of SSR. For example, the Commission has provided SSR-related support in over 70 countries, through both its geographical and thematic programmes, from Eastern Europe to North and South Caucasus and Central Asia, Western Balkans, Africa, Caribbean and the Pacific, South Mediterranean and the Middle East, Latin America and Asia. The support provided so far has fallen in the areas of reform of law enforcement, justice, and state institutions dealing with the management and oversight of security agents. Other activities have been directly linked to the respect for human rights which, in the words of the Commission, “also encompass the security sector and thus indirectly contribute to security sector reform”. Furthermore, some of the Commission activities have in the past sought to strengthen regional approaches to security, which “also has a positive impact on SSR efforts at the national level”. The Council has focused more on deploying civilian and military missions within the framework of its ESDP, beginning in January 2003 with the European Police Mission to Bosnia and Herzegovina. However, until 2005
Evidence of Council and Commission involvement in SSR-related activities seems to illustrate that the EU is not entirely new to this field.

The existing evidence of Council and Commission involvement in SSR-related activities seems to illustrate that the EU is not entirely new to this field. However, there are some critics who argue that the operational activities listed by the Council and Commission documents as evidence of their experience require a more critical assessment as many have been re-labelled to fall under SSR. Leaving this issue aside, what makes the two EU concept papers on SSR different is their emphasis on providing the Union with a coherent and holistic/integrated approach that did not exist before. According to a Council official, “the SSR concept is not ‘new’ in itself […] many Member States have done bits of SSR before […] the only thing that is new is the idea that SSR-related work has to be holistic”. In order to achieve this comprehensiveness, the two SSR concepts have sought to provide the basis for successful coordination between the EU Pillars while also ensuring “one common understanding on SSR among the 27 Member States”.

The Council and Commission SSR concepts adopt by and large the OECD DAC guidelines as the starting point, which define the security sector as:

A system which includes:

- The core security actors: armed forces; police; gendarmeries; paramilitary forces; presidential guards, intelligence and security services (both military and civilian); coast guards; border guards; custom authorities; reserve or local security units (civil defence forces, national guards, militias).
- Security management and oversight bodies: the Executive; national security advisory bodies; legislature and legislative select committee; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit and planning units) and civil society organisations (civilian review boards and public complaints commissions).
- Justice and law enforcement institutions: judiciary; justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; customary and traditional justice systems.
- Non-statutory security forces, with whom donors rarely engage: liberation armies; guerrilla armies; private bodyguards units; private security companies; political party militias.

Both documents highlight the importance of ensuring and/or strengthening the accountability, effectiveness and efficiency of the security sector.
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When dealing with external and internal security needs, the civilian control of security actors, the protection of democratic norms and principles of good governance, human rights, transparency and the rule of law. They also acknowledge the importance of local ownership and tailored approaches that can ensure that the EU’s support to SSR is the most adequate to the needs of the local population, the country and region.

Africa seems to have been in the mind of the Council and Commission officials involved in the drafting process of the two SSR documents for a variety of reasons: (1) historical factors, particularly for countries like the UK and France; (2) existing strong links between Africa and the EU and its close proximity to the Union; (3) the pressing conflict-related problems this continent is going through and the effects these have within the EU in the form of human and drug trafficking, and illegal immigration. However, this does not mean that the two concepts were created for implementation in Africa alone. On the contrary, the intention was to create a general tool that the EU could use in a variety of contexts worldwide. In fact, when put together, the two documents identify a number of possible scenarios for EU action on behalf of SSR, ranging from an immediate post-conflict situation to a context where countries are undergoing long-term democratisation processes in relatively stable environments. The two SSR documents acknowledge that each scenario comes with its own set of needs and combination of Council and Commission action. Within this framework the southern Mediterranean countries and the Western Balkans are two other regions well-suited to receive EU assistance in the field of SSR.

EU Concepts on SSR: How and by Whom?

The two SSR concepts endorse the OECD’s call for a holistic, multi-sectoral approach that seeks to find linkages between existing local security actors when carrying out reform activities, rather than concentrating on one or a very limited number of actors, often independent of each other, as previous donor actions have tended to do. This search for comprehensiveness goes further in the EU case considering that the Council document calls for the integration of Disarmament, Demobilisation and Reintegration (DDR) activities within a SSR approach.

It has been noted that DDR can constitute a significant pillar of SSR and is regarded as central to conflict resolution and internal stability. In such cases, SSR will call for DDR-type activities. However, SSR goes well beyond DDR and should be considered as the primary concept; DDR should be addressed separately, but consistently with this SSR concept, noting that the Commission is particularly active in the field of Reintegration.

The importance of this relationship was similarly underlined in the 2006 EU Concept on DDR, where it was underlined that any DDR process “should be considered an aspect of Security Sector Reform and take its point of departure from an assessment of future needs and structures...
of the overall security system, recognising at the same time that parts of DDR go outside SSR”. The EU has been involved in DDR activities for a long time, mainly through Commission actions and Member States’ bilateral programmes. This track record was reinforced in 2005 by the ESDP Aceh Monitoring Mission in Indonesia, deployed to monitor the disarmament of members of the former resistance movement (GAM) and the phased withdrawal of Indonesian government troops.

The Council and Commission SSR documents also specify the kind of support the EU could offer in particular areas, including military reform, police reform, justice and rule of law, border and custom sector, financial and budgetary reform of the security sector, and government functioning and division of responsibilities. Let’s take the example of police reform. The Council document specifies that, The EU could, inter alia, provide assistance in the following domains:

- assessment of policing needs;
- defining the objectives of a comprehensive policing policy and strategy, fully integrated with the objectives of the Justice/Rule of Law sector;
- developing a methodology for achieving such objectives, including critical and success factors and their measurement;
- organising the police sector, including oversight/budget control;
- administration, transparency and accountability, as well as political control;
- educating the police sector on the principles of modern policing and police management, including respect for human rights, international law, and gender issues;
- guiding and accompanying the police force in their daily tasks during a transitional period;
- co-locating experts to the national ministry of home affairs to monitor, mentor and advise local authorities in issues related to home affairs and SSR;
- launching public awareness campaigns in order to secure the trust and co-operation of the community.

In order to realise this police assistance the Council has at its disposal a variety of mechanisms developed since the late 1990s. At the 2000 Santa Maria da Feira meeting, EU Member States approved police action as a priority area, in addition to the rule of law, civilian administration, and civilian protection. Furthermore, it was concluded that by 2003 EU Member States should voluntarily contribute up to 5,000 police officers for international missions across the full range of conflict prevention and crisis management operations, up to 1,000 of them deployable within 30 days if necessary. Since then, these police targets have been met and increased. Moreover, the Civilian Headline Goal 2008 document has provided the EU with guidelines for the enhancement of civilian crisis management capabilities, both in terms of capabilities and possible scenarios for their deployment. This has allowed for progress in Member States’ contribution, for example, of specialists in the fields of border police, sexual and violent crime, human trafficking, organised crime and human rights as well as in the development of Civilian Response Teams, Integrated Police Units and Formed Police Units. These developments are now complemented with a new Civilian Headline Goal 2010, adopted during the Portuguese Presidency of the EU (July-December 2007). Based
on the assumption that the commitments made in the Civilian Headline Goal 2008 have been met, this new document gives more weight to questions of quality over quantity of the capabilities. The building of the EU’s civilian crisis management capabilities has so far taken place concurrently with a similar exercise – commenced earlier – to build a military crisis management capability.

The process of fleshing out the EU’s role in police assistance has also been accompanied by the creation of a number of structures and plans, including the Committee for Civilian Aspects of Crisis Management, the Police Unit in the Council Secretariat, and the Police Action Plan to foster consistency within the EU and with other external actors. More recently, the EU Council of Ministers agreed on a reorganisation of the Council Secretariat to better serve the needs of civilian ESDP operations, including those of a police nature. The end result – the establishment of a Civilian Planning and Conduct Capability (CPCC) – will complement the “new” civilian crisis management directorate (DGE IX) in the Council Secretariat. The latter, following its restructuring, will deal with the political-civilian (pol-civ) side of crisis management, such as the preparation of the crisis management concept. It will nevertheless continue to manage horizontal issues related to civilian ESDP, including concepts, capabilities and training. Note that none of these capabilities and structures was created to serve SSR activities, but rather for crisis management more generally. However, with the consent of Member States they could also be applied to missions of this kind.

Turning now to the Commission, it can contribute directly to the promotion of the governance aspects of police reform/assistance, including democratic control and civilian oversight, police-judicial relations, independence from politicisation, civil society assistance, efficient use of public resources, respect for human rights and capacity-building of regional and/or sub-regional organisations to deal efficiently with the regional dimensions of SSR (including police aspects). There are in fact various well-established Community policies and financial instruments that have been used and could be used in the future. These include Short-Term instruments (such as the Stability instrument administered by the DG External Relations) and those that fall under Development and Economic Cooperation, the European Neighbourhood and Partnership Policy, the Pre-Accession Assistance instrument, the Enlargement process (including twinning programmes), and the Democracy and Human Rights, and Conflict Prevention and Crisis Management policies. Moreover, there is also the external dimension of policies related to the area of Freedom, Security and Justice.

However, as outlined by the Commission document, the tools at its disposal could be better employed. For example, SSR (including police reform/assistance) should be prioritised under the aforesaid policies and financial instruments, as well as clearly integrated in Country and Regional Strategy Papers, and action plans programming tools. For the latter proposal to take place it would depend, at least partly, on good coordination with Member States bilateral country strategy papers. Other proposals under consideration include working towards effective and holistic policy and programming dialogue with stakeholders in partner countries by introducing international standards on SSR, ensuring coordi-
nated planning (as has begun to take place through Council-Commission fact-finding missions), expanding and improving the range of expertise and pool of experts, designing SSR-specific training, and improving cooperation with international partners.\textsuperscript{27} For its part, the Council SSR document suggests that since SSR has to be locally owned, national development plans in areas such as poverty reduction should also be taken into account.\textsuperscript{28}

The authors of the Council SSR document realise that reforming the security sector is a horizontal process that encompasses elements that cannot be tackled using crisis management instruments alone. Consequently, the document calls for complementarity with other areas of EU external action:

In any situation, the Council General Secretariat and the Commission will need to work in close cooperation both to ensure a clear, functional division of responsibilities and to ensure maximum coherence and effectiveness of overall EU effort. It is foreseen that the paper on a Community concept on SSR will build on the same premise.\textsuperscript{29}

And indeed it does. The Commission SSR document calls for coherence not only with ESDP missions but also with the bilateral activities of certain EU Member States. It also mentions the need for better cooperation at a multilateral level in order to ensure greater levels of synergy and the avoidance of unnecessary duplication, not only within the UN framework, but also with third states, other international organisations, and NGOs. An example of this search for coordination is the work that the Commission has carried out within the OECD DAC framework to develop, together with some EU Member States and other bilateral and multilateral donors, the 2007 joint donor handbook for SSR implementation.\textsuperscript{30} This document provides donors with a set of common guidelines in areas such as SSR assessment methodology, programme design, management and evaluation, and development of integrated approaches, that allow for a better management and linkages between development, security and justice policies and practices. The end goal of this donor handbook is to achieve greater levels of efficiency, coherence, sustainability and adequacy to people’s needs in the implementation of the 2004 OECD DAC Security System Reform and Governance guidelines.\textsuperscript{31}

**EU Concepts on SSR: Problems**

There is some scepticism as to the viability of the EU’s search for holism and coherence in its SSR activities. This arises from a number of problems that appeared during the policy formulation phase, and that cast a shadow on its implementation. The EU did not proceed to merge the Council and Commission documents into one overall SSR concept, as originally intended. As stated in the Council document, “due consideration should be given to joining these two strands within the framework of an overarching EU concept for SSR.”\textsuperscript{32} This was initially thought to be of as necessary since, as the titles specify, both the Council and Commission documents on SSR were drafted to show what each institution could contribute to an SSR process, with the Commission document presented as a “Communication”.\textsuperscript{33} Nevertheless, it was decided to discard this original idea and instead bring the two concepts
under a common framework in June 2006. This common policy framework highlights the need to take a comprehensive, cross-pillar approach to SSR that subsequent Presidencies and the Commission would gradually turn into operational actions for Community and ESDP action.

There are various explanations for this change of plans. As elucidated by a senior Council official, “For outsiders one common concept would have been better but too time-consuming and Austria wanted to complete this job before the end of its Presidency”.

The drafting of the two SSR concepts took a total of eight months, with the Commission document taking the longest due to the fact that all country and thematic desks had to be consulted. Therefore, according to this Council official, developing a common document on the basis of these two would have taken too long at a time when the Austrian Presidency was determined to finish the process began by the UK. A Commission official, however, provided a different view on this change of events:

Given the range of policy instruments used to support SSR and the different nature of community programmes and ESDP activities we have not seen the need to try to revise these and come up with a single document. Instead, we are focusing on implementation and how to achieve better coherence in situations like DRC, Kosovo and Afghanistan, etc.

Regardless of how reasonable this point of view sounds, the fact is that the absence of a single document on SSR reinforces the view held by many scholars and practitioners that coordination and collaboration between the Council and Commission is still sub-optimal.

Concerning internal EU cooperation, one should also add to the aforesaid institutional equation the need to cooperate with the national policies of those Member States active in the SSR field, and to ensure better civil-military relations, which remain two areas with too many open questions. Some of the challenges confronting the EU with regards to its relations with Member States are eloquently summed up by a Council official, who remarked that,

‘SSR is still very young. It has the possibility of becoming something ‘nice’ if we are able to manage it all in a coherent way, if Member States are keen to cooperate, if they are willing to give the necessary capabilities to the EU […] for the time being it is not so evident […] so far there is no transparency of Member States with the EU on what each of them is doing in terms of SSR programmes in different countries’.

The drafting of the 2006 DDR Concept provides the opposite picture. The various EU-related stakeholders involved (including Member States) were ready, in the words of a Commission official, to “break the existing institutional set up to acknowledge the security-development nexus” leading to the Commission and Council working together in the drafting of one single concept. This ‘success’ story could nevertheless be explained by the narrower field of action, the smaller number of EU actors involved, and the fewer locations of EU action.

The problems of internal cooperation and coordination could somehow be offset by a successful implementation of the SSR documents. In this respect,
one can already point at some positive initiatives. For example, the development of joint Commission-Council-Member States fact-finding missions, the awareness-raising campaign by EuropeAid among other Directorate Generals and EC Delegations to speed the information-sharing process on best practices, and the Commission’s participation in the drafting of the OECD DAC 2007 Handbook on SSR. However, these moves are timid steps if the EU is to confront those sceptics that continue to view the SSR documents as another “paper tiger” that will be lost and forgotten in the maze of documents produced by the EU. Indeed, there is an array of potential challenges that the EU needs to tackle. These include further work on the development of regional approaches to SSR (as called for by the two SSR concepts) and benchmarks to measure the implementation of SSR activities, the dependence of successful SSR on effective cooperation arrangements with the multitude of external actors that can be found in the field (from bilateral donors to international organisations and NGOs), and the costly political, economic and human capital implications of integrated approaches. Finding solutions to these challenges is of utmost importance if we take into account that the successful implementation of a coherent SSR policy requires a careful consideration of issues such as planning, budgeting, financial and human resources, and cooperation and competition among relevant actors.

Conclusion

Writing in 2006, Damien Helly (from Saferworld) argued that SSR would become in the foreseeable future a crucial component in the implementation of the EU’s defence, security, development, and crisis management and conflict prevention policies since it represented a “formidable tool to engage in groundbreaking initiatives worldwide” and in a variety of scenarios. He also delved into the reasons that made the EU an ideal candidate as a SSR advocate, including its donor status, its flexible and enduring presence in many countries, and the variety of tools (political, developmental, security) at its disposal.

Despite all existing criticisms, the Council and Commission SSR documents represent a major step forward in the development of the EU’s external identity. The approach described in these documents, underlined by the principles of adherence to democratic norms and internationally accepted human rights principles and the rule of law, respect for nationally/regionally owned participatory reform processes, and coordination with other areas of EU action on the basis of gender-sensitive and multi-sectoral reform processes, will allow the Union to respond more effectively to a variety of challenges, including violent conflict, poverty, state fragility and terrorism, to name a few.

However, in order to turn these pledges into tangible results and take advantage of its strengths, the EU needs to deal with a variety of outstanding issues, such as improving internal coordination among members of the EU family, and externally with a variety of actors, and the costly nature of the endeavour. The process did not start well, as illustrated by the drafting of a common policy framework instead of a single SSR concept. However, given that this new EU policy is still in its early implementation stages, it is too early to predict where it will go.
Notes

1. Different actors use variations of the term interchangeably. Whereas the development community tends to opt for “security sector reform”, the OECD Development Assistance Committee (DAC) prefers the term “security system reform”, and the UN Development Programme (UNDP) supports the phrase “justice and security sector reform”. Security Sector Governance and Security Sector Transformation (often equated with African discourses) are other possible alternatives. This chapter has opted for the term “Security Sector Reform” as it is the most commonly used among scholars and practitioners. For a more detailed explanation of the existing terminology see Michael Brzoska, Development Donors and the Concept of Security Sector Reform, Occasional Paper no. 4, Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2003.


5. Ball and Hendrickson, Trends in SSR, op. cit., p. 3.


9. Ibid.


13. Interview with Council official, Brussels, April 2007. One of the examples used to illustrate this holistic or integrated approach is the fact that, although civilians in the Council were involved in the drafting of the Council document on SSR, the process was led by the Civilian-Military Cell within the EU Military Staff. In the words of another Council official, “SSR is another tool to bring all existing mechanisms and elements to work together. The same function is achieved by other initiatives, including the Comprehensive Approach to Civil-Military Cooperation developed by the EU”. Interview, Brussels, April 2007.


17. Interviews with Council and Commission officials, Brussels, April 2007. The Western Balkans has been receiving aid of an SSR-related nature for over a decade but not in a holistic, integrated manner.


20. Council of the EU, EU Concept for ESDP Support to SSR, op. cit., p. 14. It would be interesting to compare and contrast this list of police assistance roles with the two generic concepts, prepared by the Police Unit in the Council Secretariat a few years ago, on (police) substitution missions and strengthening missions. These two generic concepts dealt with general issues (administration, organisation, etc.). Police substitution missions are composed of armed police officers with executive police powers (i.e. filling the enforcement gap). Police strengthening missions consist of unarmed police officers with roles that range from educating to training, assisting, advising and monitoring the local police (i.e. capacity-building). At the time of writing the author of this paper did not have access to these two generic concept documents. Michael Merlingen and Rasa Ostrauskaite, “ESDP Police Missions: Meaning, Context and Operational Challenges”, European Foreign Affairs Review, vol.10, no. 2, Summer 2005, p. 222.

24. For example, the Civilian Planning and Conduct Capability will contribute to the realisation of effective civilian-military (civ-mil) cooperation during the planning phase of missions through its participation in the joint civ-mil planning capability in the Civ-Mil Cell within the EU Military Staff.
26. Interviews with Commission officials, Brussels, April 2007; European Commission, A Concept for European Community Support for Security Sector Reform, op. cit., pp. 6-7, 9. For example, beneficiary countries from Commission assistance under the pre-accession instruments are supported in their efforts to carry out reforms in their legal systems as well as in their police, prosecution, judiciary, penitentiary, customs and border control systems.
28. Council of the EU, EU Concept for ESDP Support to SSR, op. cit., p. 5.
29. Ibid, p. 4.
33. This point was highlighted by a Council official during an interview, Brussels, April 2007.
34. Interview, Brussels, April 2007.
37. Interview with Commission official, Brussels, April 2007.
38. The existence of this scepticism was raised in various interviews conducted in Brussels in April 2007.