

*Chaillot Paper*

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July 2005

n° 80

Promoting security  
sector governance in  
the EU's neighbourhood

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*Heiner Hänggi and Fred Tanner*



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*Heiner Hänggi and Fred Tanner*

**Institute for Security Studies**  
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*D*ès décembre 2003, la Stratégie européenne de sécurité adoptée par le Conseil européen identifiait la réforme du secteur de sécurité comme l'une des nouvelles missions possibles de l'Union : l'objectif n'était pas d'ajouter une énième activité technique à la panoplie des missions de la PESD, mais de mettre en œuvre une conception globale de la sécurité et de la gestion des crises, où les notions de bonne gouvernance, de règles de droit et de respect des droits de l'homme jouaient un rôle tout aussi important que la seule pacification militaire des conflits en présence. Etant elle-même la seule institution européenne compétente sur toutes les dimensions, économiques et politiques, civiles et militaires, de la gestion des crises, l'Union se devait en effet de renforcer cette pratique holistique de la sécurité par une cohérence accrue de ses différents moyens d'intervention extérieure.

C'est ainsi qu'en République démocratique du Congo, après le succès de l'opération militaire Artemis en été 2003, l'Union a lancé successivement une mission de police à Kinshasa (avril 2005) et, à la demande de ce pays, une mission d'assistance et de conseil en matière de réforme du secteur de sécurité, le 8 juin 2005. Cette mission est une première pour l'Union, dont il conviendra ensuite de tirer les enseignements nécessaires pour toutes les politiques européennes de gestion des crises et d'aide à la reconstruction démocratique des pays, au sortir d'un conflit.

Afin d'explorer plus en détail le concept – et la pratique – des activités de réforme du secteur de la sécurité, l'Institut a sollicité l'expertise du Centre pour le contrôle démocratique des forces armées (DCAF) de Genève, et demandé aux deux meilleurs experts en la matière, Fred Tanner et Heiner Hänggi, de rédiger un Cahier de Chaillot pour la première fois consacré à ces questions. Analysant les concepts ou l'expérience accumulés par différentes institutions, l'OSCE, l'OTAN, et même le Conseil de l'Europe, les auteurs proposent un bilan des activités de réforme du secteur de la sécurité sur trois des régions voisines de l'Union. Bien que non exhaustif – le cas africain ne fait pas partie de cette première étude –, ce bilan suggère néanmoins un certain nombre de conclusions importantes pour le développement à venir du rôle extérieur de l'Union : au premier

*rang desquelles figure la nécessité pour l'Union d'évoluer d'une pratique ad hoc vers un véritable concept global et cohérent en matière de réforme du secteur de la sécurité.*

*Ces activités, pour essentielles soient-elles dans l'aide aux transitions démocratiques de certains pays, doivent toutefois être évaluées en relation avec l'ensemble des autres instruments dont dispose l'Union pour atteindre cet objectif : aide économique, conditionnalité, mission de maintien de la paix, missions de police, accords de partenariat, etc. S'il est vrai que l'Union a négligé jusqu'à très récemment l'instrument que représente la réforme du secteur de sécurité, elle ne saurait non plus à l'avenir décider de ne faire que cela. Parce qu'elle est un acteur global disposant de toute la gamme des instruments nécessaires à une action extérieure, l'objectif de l'Union doit être la cohérence et l'efficacité conjointes des moyens utilisés, non la spécialisation sur tel ou tel aspect.*

*Pour le Conseil et la Commission, cela signifie renforcer la cohérence et la complémentarité de leurs actions, quels que soient les aléas du Traité constitutionnel. Pour la PESD, cela signifie qu'elle devra se développer à l'avenir dans ces deux dimensions essentielles : les opérations militaires de gestion des crises d'une part, qui restent sa mission première, et les activités civiles de reconstruction après la crise d'autre part, dans la mesure où elles en sont un prolongement nécessaire.*

*Paris, juillet 2005*

With the European Union's enlargement eastwards and southwards, its neighbourhood now stretches from the Balkans to the south Caucasus, and from Russia to the southern Mediterranean. The EU's eastern and southern neighbourhood is composed of areas which, to a greater or lesser extent, have serious deficits in security, development and democracy. There are many types of security problems, ranging from weak states and rampant international crime to spoilers in post-conflict reconstruction and unpredictable authoritarian leaders who pursue regime security often at the expense of national or regional security. In terms of socio-economic development, most of the countries in the EU's neighbourhood are fragile, often struggling with the effects of black market economies and cronyism, and burdened by bloated defence and security sectors that escape any accountability. As regards political systems, the EU's neighbourhood is composed of regime types ranging from new but weak democracies to regimes with authoritarian features and limited political participation.<sup>2</sup>

The combined effects of these deficits constitute a serious challenge for the EU's own security as well as an impediment to its attempts at shaping its neighbourhood according to its interests and preferences. Over the past few years, the EU has designed numerous instruments to engage these regions through different policies with the purpose of addressing these deficits. They include the accession process for candidate countries, stabilisation, association and partnership agreements, multilateral frameworks such as the Euro-Mediterranean Partnership (EMP) or the Stability Pact for South Eastern Europe, and more recently the European Neighbourhood Policy (ENP), which includes the 'new' neighbours in the east and the south.<sup>3</sup> The issue areas covered under such partnerships include development cooperation, human rights and democratisation, as well as conflict prevention and crisis management.

The neighbours have differing relationships with the EU, and most importantly can be distinguished on the basis of their

1. The authors wish to thank Derek Lutterbeck for his invaluable substantive input; Jonas Hagmann for his research assistance; Wendy Robinson for proof-reading the manuscript; Hans Born, Alan Bryden, Marina Caparini, Philipp Fluri, Nicole Gnesotto, Arnold Luethold, Martin Ortega, Benedikt Wechsler and anonymous reviewers for commenting on earlier drafts of the manuscript or parts of it.

2. For a systematic survey on indicators reflecting the political, economic and security deficits in the region, see table at Annexe 3.

3. Regarding those countries which are covered by the ENP as well as those discussed in this study but not covered by the ENP, see Annexe 4.

prospects of one day becoming EU members. The countries likely to join the EU in the mid-to long term include those of the Western Balkans and Turkey (although the plebiscitary rejection of the EU constitution by France and the Netherlands has cast some doubts on these prospects). All of them are engaged, and assisted by the EU, in a process of political and economic reform. The other neighbours are those that have no EU membership prospects, at least not for the foreseeable future. As a consequence, in this situation the EU has much less leverage to promote political and economic reforms. However, the need for reform is paramount throughout the EU's neighbourhood, as is the need for the EU to assist these countries in their reform efforts. In addition to this, the EU is under some pressure from the United States, which under the Bush administration has embarked on promoting political and economic liberalisation in order to create an 'arc of reform' in the Arab world that also covers large parts of the EU's neighbourhood.

It is clear that no genuine political and economic liberalisation can be carried out as long as the defence and security sectors continue to be run by uniformed élites that lack political accountability and transparency. The absence of democratic control of the military, police, intelligence services and other security forces has serious consequences with regards to the internal and external security, as well as the political and economic development, of countries in transition. Furthermore, opacity of the security sector is often a cause for regional instability. Given the importance of a well-governed and efficient security sector to national and regional security, as well as socio-economic development and democratisation, the need to promote good governance of the security sector seems self-evident. The 2003 European Security Strategy (ESS), for example, acknowledges the importance of supporting third countries in 'security sector reform' and refers to it in the context of 'broader institution building'.<sup>4</sup>

However, given the fact that issues such as defence and intelligence continue to be regarded as a *chasse gardée* of the state or the regime in power, the EU's involvement in this field is politically at least as sensitive as its engagement in the domain of human rights. Moreover, activities aimed at reforming security and defence sectors are prone to clash with national agendas of those EU member states that prefer *realpolitik* over transformation focused on good governance. Yet in view of the fact that the EU has become an international actor in its own right, it will increasingly be faced with the

4. Javier Solana, 'A secure Europe in a better world. European Security Strategy', document adopted at the European Council, Brussels, 12 December 2003, p. 22.

needs and pressures to engage in the promotion of security sector governance. This results from the EU being a pluralistic community of liberal democracies and as such a democracy-promoter. Also, the concept of democratic control of the armed forces and parliamentary oversight of defence budgets has been adopted by other regional organisations such as the North Atlantic Treaty Organisation (NATO) and the Organisation for Security and Cooperation in Europe (OSCE), both of which are increasingly reaching out to the southern Mediterranean and beyond.

In view of the growing importance of security sector governance, this study will examine the extent to which the EU is able to address this question with its neighbours and how it interacts, if at all, with other multilateral actors promoting democratic governance of the security sector in its eastern and southern neighbourhood.<sup>5</sup> The record of recent years has shown that the EU is increasingly engaged in the promotion of security sector governance. However, to date the EU has neither developed a comprehensive policy framework nor mainstreamed its manifold activities aimed, intentionally or not, at promoting security sector governance. Furthermore, it pursues the reform of security institutions such as police forces, border guards or judicial systems on a piecemeal basis, often neglecting the crucial governance dimension.

This study will look at both the normative and policy dimensions of security sector governance, as well as issues related to operational implementation. Before exploring the EU's current approach, the study will present the emerging concepts of security sector governance and security sector reform as well as the key multilateral actors engaged in promoting these concepts. It will then consider how the EU and other key actors such as NATO have assisted the eastern and southern neighbours in this politically sensitive domain. The paper ends by recommending that the EU develop a holistic approach to promoting security sector governance.

5. This study focuses on the European Union as an entity – or, an international actor in its own right – and does not cover the relevant activities of its member states.



# Promoting security sector governance

Since the 1990s, the promotion of security sector governance has become a recognised item on national and international policy agendas. In the framework of ‘new defence diplomacy’, Western governments began to promote democratic civil-military relations, in particular in post-communist Central and Eastern Europe, bilaterally as well as through multilateral security institutions.<sup>6</sup> Furthermore, in recognition of the security development nexus, bilateral and multilateral donors started to use the promotion of security sector governance as an instrument to improve the efficiency and effectiveness of development assistance.<sup>7</sup> Finally, security sector governance issues gained most practical relevance in the context of externally assisted post-conflict reconstruction of ‘failed states’ and states emerging from violent internal or interstate conflict.<sup>8</sup> All these policy agendas are based on the assumption that a well governed security sector is a key factor for democratisation, socio-economic development, conflict prevention and peace building.

This chapter first introduces the concept of security sector governance and its normative underpinnings. This is followed by a discussion of security sector reform (SSR) as an increasingly accepted key instrument for improving security sector governance in transitional, developing and post-conflict countries. Finally, this chapter provides a brief overview of the principal actors involved in promoting security sector governance.

## **What is security sector governance?<sup>9</sup>**

Security sector governance is a recent and still evolving concept which combines the broad notion of ‘security’ with the evolving concept of ‘governance’ and applies it to the ‘security sector’. This section shows how security sector governance may be conceptualised and what is comprised by the security sector. It also shows

6. See, for instance, Andrew Cottey and Anthony Forster, ‘Reshaping Defence Diplomacy. New Roles for Military Cooperation and Assistance’, *Adelphi Paper 365*, 2004, pp. 31-40.

7. See, for instance, Michael Brzoska, ‘Development Donors and the Concept of Security Sector Reform’, *DCAF Occasional Paper 4* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003).

8. See, for instance, Alan Bryden and Heiner Hänggi (eds.), *Reform and Reconstruction of the Security Sector* (Münster: LIT Verlag, 2004), particularly part II.

9. This section draws on Heiner Hänggi, ‘Making Sense of Security Sector Governance’, in Heiner Hänggi and Theodor Winkler (eds.), *Challenges of Security Sector Governance* (Münster: LIT Verlag, 2003), pp. 4-17, and Heiner Hänggi, ‘Conceptualising Security Sector Reform and Reconstruction’, in Bryden and Hänggi, *op. cit.*, pp. 4-7.

that security sector governance is based on principles and best practices which have been enshrined, though not in their entirety, in a number of international documents.

### Security, governance and security (sector) governance

Since the end of the Cold War, we have witnessed a substantive widening and deepening of the concept of *security*. Non-military security issues such as its political, economic, societal and environmental aspects are now broadly accepted as component parts of a new security agenda. Furthermore, with the proliferation of intrastate wars – with cross-border implications – and the privatisation of conflict in poorly governed and failing states, the international community began to recognise that more often than not it is individuals and social groups which need to be protected rather than the state whose dysfunctionality is often the primary cause of insecurity. This led to the emergence of new security concepts such as human security. Although still an ill-defined and contested concept, human security covers a wide range of threats to the security of individuals and social groups, such as anti-personnel landmines, small arms and light weapons, child soldiers, trafficking in women as well as, in its wider notion, all aspects of human development such as economic, food, health and environmental insecurity. What makes these problems ‘new’ security issues, shaping a new or transformed international security agenda, is not that they are truly novel phenomena but rather that they are ‘securitised’, which means that they tend to be characterised and treated as security concerns.

The concept of *governance* is quite a recent one which has come into use in the context of globalisation, reflecting the fragmentation of political authority among public and private actors on multiple levels of governance – international, national, and subnational – which has accompanied globalisation. In its basic notion, governance refers to the structures and processes whereby a social organisation – from the family to corporate business to international institutions – steers itself, ranging from centralised control to self-regulation. If we accept the perspective that every issue-area, including military and non-military security, is subject to certain systems of governance on the substate, state or international level, then we arrive at the concept of security governance.<sup>10</sup> At the state and substate levels, security governance is largely exercised by gov-

10. For an analysis on security governance see Elke Krahmhann, ‘Conceptualizing Security Governance’, *Cooperation and Conflict*, vol. 38, no. 1, pp. 5-26.

ernments – hence governance *by* governments – except for ‘weak states’ or ‘failed states’ where the government is forced to share powers with non-state actors, be it international organisations, foreign powers, rebel forces or other armed non-state actors. In sum, security governance on the state level refers to the organisation, management and oversight of the security sector.

### The security sector

Although the notion of the security sector is contested, there seems to be a certain convergence on a general definition, which may vary in scope according to the perspective adopted.

From a *security* perspective, the notion reflects a broad conception of security because it is not limited to the military, but rather acknowledges the importance and in some countries the predominant role of non-military security forces in the provision of public security, internal or external. Accordingly, the security sector encompasses all those state institutions which have a formal mandate to ensure the safety of the state and its citizens from acts of violence and coercion, such as the armed forces, the police, gendarmerie and paramilitary forces, the intelligence and secret services, border guards as well as judicial and penal institutions. Given the prevalence of private and other non-statutory security actors in an increasing number of states, however, forces such as guerrilla and liberation armies, non-state paramilitary organisations as well as private military and security companies have to be considered either as part of the de facto security sector or at least as important actors shaping security sector governance. Thus, the security sector, as defined from a broad security perspective, would include statutory and non-statutory security forces.

From a *governance* perspective, the security sector covers the elements of the public sector responsible for the exercise of the state monopoly of coercive power – traditionally a key feature of the modern nation-state. This includes the elected and duly appointed civil authorities responsible for management and control of the security forces, such as the executive government, the relevant ministries (so-called ‘power ministries’, particularly the ministries of defence and of the interior), the parliament and its specialised committees. Like any other part of the public sector, the security sector should be subject to principles of good governance such as accountability, transparency and participation. Given the broad

notion of security and the growing importance of internal security issues, particularly in the wake of 9/11 and its aftermath, justice and law enforcement institutions are also viewed as relevant actors for security sector governance. Thus, the judiciary and ministries of justice, criminal investigation and prosecution services, prison regimes, ombudspersons and human rights commissions should be considered as component parts of the security sector, broadly defined. Furthermore, given the importance of civil society for democratic governance, non-statutory civil society actors such as the media, research institutions and non-governmental organisations may also play an important role in security sector governance. Thus, the security sector as defined from a democratic governance perspective, would include a wide range of civil society actors in addition to the state institutions tasked with security sector management and oversight.

### Norms and standards of security sector governance

Amongst the few international documents that refer to democratic governance of the security sector is the UN General Assembly Resolution 55/96, entitled Promoting and Consolidating Democracy, which calls for 'ensuring that the military remains accountable to the democratically elected civilian government' in the context of strengthening the rule of law.<sup>11</sup> In its Human Development Report 2002, the United Nations Development Programme (UNDP) makes a strong case for 'democratizing security to prevent conflict and build peace'. Referring to the democratic peace thesis, which posits that democracies do not go to war against each other, the report stresses the crucial role of democratic control of the military, police and other security forces for human development and human security.<sup>12</sup> Standards for democratic governance of the security sector have been set outside the UN system by a number of regional organisations such as the OSCE, NATO, the EU and the Council of Europe (see below). The OSCE has gone the furthest so far with the adoption in 1994 of the politically binding Code of Conduct on Politico-Military Aspects of Security, which contains the most innovative provisions on 'the democratic political control of military, paramilitary and internal security forces as well as intelligence services and the police' (Annexe IV). In its sections VII and VIII, the Code establishes the basic components of democratic control of armed forces regime, which is at the core of security sector

11. Human Rights Resolution 2000/47 on Promoting and Consolidating Democracy, para. 1, b, ix.

12. United Nations Development Programme (UNDP), *Human Development Report 2002: Deepening democracy in a fragmented world* (Oxford University Press: Oxford, 2002), pp. 85-100. See also Annexe 5.

governance in the Euro-Atlantic area and has influenced the elaboration of similar regimes elsewhere.<sup>13</sup>

There is broad agreement on general principles and good practices in this area. From an institutional perspective, democratic governance of the security sector would include:

- *a constitutional and legal framework* which enshrines the separation of powers (between the executive, legislative and judicial branches of government) and clearly defines the tasks, rights and obligations of the security sector within the institutional checks and balances and of the individual security institutions (e.g. separation between police and military);
- *civilian control* and management of the security sector by government (civilian control over the defence ministry, other security-related ministries and the military establishment as a whole, with civilian defence and interior ministers and civil servants having key policy-making and management roles, and with a clear division of professional responsibility between civilians and the military);
- *parliamentary control* and oversight of the security sector (powers such as approval of defence and related budgets, security-related laws, security strategy and planning, security sector restructuring, weapons procurement, deployment of troops for internal emergency situations and abroad, ratification of international agreements on security issues; instruments such as defence committees, hearings, inquiries and investigations, mandating reports, etc.);
- *judicial control* in the sense that the security sector is subject to the civilian justice system, too, and that there are no specialized courts (e.g. military justice courts) outside the civil courts; and,
- *'public control'* of the security sector through the existence of a security community representing civil society (political parties, NGOs, independent media, specialised think tanks and university institutions, etc.) and the nurturing of an informed national debate on security issues.

This body of widely recognised principles and practices effectively constitutes an ideal-type of security sector governance, which perhaps only a few countries are able to match in their entirety. Though there are no universally accepted models, civilian supremacy and legislative accountability (or civilian and parlia-

13. For an overview see Heiner Hänggi (ed.), 'Practical Confidence-building Measures: Does Good Governance of the Security Sector Matter?', *DCAF Working Paper 107* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003). Regarding Africa, see Adedeji Ebo, 'Towards a Code of Conduct for Armed and Security Forces in Africa: Opportunities and Challenges', *DCAF Policy Paper* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2005).

mentary control) of the security sector are widely recognised as being the most crucial elements of the concept of democratic governance of the security sector. One should note that, far from tying their hands, democratic governance of the security sector offers long-term advantages for the security forces themselves. It provides them with the resources that are politically considered necessary. It also facilitates their effectiveness and efficiency because they are under external scrutiny, thereby giving them legitimacy and a socially accepted status.

### **Profiling security sector reform (SSR)<sup>14</sup>**

Security sector reform (SSR)<sup>15</sup> is essentially aimed at the efficient and effective provision of state and human security within a framework of democratic governance. Although SSR is still an evolving and therefore contested concept, and lessons learned from practical experience are still rather scarce, it increasingly shapes international programmes for development assistance, security cooperation and the promotion of democracy. This process is driven by the understanding that an unreformed security sector represents a decisive obstacle to the promotion of sustainable peace, democracy and development. The concept of SSR bridges the previously separate international discourses of security policy, the promotion of peace and democracy, and development assistance, which makes the SSR approach appear innovative and promising while simultaneously rendering it demanding in terms of conceptualisation and actual implementation.

### **The concept of security sector reform**

A security sector can be considered dysfunctional if it does not provide security to the state and its people or, even worse, if it is a cause of insecurity. Moreover, a security sector cannot be considered to be functional if it is deficient in terms of governance. Thus, SSR is meant to reduce security deficits (lack of security or even provision of insecurity) as well as democratic deficits (lack of oversight of the security sector). In other words, SSR is a means that serves the objective of providing 'security within the state in an effective and efficient manner, and in the framework of democratic civilian control'.<sup>16</sup>

14. This section draws on Hänggi, 'Conceptualising', op. cit., pp. 8-15.

15. 'Security sector reform' is the term of choice in this paper because it is most commonly used by practitioners as well as analysts. Reference is made, however, to alternative terms such as 'security system reform', used by the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD); 'justice and security sector reform', introduced by the United Nations Development Programme (UNDP); and 'security sector transformation', which is increasingly being used in the African context to underline the need for fundamental change in governance processes in the security sector.

16. Timothy Edmunds, 'Security sector reform: concepts and implementation', in Wilhelm N. Germann and Timothy Edmunds (eds.), *Towards Security Sector Reform in Post Cold War Europe. A Framework for Assessment* (Baden-Baden: Nomos, 2003), pp. 3-4.

In an address to the World Bank staff in October 1999, UN Secretary-General Kofi Annan made a strong case for security sector reform. Referring to the concept of good governance, he noted that ‘another very important aspect is the reform of public services – including the security sector, which should be subject to the same standards of efficiency, equity and accountability as any other service.’<sup>17</sup> A recent authoritative definition of SSR stems from the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), which states that ‘security system reform is another term used to describe the transformation of the security system – which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance and this contributes to a well-functioning security framework.’<sup>18</sup>

Thus, the SSR agenda favours a holistic approach to the provision of security in a double sense, firstly, by integrating all those partial reforms such as defence reform, police reform, intelligence reform and judicial reform, which in the past were generally seen and conducted as separate efforts. Secondly, given its normative commitment to the consolidation of democracy, promotion of human rights and implementation of the principles of good governance such as accountability and transparency, it aims at putting the security sector and its components under democratic governance.

### Developmental, post-authoritarian and post-conflict settings

In practical terms, SSR varies substantially according to the specific reform context. There is general agreement that no common model of SSR exists and that, in principle, each country adopting SSR constitutes a special case and hence a different reform context. However, for analytical purposes, broad SSR contexts may be distinguished which contain a number of similar cases – depending on the criteria for categorisation. In this paper three such contexts, or rather ‘context clusters’, of SSR will be discussed, each reflecting a different rationale for reform. If the level of economic development, the nature of the political system and the specific security situation are used as points of departure, the following three SSR contexts may be distinguished (see table below):

17. Kofi Annan, ‘Peace and Development – One Struggle, Two Fronts’, address by the United Nations Secretary-General to World Bank staff, 19 October 1999, p. 5.

18. *Security System Reform and Governance: Policy and Good Practice. A DCAF Reference Document* (Paris: Organisation for Economic Cooperation and Development, 2004), p. 16.

- the developmental context in relatively stable developing countries (key criterion: socio-economic development);
- the post-authoritarian (primarily post-communist) context in transitional countries (key criterion: political system);
- the 'post-conflict context' in countries engaged in rebuilding the state after conflict (key criterion: security situation).<sup>19</sup>

Good opportunities for externally assisted SSR activities tend to exist in developing countries which have embarked on a process of democratisation after elections or other forms of peaceful change, in post-authoritarian transition states which aim at joining a regional organisation for which democracy is a requirement for membership (e.g. potential EU and NATO members), and those post-conflict states in which multinational peace support operations offer the bases for reconstruction and local actors show a certain readiness for reform. At this stage, Ghana, Mali and Senegal could be viewed as good examples of the first category, Ukraine and Indonesia the second, and possibly Afghanistan and Sierra Leone the third. In some cases, potential target countries would constitute a specific hybrid of these contexts such as the West Balkan countries and Georgia, which combine the features of the post-authoritarian (post-communist) and post-conflict contexts. In many cases, however, prospects for the promotion of security sector governance and externally assisted SSR are rather dim. In particular, this applies to authoritarian regimes and illiberal democracies where the will to reform is lacking (e.g. Belarus, North African states) and to 'post-conflict' states and territories located in early conflict transformation phases (e.g. Iraq, Ivory Coast, Nepal, Sri Lanka or Sudan). This does not mean that security sector governance should not be promoted in these countries, but that this task will be even more challenging than it already is in more conducive environments – and with high political risks attached.

19. One should, however, be aware that highly developed countries, consolidated democracies and states which are internally and externally secure also face pressures to reform their security sectors, particularly in response to new security requirements accentuated by 9/11 and its aftermath or to deficiencies in international security governance related to the effects of globalisation.

*Contexts of security sector reform*<sup>20</sup>

	<b>Developmental context</b>	<b>Post-authoritarian context</b>	<b>Post-conflict context</b>
<b>Key criterion</b>	Level of economic development	Nature of political system	Specific security situation
<b>Key problem</b>	Development deficit	Democratic deficit	Security and democratic deficits
<b>Key reform objective</b>	Development	Democratisation	Peace-building/nation-building
<b>General reform process</b>	Transition from underdeveloped to developed economy	Transition from authoritarian to democratic system	Transition from violent conflict to peace
<b>Nature of external involvement</b>	Development assistance coupled with political conditionality	Accession to multilateral institutions as incentive for reform	Military intervention/occupation; mostly UN-led peace support operations
<b>Key external actors</b>	Development/financial actors: multilateral donors (e.g. OECD, UNDP, World Bank); bilateral donors; non-state actors	Security actors: international (e.g. EU, NATO, OSCE); governments; non-state actors (e.g. INGOs, PMCs)	Security actors: intervention forces; peacekeeping forces under international auspices; non-state actors (e.g. PMCs)
<b>Specific security sector problems</b>	Excessive military spending; poorly managed/ governed security sector leads to ineffective provision of security, thereby diverting scarce resources from development	Oversized, over-resourced military-industrial complex; strong state, but weak civil society institutions; deficiencies in implementing SSR policies	Government and civil society institutions collapsed; displaced populations; privatisation of security; possibly pockets of armed resistance; abundance of small arms and anti-personnel mines

20. This table is drawn from Hänggi, 'Conceptualising', op. cit., p. 10.

### Three categories of SSR-related activities

Finally, the range of SSR activities that are recommended and implemented by the actors involved is quite extraordinary. Three broad categories can be distinguished:

- ▶ *restructuring security institutions*: these SSR activities concentrate on the reduction of security deficits by building transparent, responsible, efficient and effective security forces – armed forces, police services, border guards, intelligence services, etc., that are capable of providing security rather than posing a security threat;
- ▶ *strengthening control mechanisms*: these SSR activities focus on the reduction of democratic deficits through the promotion of good governance in the security sector – by strengthening control and oversight mechanisms in the context of civilian management, parliamentary accountability and civil society empowerment;
- ▶ *reconstructing the security sector*: these SSR activities relate to specific challenges posed by post-conflict environments such as SSR-related activities of international peace support operations, disarmament, demobilisation and reintegration (DDR) of former combatants, including child soldiers, combating the proliferation of small arms and light weapons (SALW), mine action, etc.

It has to be emphasised that activities aimed at modernising and professionalising the armed and security forces (first category) without assuring their democratic accountability (second category) cannot be considered as SSR in the framework of security sector governance. Such activities would rather come under the heading of technical assistance in the framework of ‘old defence diplomacy’, which was aimed at beefing up the armed and security forces of allies irrespective of governance considerations.<sup>21</sup> By definition, SSR-related activities must be aimed at improving the governance of the security sector.<sup>22</sup>

- ▶ For the purposes of this paper, an inventory of activities related to the promotion of security sector governance has been developed – based on the three categories just mentioned and drawing on the pertinent literature (see Annexe 5). This inventory is not complete but provides a useful checklist which enables one to ascertain and categorise security sector governance and SSR-related activities pursued by the EU – or any other international actors in this field.

21. For the concept of ‘old defence diplomacy’ see Cottey and Forster, *op. cit.*, pp. 5-8.

22. As a recently published OECD-DAC report declares, ‘[s]ome donors have simply re-named existing security work as SSR without paying due attention to whether these activities enhance democratic governance of the whole system’. *Security System Reform and Governance*, *op. cit.*, p. 37.

## Key international organisations promoting security sector governance

As in the case of the promotion of democracy, development assistance and peace-building, three clusters of actors are involved in promoting security sector governance – national governments, non-governmental organisations and international organisations.<sup>23</sup> National governments such as that of the United Kingdom have played a key role in promoting democratic civil-military relations in post-communist countries in transition and in putting SSR on the development agenda of donor countries. Non-governmental organisations such as the Geneva Centre for the Democratic Control of Armed Forces (DCAF) have been playing an increasingly important role in supporting SSR-related activities in specific countries, both in stand-alone efforts and as part of programmes sponsored by governments and international organisations. The key actors in promoting security sector governance, however, have been international organisations, both global and regional. Developmental organisations such as OECD, UNDP and the World Bank have been the most active at the global level. The OECD has concentrated on the conceptualisation of ‘security system reform’ in the context of development cooperation, while the UNDP and, to a lesser extent, the World Bank have also been engaged in implementing SSR-related activities on the ground, albeit not necessarily under that label. The UN Department of Peacekeeping Operations (DPKO) has been confronted with SSR challenges in a number of post-conflict settings.

Although regional organisations in Africa and Latin America have also been involved in promoting security sector governance,<sup>24</sup> it is in the Euro-Atlantic area that several multilateral institutions have been empowered to put the issue of democratic governance of the security sector onto their policy agenda. In the early 1990s, the OSCE and NATO began to formally address the question of democratic control of the armed forces. The OSCE took up the task of norm-setting as evidenced by the adoption of its Code of Conduct on Politico-Military Aspects of Security, and NATO undertook the process of transferring these norms in the framework of its Partnership for Peace (PfP) programme and later also through its enlargement process. In the late 1990s, the Council of Europe and the EU, both within their respective mandates,

23. For an overview see David Law, ‘Security Sector reform in the Euro-Atlantic Region: Unfinished Business’, in Bryden and Hänggi, *op. cit.*, pp. 32-7.

24. See Hänggi, *Confidence-building measures*, *op. cit.*; Ebo, *op. cit.*

began to promote security sector governance primarily in the non-military dimension. It is on the activities of these Euro-Atlantic institutions that this section will focus.

### **OSCE: norms and standards setter in the post-communist period**

The OSCE has been instrumental in creating a normative environment for security sector governance ever since the end of the Cold War. As a cooperative and comprehensive security organisation, it has an all-inclusive approach to peace and security, both in internal and international security. The organisation has a rich experience in norm- and standard-setting in the areas of confidence-building, arms control and disarmament, and security cooperation. With regards to democratic governance of the security sector, the OSCE approached the issue area through its Code of Conduct on Politico-Military Aspects of Security (1994). It is noteworthy that the EU was a key contributor to the creation of the Code (see Chapter 2). The rationale pursued by some member states was that the creation of the Code of Conduct would eventually lead to a pan-European or CSCE (as it then was) security treaty. These objectives died on the battlefields of former Yugoslavia, but the Code has remained important as a point of reference in this domain.

The Code contains numerous commitments and reaffirmations of commitments in issue-areas ranging from confidence-building, arms control and disarmament, conflict prevention and crisis management to the democratic control and use of armed forces. The Code constitutes the first multilateral instrument embodying rules regulating the democratic control of armed forces, at both internal and international levels. It has, however, several deficiencies. First, it applies only to the armed forces, but not to the security sector at large. Second, its implementation and review mechanisms have no 'teeth', and non-compliance of OSCE states with the Code have not led to any policy responses by the OSCE community.<sup>25</sup>

In recent years, the OSCE has held a number of seminars on the Code and specific aspects addressed by the Code, mainly in Central Asia and the Caucasus. Beyond that, the OSCE has also been active on the ground by supporting activities aimed at improving the parliamentary accountability of the security sector, the

25. For instance, in the context of Russia's use of military force in Chechnya, the EU has repeatedly called upon Moscow to fulfil its obligations under the OSCE Code of Conduct.

strengthening of border security regimes and preventing human rights violations in armed forces.

### **NATO: the transfer of norms through enlargement and partnership**

NATO is not only a defence alliance or a security institution dedicated to crisis management and peace building, but also an alliance based on liberal values. Shared democratic values and norms are at the heart of NATO's legitimacy. It is on the basis of this common identity 'that NATO in the post-Cold War period has turned to focus on democracy promotion as a core principle for its activities'.<sup>26</sup>

NATO's democracy promotion agenda of the 1990s was driven primarily by the United States in view of NATO's eastward enlargement. In 1994 this approach took the form of the PfP programme, which was to pull former Warsaw Pact enemies into NATO's collaborative orbit. The democratic requirements relating to security sector governance were codified in the PfP Framework Document (1994) and the Membership Action Plan (1999). The PfP Framework Document explicitly lists, as two of its objectives, 'the facilitation of transparency in national defence planning' and 'ensuring democratic control of defence forces'.<sup>27</sup> In 1999, NATO worked out two parallel tracks that should promote security sector governance for (a) future member states and (b) for other non-NATO countries of the Euro-Atlantic Partnership Council (EAPC).

For future NATO members, a Membership Action Plan (MAP) has been set up to help them in their defence transformation. Candidate countries follow an Annual National Programme that posits the objectives and benchmarks for reform. At present, three countries – Albania, Croatia and the former Yugoslav Republic of Macedonia (FYROM) – are part of the MAP process. The MAP contains a catalogue of preconditions and expectations with regards to aspirant countries. It builds upon the PfP Framework Document and its requirements cover the fields of democratic governance of the security sector, human rights, security policy, strategy, Alliance policies, and legal commitments. In particular, it requires states to 'establish appropriate democratic and civilian control' of their armed forces.<sup>28</sup> NATO's MAP has also acquired the status of a normative reference document for countries out-

26. Helene Sjørnsen, 'On the identity of NATO', *International Affairs*, vol. 80, no. 4, 2004, p. 689.

27. Partnership for Peace Framework Document, paras. 3a and 3b.

28. Membership Action Plan (MAP), Press release, NAC-S(99)66, 24 April 1999, para. d.

side the enlarged NATO, particularly for countries in the Western Balkans, Ukraine and possibly also countries in the south Caucasus and Central Asia.

For other non-NATO countries, the Alliance developed the NATO Partnership Work Programme 2000-2001, which contains numerous concepts related to the democratic governance of the security sector. The Work Programme also calls upon the participating states to '[d]iscuss progress in the implementation of the OSCE Code of Conduct'. The main mechanisms to support partner countries in their efforts to build a democratic defence sector are the Individual Partnership Action Plan (IPAP) and the PfP Planning And Review Process (PARP). Furthermore, at NATO's 2002 Prague summit, a Partnership Action Plan against Terrorism was adopted, which established a clear link between preparedness to fight terrorism and security sector reform.<sup>29</sup> Finally, at the 2004 Istanbul summit, a Partnership Action Plan on Defence Institution Building (PAP-DIB) was endorsed. It is underpinned by the belief that defence institutions should be subordinate to civilian and democratic oversight mechanisms.<sup>30</sup> The PAP-DIB is primarily aimed at supporting EAPC countries in the Caucasus and Central Asia in establishing democratically controlled defence institutions.

NATO and its member states have provided a wide range of support to PfP partners to help them reform their security sectors, particularly in the areas of constitutional frameworks for democratic control of the military, reorganisation and civilianisation of defence ministries, defence planning and budgeting, and parliamentary accountability. This support has taken the form of conferences and seminars, advice on specific issues, placement of advisers from NATO, secondments of partner states' civilian and military personnel to NATO's political and military headquarters, as well as the PARP and MAP processes.<sup>31</sup> While NATO's SSR-related support was initially focused on the candidate countries in Central and Eastern Europe and the Baltic region, it now concentrates on the Newly Independent States (NIS) such as Ukraine and Moldova, the south Caucasus and Central Asian republics. At its 2004 Istanbul summit, NATO launched new partnership initiatives aimed also at the southern Mediterranean and the Middle East (see Chapter 4).

29. Partnership Action Plan against Terrorism, para. 16.2.

30. Partnership Action Plan on Defence Institution Building (PAP-DIB), Brussels, 7 June 2004.

31. For an exhaustive list of activities see Cottey and Forster, *op. cit.*, pp. 35-6.

## Council of Europe: setting and promoting standards of democratic security

The main objective of the Council of Europe is to contribute to efficient implementation of pluralistic democracy, human rights and the rule of law, which constitutes a guarantee of stability and security between states and within states. In the immediate post-Cold War period, the Council of Europe played an important role in assisting the countries in Central, Eastern and South-Eastern Europe as well as the NIS in the transformation of their political systems. Membership of the Council of Europe became a requirement – a kind of a democratic ‘certificate’ – for the European countries in transition willing to accede to other organisations such as NATO and the EU.

While traditional (military) security issues are not covered by its mandate, the Council of Europe has in recent years begun to look into non-military aspects of security – reflecting the emerging broad notion of security and its overlap with the Council’s concept of democratic security. In 1997, the Directorate General of Human Rights launched the still ongoing ‘Police and Human Rights’ programme with the aim of raising awareness about human right standards in policing organisations throughout Europe, with training courses being concentrated in Western Balkan countries, the NIS and Turkey.<sup>32</sup> In 1999, its Parliamentary Assembly passed a recommendation on ‘Control of internal security services in Council of Europe member states’, which was not, however, followed up by the Committee of Ministers.<sup>33</sup> In 2001, the Committee of Ministers approved a Code of Police Ethics, which includes fairly detailed and specific principles of police accountability and has been promoted through a number of operational programmes.<sup>34</sup> In 2002, the Parliamentary Assembly, in its opinion on the membership application of Federal Republic of Yugoslavia, now Serbia and Montenegro, listed legislation ‘to bring the army under civilian control’ among the accession criteria.<sup>35</sup> Finally, in June 2005, a Recommendation on the ‘Democratic oversight of the security sector in member states’ was adopted and referred to the Council of Ministers for further action.<sup>36</sup>

Apart from these core issues of security sector governance, the Council of Europe has been very active in a number of related areas such as programmes to promote access to justice and to fight trafficking in human beings.

32. See [http://www.coe.int/T/E/Human\\_Rights/Police/](http://www.coe.int/T/E/Human_Rights/Police/).

33. Recommendation No. 1402 (1999), at <http://assembly.coe.int/Documents/AdoptedText/ta99/erec1402.htm>.

34. Text of Code accessible at <http://www.eupol-proxima.org/1%20Mission/EUpoliceethicscode.htm>.

35. Opinion No. 239 (2002), para. 12 (iii, a), at <http://assembly.coe.int/documents/adopted-text/ta02/eopii239.htm>.

36. Recommendation 1713 (2005), at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/EREC1713.htm>.

## **The European Union's approach to promoting security sector governance**

As an international actor *sui generis*, the EU has de facto been involved in the promotion of security sector governance for quite some time, though without necessarily locating these efforts in this conceptual context. The next chapter lists the various EU policies and activities that can be related to the promotion of security sector reform and governance.

This chapter reviews the EU's approach to security sector governance and security sector reform. It rests on the assumption that the EU's efforts to stabilise its neighbourhood have inevitably led to promoting security sector governance in its external policy, and will continue to do so, without necessarily applying the SSR label to these activities. Furthermore, the EU's nature as a hybrid inter-governmental-supranational organisation would suggest that its security sector governance activities would be pursued by different institutional actors within the Union, and in different policy areas, without these always being linked to each other. In the first section, this chapter examines EU policies that are relevant to security sector governance. This is followed by the development of a profile of the EU's activities in promoting security sector governance, based on the conceptual framework presented in the previous chapter.

### **The lack of a comprehensive policy framework**

References to security sector governance promotion can be found in a number of EU documents and actual policies across all three areas under consideration: the promotion of democracy, development cooperation and security policy. SSR-relevant EU policies and instruments include the enlargement policy, the European Initiative for Democracy and Human Rights (EIDHR), development cooperation and external assistance, conflict prevention, civilian and military crisis management as well as justice and home affairs (JHA).

### **The promotion of democracy**

The EU has not yet developed an explicit democracy promotion strategy. In practice, however, democracy promotion is on the

agenda of the EU's enlargement policy and its 'human rights and democratisation policy'.

### *Enlargement policy*

The accession to the EU of former communist states from Central and Eastern Europe and beyond has put security sector governance issues on the agenda of the Union's enlargement policy, albeit indirectly. As early as 1993, the EU made democratic governance one of the three Copenhagen criteria, which stipulate that any European state may apply to become a member of the EU provided it enjoys (1) the stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities; (2) a functioning market economy as well as the capacity to cope with competitive pressures within the Union; and (3) the ability to take on the obligations of membership (meaning effective implementation of the *acquis communautaire*).<sup>37</sup> These criteria did not, however, contain any specific language on security sector governance or intrastate civil-military relations, which one might have expected to be included under the political condition of stable democratic institutions.

Nevertheless, there was no doubt that democratic governance of the security sector was implicitly considered as being part and parcel of the EU accession requirements. This was expressed in a number of bilateral agreements with accession and potential candidate countries, which included references to the need to improve specific aspects of security sector governance such as police reform, judicial reform and border security management. The European Parliament, with the adoption of 'Agenda 2000' in 1997, provided further guidelines for accession by specifying that the Copenhagen criteria should include, *inter alia*, some essential elements with regard to security sector governance, namely the need to establish 'legal accountability of police, military and secret services' and 'the acceptance of the principle of conscientious objection to military service'.<sup>38</sup>

In the meantime, the principle of civilian control of the military has become an explicit requirement for accession under the political Copenhagen criteria. In the case of Turkey, the Commission has pointed to the problematic role of the National Security Council (NSC) in Turkey's polity in all of its annual progress reports since 1998. The principle of 'civilian control of the military' was mentioned for the first time in the 2001 progress report, however, only

37. Copenhagen European Council, 21-22 June 1993, 'Presidency Conclusions, Relations with the Countries of Central and Eastern Europe'.

38. Resolution on the Communication from the Commission 'Agenda 2000 – for a stronger and wider Union', COM(97)2000 – C4-0371/97, para. 9.

in the context of the NSC. Finally, in 2003, the European Council identified reform of the National Security Council so as to 'align civilian control of the military with the practice in EU member states' as one of the priorities in the accession process.<sup>39</sup> While references to the principle of democratic control of armed forces have so far been confined to the role of the NSC in the case of Turkey, the EU has gone beyond this in the case of the Western Balkans. In the annual reports on the Stabilisation and Association Process (SAP) countries, the armed forces have been included in the assessment of democratic institutions, and the principle of civilian control of armed forces has become a requirement for closer association with the EU (see Chapter 3). In other words: the EU is de facto using a comprehensive notion of security sector governance in its enlargement policy, with the armed forces being dealt with under the first Copenhagen criterion (democratic institutions) while police forces, border guards and the judiciary are reviewed under the JHA chapter of the *acquis communautaire*, which is part of the third Copenhagen criterion.

### *Human rights and democratisation policy*

Developed in the early 1990s, the EU's human rights and democratisation policy became a cross-cutting issue of increasing importance for its Common Foreign and Security Policy (CFSP) as well as its development cooperation policy. The 1993 Treaty on European Union declares 'democracy and the rule of law, and respect for human rights and fundamental freedoms' as one of the objectives of the CFSP, and stipulates that Community policy in the area of development cooperation 'shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that respect of respecting human rights and fundamental freedoms'.<sup>40</sup> Since the early 1990s, and more systematically since the mid-1990s, the EU has included a so-called 'human rights clause' in its bilateral agreements with third countries, including Association Agreements such as the Europe Agreements and the Mediterranean Agreements. More recently, questions of democratic participation, human rights and rule of law have been included in the Country Strategy Papers and country-specific European Neighbourhood Policy (ENP) Action Plans, which are drawn up jointly with partner countries. Furthermore, programmes aimed at promoting human rights and democratic governance have become a key area of the Community's development assistance.

39. 'Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession partnership with Turkey', 2003/398/EC, Annexe, point 4.

40. Arts. 11 (CFSP) and 177 (development cooperation).

41. The existing EU system of financial instruments for the delivery of external assistance will soon be simplified. From 2007 onwards, the new instrument for Pre-Accession will replace existing instruments such as PHARE and CARDS, and the new European Neighbourhood and Partnership Instrument will replace existing instruments such as MEDA and part of TACIS and EIDHR. See 'Communication from the Commission to the Council and the European Parliament on the Instruments for External Assistance under the Future Financial Perspective 2007-2013', COM(2004), 626 final, 29 September 2004.

42. See, for example, 'Report on the Implementation of the European Initiative for Democracy and Human Rights in 2000', Commission Staff Working Document, COM(2001), 252 final, Brussels, 22 May 2001, p. 13; Commission Communication 'Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners', COM(2003), 294 final, 21 May 2003.

43. See, for example, Richard Youngs, *The European Union and the Promotion of Democracy* (Oxford: Oxford University Press, 2002).

44. COM(2001), 252 final, 22 May 2001.

45. See Commission Staff Working Document 'European Initiative for Democracy and Human Rights Programming Document, 2002-2004', 20 December 2001; 'European Initiative for Democracy and Human Rights (EIDHR), Programming for 2005 and 2006', no date.

46. However, 'national efforts to subordinate the armed forces to civil authorities' constituted one of 14 focal thematic areas in the 1996-99 EIDHR programme though only a few projects were implemented in this field. See 'Report from the Commission on the Implementation of Measures Intended to Promote Observance of Human Rights and Democratic Principles in External Relations for 1996-1999', COM(2000), 726 final, 14 November 2000, p. 34.

The EU's main funding vehicle for human rights and democracy promotion is the European Initiative for Democracy and Human Rights (EIDHR), which was created in 1994 by the European Parliament. Approximately €100 million are available annually under EIDHR to support human rights, democratisation and conflict prevention activities to be carried out primarily in partnership with NGOs and international organisations. However, the Community's external assistance programmes such as PHARE, TACIS, MEDA and CARDS, which total some €5 billion per annum, are also available for the funding of programmes aimed at human rights and democracy promotion.<sup>41</sup>

The EU's strategy for promoting democracy has been criticised in the past, both internally<sup>42</sup> and externally,<sup>43</sup> for its lack of strategic vision and clear priorities. In order to present a more coherent policy framework for all EU activities in this field, since 1995 the Commission has issued a series of communications on the EU's human rights and democratisation approach, the most recent one being *The European Union's Role in Promoting Human Rights and Democratisation in Third Countries* which, having been issued in May 2001, has introduced some coherence into this field and made support for strengthening democratisation, good governance and rule of law in collaboration with civil society actors one of four thematic priorities of the future EIDHR programme.<sup>44</sup> The EIDHR programmes have since been restructured according to these new guidelines.<sup>45</sup> Though no explicit reference to democratic governance of the security sector is to be found in these documents,<sup>46</sup> a number of EU-funded projects may have an indirect impact on security sector governance, particularly in areas such as judicial reform, policing, the fight against organised crime, the fight against torture and impunity and for international tribunals and the International Criminal Court (ICC). In sum, despite a whole range of activities in the field of human rights and democratisation, the promotion of security sector governance has never really been an integral part of the EU's democracy promotion agenda.

### Development cooperation

The EU – the member states plus the European Community – has become the major international player in the development process, providing approximately half of all public assistance to developing countries. The EU development policy is based on the principle of

sustainable, equitable and participatory human and social development. Promotion of human rights, democracy, the rule of law and good governance is considered to be an integral part of it. As mentioned above, since the early 1990s human rights and democracy promotion have become cross-cutting issues of increasing importance for the EU's development cooperation policy. More recently, the concept of good governance, aimed at ensuring effective, transparent and responsible management of all resources devoted to development and poverty reduction, has been made a key parameter to be taken into account in the distribution of the EU's development aid.

According to the Commission's 2003 Communication on 'Governance and Development', focusing on good governance also entails providing support to improvements in the management of the security sector.<sup>47</sup> Consequently, security sector reform – following the terminology used by the OECD DAC, the Communication speaks of 'security system reform' – is seen as an integral component of good governance. As the Communication notes: 'Effective management, transparency and accountability of the security system are necessary conditions for the creation of a security environment that upholds democratic principles and human rights. Hence working towards good governance and sustainable peace requires a successful process of reform of the security system, particularly in post-conflict environments.'<sup>48</sup> Thus, the Commission refers to both key aspects of SSR – reform of core security actors such as the military, paramilitary, police as well as their civilian oversight structures – and places SSR in the broader context of public sector reform. At the level of policy objectives, SSR is viewed as 'of fundamental importance to create safe security environments and to keep the security sector permanently subject to the same governance norms as other parts of the public sector and military forces under the political control of a civilian authority.'<sup>49</sup> In terms of concrete assistance, the Commission notes that SSR can take different forms – support for the restructuring of armed forces and intelligence services as well as justice and internal security apparatuses; controlling non-state security forces; strengthening of civil oversight mechanisms and civil management bodies; building civilian capacity; demilitarising society; and supporting regional initiatives.

The rationalisation of SSR in the Commission's Communication on 'Governance and Development' draws heavily on the work

47. Focusing on good governance in development cooperation 'also entails specific support to administrative reforms, improvements in the management of public finances, *security systems*, etc.' (emphasis added). 'Communication from the Commission on Governance and Development', COM(2003), 615 final, Brussels, 20 October 2003, p. 31.

48. *Ibid.*, p. 8.

49. *Ibid.*

done by the OECD DAC which, in recent years, has increasingly focussed on the linkages between security and development and the role that SSR plays in this context.<sup>50</sup> Consequently, the security sector governance language used in the Commission's policy document largely reflects the specific SSR-related discourse of the development community. Unfortunately, no efforts have been made to link the development discourse with the respective SSR discourses prevalent in other circles such as the security and democracy promotion communities, nor with the SSR-related language used in other EU policy areas such as enlargement (see above) and conflict prevention (see below).

Nevertheless, the reference to SSR in the context of development and governance is so far the most elaborate conceptualisation of security sector governance to be found in EU policy documents. It is too early to assess the extent to which this has been followed by activities on the ground. The recent annual reports on EU development cooperation hold that, in programming assistance, the Commission has put more emphasis on governance-related aspects, including SSR.<sup>51</sup> Examples given for SSR-related activities in the EU's development cooperation include assistance for police reform in Kyrgyzstan and on the Solomon Islands, as well as for DDR, community policing and judicial reform in Guatemala.<sup>52</sup> These examples suggest that the mainstreaming of SSR into EC development programmes is still in its early stages. Given the difficulties EU member states have faced and are still facing in making SSR a component part of their development policy, one might assume that this will take a long time and much effort because it also requires a sea change of mentality in development cooperation.

### External and internal security policies

In recent years, the EU's security policy has rapidly grown in scope and substance. As to internal security, a large part of JHA has been 'communitarised'. As external security is concerned, European Security and Defence Policy (ESDP) has been developed and 'operationalised' within a relatively short period of time.<sup>53</sup> In December 2003, ESDP was topped by an overarching strategic concept, the European Security Strategy. Though not necessarily always explicitly stated, the promotion of security sector governance plays an important role in both the Union's internal and external security policy.

50. See *Security System Reform and Governance*, op. cit.

51. See 'Annual Report 2003 on the European Community's Development Policy and the Implementation of External Assistance in 2002', p. 71.

52. See 'Annual Report 2004 on the European Community's Development Policy and the Implementation of External Assistance in 2002', pp. 118-19.

53. An overview on ESDP can be found in Nicole Gnesotto (ed.), *EU Security and Defence Policy: the first five years (1999-2004)* (Paris: EU Institute for Security Studies, 2004).

### *The EU and the OSCE Code of Conduct*

An early indication of the EU's involvement in security sector governance from a security policy perspective was its role in the elaboration of the OSCE Code of Conduct on Politico-Military Aspects of Security, which was adopted in 1994. The EU was a key contributor to the creation of the Code as reflected in the 'European Union plus' draft proposal which heavily influenced the Code's wording.<sup>54</sup> The provisions of Sections VII and VIII of the Code establish the most elaborate democratic security sector governance regime, with clear emphasis on the democratic control of armed forces (see Annexe 4). The EU proposal for the Code was one of the first projects of the emerging CFSP. It indirectly competed with NATO on this project. As Victor-Yves Ghébalí notes, in the creation of the Code NATO was sidelined, which 'generated American unease and displeasure throughout the whole drafting process'.<sup>55</sup> Once the politically binding document had been adopted by the OSCE member states, the EU actively promoted the Code and its provisions through various instruments, either through its human rights and democratisation policy or through international forums such as the United Nations Disarmament Commission. In other words, the EU has been indirectly involved in the promotion of security sector governance in the form of democratic control of armed forces for more than a decade, despite this never having been made explicit in a policy document.

### *ESDP: European Security Strategy*

This has changed with the European Security Strategy, adopted in December 2003. The document is innovative in that it understands security in a comprehensive way and links security with development and democratic governance. It clearly states that 'security is a precondition of development', and that 'the best protection for our security is a world of well-governed democratic states'. For that purpose, the EU should 'promote a ring of well governed countries to the east of the European Union and on the borders of the Mediterranean'. Spreading good governance, establishing the rule of law and protecting human rights are considered 'the best means to strengthening international order'. The document suggests that the EU should be more active in pursuing its strategic objectives and in enhancing its capacities in the area of conflict prevention and crisis management. It is in this context that the strategy paper explicitly refers to security sector governance: 'As we increase capa-

54. CSCE/FSC/SC.21 (30 June 1993). The grouping consisted of the European Union member states plus Canada, Iceland and Norway. See Victor-Yves Ghébalí, 'Revisiting the OSCE Code of Conduct on Politico-Military Aspects of Security (1994)', in Hänggi and Winkler, *op. cit.*, p. 110.

55. Victor-Yves Ghébalí, 'The OSCE Code of Conduct on Politico-Military Aspects of Security (1994): A Paragraph-by-Paragraph Commentary on Sections VII and VIII (Democratic Control and Use of Armed Forces)', *DCAF Document 3* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2003), p. 3.

bilities in the different areas, we should think in terms of a wider spectrum of missions. This might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these two would be part of broader institution building.<sup>56</sup> Thus, the European Security Strategy considers SSR to be an instrument of conflict prevention and crisis management aimed at building democratic, or at least well governed, institutions. This applies to the global context of European security policy but has special importance for its eastern and southern neighbourhood.

### *ESDP: conflict prevention*

Within the EU, the promotion of security sector governance through SSR was first conceptualised in the context of its conflict prevention strategy – half a year before the events of 11 September 2001 and two years before SSR was explicitly mentioned in the European Security Strategy and in the Communication on Governance and Development. The Commission's Communication on Conflict Prevention, issued in 2001, was aimed at mainstreaming conflict prevention in the EU's external policies such as development assistance, trade, humanitarian aid, political dialogue and the new instruments in the field of crisis management. Regarding security sector governance, the Communication states: 'The security sector has not traditionally been a focus of Community cooperation. However in many countries, achieving structural stability may require a fundamental overhaul of the state security sector (i.e. the police, the armed forces and democratic control of the security forces as a whole).<sup>57</sup> The Communication concludes that there may be a need for the Community to become more involved in security sector reform and that, within the limits of its competencies, the Commission should play an increasingly active role in the security sector area, particularly in the form of improving police services and supporting human rights training for the whole security sector. In areas such as the reform of armed forces, the Commission considers that EU member states are better placed to assist SSR activities. Furthermore, the Communication calls for the Community to become involved in SSR-related activities in post-conflict situations, such as demining operations, as well as demobilisation, disarmament and reintegration of former combatants. Finally, it is suggested that the control of security forces should be addressed as a potential conflict indicator in all Country Strategy Papers.<sup>58</sup>

56. 'A secure Europe in a better world', op. cit., p. 12.

57. 'Communication on Conflict Prevention', COM (2001), 211 final, 11 April 2001, p. 14.

58. *Ibid.*, p. 11.

Though the suggestions made by the Commission have been taken up and further prioritised by the Council in the EU Programme for the Prevention of Violent Conflict (2001), European involvement in conflict prevention activities – such as SSR – has been limited in nature.<sup>59</sup> The annual conflict prevention reports by the Council used to refer to the efforts made in mainstreaming conflict prevention, including ‘security sector reform and other specific post-conflict measures’,<sup>60</sup> in Community instruments, primarily development cooperation – in a very similar way to what the annual reports on EU development cooperation do. In practice, however, there is not much SSR-related activity on the ground. In other words, the EU has yet to engage actively in promoting security sector governance in the context of conflict prevention.

#### *ESDP: crisis management*

The situation seems to be the inverse when it comes to civilian and military crisis management, which has been rapidly developing in recent years. On the level of declaratory policy, no reference is made to security sector governance. In practice, however, a number of tools have been created that could be used in the context of post-conflict SSR. These include the Rapid Reaction Mechanism (RRM), Civilian Crisis Management and Military Crisis Management.

The RRM, launched in 2001, is designed to enhance the EU's civilian capacity to intervene quickly and effectively in crisis situations in third countries, primarily drawing on member states' civilian experts in areas such as mine clearance, customs and the training of police or judges. The RRM can be used both to conduct one-off actions arising out of a crisis situation and to ‘kick-start’ projects or programmes aimed at specific measures to facilitate post-conflict reconstruction, such as the demobilisation and reintegration of combatants. However, the RRM has been designed as a short-term instrument and does not appear appropriate for most SSR activities, which tend to be long-term in nature.

Civilian Crisis Management measures are being developed in four priority areas: police, rule of law, civilian administration and civil protection. In relation to police, member states have committed themselves to the identification of 5,000 policemen to be made available for civilian crisis management, up to 1,400 of whom can be deployed in under 30 days. So far, the EU has fielded five civilian operations (three police, two rule of law): the EUPM in Bosnia and

59. Reinhardt Rummer, ‘Konfliktprävention: Etikett oder Markenzeichen europäischer Interventionspolitik?’, *SWP Studie 45* (Berlin: Stiftung Wissenschaft und Politik, 2003), p. 10.

60. See, for example, ‘Draft conflict prevention report’ (10070/1/03 REV 1), Brussels, 6 June 2003, p. 7.

Herzegovina, which was launched in January 2003 and is the first ever civilian crisis management operation under ESDP; EUPOL *Proxima* in FYROM, launched in December 2003; EUJUST *Themis* in Georgia, the first rule of law mission, launched in July 2004; EUPOL *Kinshasa* in the Democratic Republic of Congo (DRC), launched in January 2005; and the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX), approved in March 2005. Their mandates may differ but areas of involvement include police reform, judicial reform and integrated border management in post-conflict settings. These ESDP missions are supplemented by the Commission's contribution to civilian crisis management, which is focused on local capacity-building, particularly by supporting police training and infrastructure.

Military Crisis Management measures comprise military operations which, as their primary mission, help to maintain a secure environment for the implementation of peace agreements. ESDP military operations have so far included: Operation *Concordia* in the former Yugoslav Republic of Macedonia, the EU's first-ever military operation, from March to December 2003 (succeeded by EUPOL *Proxima*); Operation *Artemis* in the DRC, launched in June and completed in September 2003; and Operation EUFOR *Althea* in Bosnia and Herzegovina, the largest EU military operation so far, launched in December 2004. Thus far, these military missions have not been involved in SSR activities such as defence reform or armed forces restructuring. This, however, could easily change, as evidenced by the EU's most recent mission in the DRC: Operation EUSEC DR Congo, which was launched on 8 June 2005 for a period of 12 months and comprises a small team of experts headed by a French general. The mission's main objective is to provide advice and assistance for security sector reform in the DRC. Though not a military mission, its main task is to support the successful integration of the Congolese army in line with democratic standards. In more concrete terms, the operation will assist the host government in defence reform, the restructuring of armed forces and DDR.<sup>61</sup>

### *Justice and Home Affairs (JHA)*

Security sector governance is an important issue within the domain of EU Justice and Home Affairs. The JHA policy area concerns issues of internal security, primarily the creation of the Schengen zone through a common border regime, the development of common asylum and immigration policies, and the har-

61. Council Joint Action 2005/355/CFSP, 2 May 2005.

monisation of police and judicial cooperation. Consequently, the promotion of security sector reform pertaining to border security, policing and judiciary matters falls within the JHA domain. There are three JHA areas where SSR-related activities are taking place: (a) the enlargement policy, (b) the Stabilisation and Association Process towards the Western Balkans, and (c) the external dimension of the EU policy of freedom, security and justice.

JHA is an important feature of the enlargement process. It forms an integral part of the political conditionality contained in the Copenhagen criteria. The third criteria refers to the ability of a candidate country to assume the obligations of membership, which essentially means implementing the *acquis communautaire*, and 'cooperation in the field of justice and home affairs' constitutes Chapter 26 of the *acquis*. Chapter 26 contains SSR-relevant activities such as assistance for border guards, police forces and the judiciary – of course, without referring to them as being part of SSR or even security sector governance promotion.

Together with economic development, JHA represents the most important sector of assistance to the Western Balkans. The SAP is the overriding framework for EU relations with the countries of the Western Balkans. Within this process, the strategy for supporting JHA issues is based on four priority areas: (1) police, public order and organised crime, (2) integrated border management, (3) judicial reform, and (4) asylum and migration. In the case of the SAP countries, the development of integrated border management systems throughout the region takes the lion's share of EU assistance in the field of SSR.

Finally, the JHA policy area has an external dimension which goes beyond the enlargement, stabilisation and association process. In 'The Hague Programme', the new JHA multi-annual programme adopted in November 2004, the European Council considers the development of a coherent external dimension of the Union policy of freedom, security and justice as a 'growing priority'. Apart from the candidate and SAP countries, the JHA component of external relations focuses primarily on the EU's eastern and southern neighbourhood, and it covers a broad range of themes such as the rule of law, border management, migration, law enforcement, the judiciary, and the fight against terrorism and organised crime, including trafficking in human beings.

## **A wide range of SSR-related activities**

This section provides a tentative profile of the EU's recent activities in the field of security sector governance and reform, based on the conceptual framework presented in the previous chapter. Accordingly, three broad categories can be distinguished: restructuring security institutions, strengthening control mechanisms and reconstructing the security sector after conflict. As the following discussion shows, the EU has been active in all three SSR dimensions with a strong emphasis on restructuring (non-military) security institutions while showing a marked reserve in the governance dimension.

### **Restructuring security institutions**

Looking at SSR-related activities pursued by the EU, reform measures aimed at the *defence sector* are still very much the exception. Though the principle of civilian control of armed forces has been made a political requirement in the accession as well as the stabilisation and association processes, this has not been followed by activities on the ground. Defence-related SSR activities such as human rights training for military personnel (in Ukraine, for example) or awareness raising activities aimed at the military and civilians have been funded under the EIDHR programme in the past. A certain reluctance to engage in military-related reform activities can be understood from the Commission's Communication on Conflict Prevention, which suggests that the EU member states are better placed to assist in the reform of the armed forces than the EU itself. In the past, ESDP operations have not been involved in defence and armed forces reform activities. But this is about to change, as evidenced by the recently launched EUSEC DR Congo (see above).

Human rights education is also an important component of the EU's *police* related SSR activities. However, the EU activities in this SSR sub-sector go far beyond human rights training. They include support for police training, police restructuring and improvement of police infrastructure. These support programmes are conducted in the framework of the EU's conflict prevention and civilian crisis management policies as well as the external component of JHA. In its eastern and southern neighbourhood, the EU concentrates its police reform activities on the southern Mediterranean (Algeria,

and the Palestinian Authority) and the SAP countries in the Western Balkans. In the case of the latter, this is accentuated by the fact that CIVPOL missions in Bosnia and Herzegovina and FYROM are heavily engaged in supporting the restructuring of local police forces.

A similar situation can be found in the area of *judicial reform*. In addition to human rights education, EU programmes include support for judicial reform measures, technical capacity building such as the improvement of court facilities and the training of judges, lawyers, and court and prison staff. These activities are usually implemented through EIDHR funding or in the framework of JHA external relations programmes. Judicial reforms are promoted throughout the EU's eastern and southern neighbourhood. They often constitute the most substantive SSR-related activities assisted by the EU in less reform-prone countries such as Armenia, Azerbaijan and the southern Mediterranean countries. It is worth noting that judicial reform is becoming an important dimension in post-conflict missions, as shown by the civilian ESDP operations EUJUST *Themis* (Georgia) and EUJUST LEX (Iraq).

*Border security* seems to account for the lion's share of the SSR activities aimed at building, strengthening and reforming security sector institutions. Border security related SSR activities cover various integrated border management (IBM) programmes with geographical emphasis on the Western Balkans and some 'new' eastern neighbours (particularly Ukraine and Georgia). These programmes include professional training, legal assistance, capacity building and technical support of border guards. EU assisted border security activities are generally conducted as part of the external dimension of JHA, and also exceptionally in the framework of CIVPOL missions (e.g. EUPOL *Proxima* in FYROM).

### Strengthening control mechanisms

EU activities in the field of civilian oversight and democratic accountability such as assistance for governmental bodies, parliamentarians and civil society actors (e.g. NGOs, media) are numerous, particularly under the heading of EIDHR, but are rarely directed at strengthening governance of the security sector proper. In areas which are relevant to the democratic governance of internal security, certain governance aspects are being addressed by the EU's programmes and projects in support of candidate, partner

and other neighbouring countries, particularly with regard to the creation of an independent and professional judiciary, promotion of human rights standards and training of law enforcement officers. Yet only a few programmes have a direct bearing on the oversight dimension of SSR, such as assistance in drafting laws and in military budgeting, support for the creation of civilian and military ombudsmen, and educational programmes on transparency and accountability of security forces for parliamentarians and journalists. The Commission's Communication on Governance and Development refers to the importance of political control and oversight of the security sector. Among the SSR interventions recommended by the Communication are the strengthening of civil oversight mechanisms and civil management bodies as well as building civilian capacity. It remains to be seen, however, to what extent this is translated into the practice of development cooperation where, thus far, the governance dimension of SSR appears to have been confined to policy statements rather than being applied in operational projects.

SSR activities conducted under JHA as well as those pursued under ESDP, namely conflict prevention and crisis management, almost exclusively focus on the restructuring of security institutions such as police forces and border guards, rather than on the strengthening of their democratic accountability. Of course, some would argue in favour of improving governance 'by osmosis', i.e. by making the security institutions more efficient, effective and professional according to EU standards, their democratic governance would automatically be improved or, at least, facilitated. In practice, however, EU-assisted SSR is primarily motivated by strengthening its external borders and the law enforcement capacities of neighbouring countries in order to prevent illegal migration, trafficking, organised crime and terrorism, rather than by its explicitly or implicitly stated policy of improving the democratic governance of the security sector in these countries.

### **Reconstructing the security sector**

What makes SSR in post-conflict situations different from SSR in other contexts is the fact that it has to deal with the specific legacy of past conflict. This may include oversized armed forces, both statutory and non-statutory, which need to be downsized, surplus weapons that need to be disposed of, anti-personnel landmines

that need to be cleared, and large numbers of criminals that need to be prosecuted. Consequently, the 2001 Communication of the Commission on Conflict Prevention calls for the EU to become involved in SSR-related activities in post-conflict settings, such as demining operations and DDR.<sup>62</sup> The 2003 Communication on Governance and Development holds that 'working towards good governance and sustainable peace requires a successful process of reform of the security system, particularly in post-conflict environments'.<sup>63</sup> It therefore does not come as a surprise that the EU's SSR-related activities in post-conflict contexts tend to focus on DDR of former combatants including child soldiers, curbing the proliferation of SALW, clearance of anti-personnel landmines, and judicial capacity-building to permit transitional justice, etc. These activities are primarily carried out in the context of development cooperation, conflict prevention and crisis management. Within the European neighbourhood, post-conflict-specific SSR assistance concentrates on the Western Balkans and to a lesser degree also on the Southern Caucasus.

## Conclusion

At the declaratory level, the EU has recognised the role that security sector governance and reform are increasingly playing in its external policies. Security sector governance language, explicit or implicit, can be found in a number of policy documents – most obviously in those concerning development cooperation and conflict prevention. The references to security sector governance, however, appear to be isolated from one another, reflecting different policy discourses each linked to another epistemic community: security policy, development cooperation and, to a lesser extent, the promotion of democracy. Policies aimed at promoting security sector governance can be found in three aspects of the EU's institutional structure: the Community's external relations, ESDP, and JHA. They cover a wide range of policy areas such as human rights and democratisation, development cooperation, conflict prevention and crisis management as well as the external dimension of the EU's internal security governance. What is lacking, however, is a comprehensive and coherent strategy on the promotion of security sector governance within the broader framework of EU external relations. The EU can hardly be blamed for this given the fact that

62. COM (2001), 211 final, 11 April 2001, p. 15.

63. COM (2003), 615 final, 20 October 2003, p. 8.

concepts of security sector governance and reform are still fairly recent, and that most of the EU member states either do not have a security sector governance policy or are struggling with establishing and implementing 'joined-up' government approaches in this field.

In practice, the EU has been involved in the promotion of security sector governance for quite some time, though without necessarily attributing these activities to the SSR concept. In recent years, SSR-relevant activities have increased both in number and in scope. There is a clear bias in favour of building efficient and effective security institutions, border guards and police forces in particular, whereas activities aimed at the strengthening of oversight capacities appear to be few in number and limited in scope. Activities supporting the reform of security institutions tend to focus on non-military/internal security providers, whereas assistance to armed forces and intelligence services and the politico-military dimension of security seem to be almost absent. Activities aimed at strengthening oversight mechanisms are so few in number that no conclusive statement can be made except that support for parliamentary capacity-building and civil society empowerment is usually general in nature and not geared to the security sector.

In short, there is an increasing degree of appreciation within the EU that security sector governance matters in security policy, development cooperation and the promotion of democracy. However, there is no overarching conceptual framework that could guide programmes and projects aimed at improving security sector governance in third countries.

The eastern neighbourhood of the EU ranges from Croatia to Russia, and from Albania to the south Caucasus. It comprises the South-East European countries as well as the EU's 'new' eastern neighbours covered by the European Neighbourhood Policy (ENP). While the countries of the former group are all eligible for EU membership provided they meet the requirements, those of the latter group do not have such prospects, which in the case of Central and Eastern Europe have proven to be decisive for successful political and economic reforms, including in the security sector.

South-Eastern Europe is probably the most exciting laboratory of externally assisted security sector reform. What all states in the region have in common, albeit to differing degrees, is the ambition to accede to, or at least closely associate themselves with, the key security providers and exporters in Europe: NATO and the EU. Through their accession to NATO, Bulgaria and Romania have already passed the threshold of democratic governance of the security sector though, in view of EU membership, further progress is required in the area of internal security. Most of the post-conflict West Balkan countries are still lagging far behind with reforming their security sectors. NATO and increasingly so the EU hold considerable leverage over the Western Balkans given their dominant presence in international peace-building missions in the region and, even more importantly, the 'carrot' of eventual membership which they both have to offer. As shown in the case of the Central and East European countries, the focus of NATO's SSR assistance is on defence reform and the strengthening of democratic control of armed forces. The EU, in turn, is concentrating its efforts on areas which are relevant for its JHA *acquis* such as border security and policing. Despite all the difficulties encountered, the high level of commitment demonstrated by the EU and NATO, and the functioning division of labour between the two, has resulted in security sector governance in the Western Balkans being improved.

Promoting security sector governance is even more challenging in the post-Soviet part of the EU neighbourhood – the ‘new’ eastern neighbourhood, in which post-authoritarian and, in the case of the south Caucasus, post-conflict legacies pose significant obstacles to democratic transition. Although Russia, Ukraine, Belarus, Moldova and the three south Caucasian states are all members of the NATO PfP programme and have entered into Partnership and Cooperation Agreements (PCA) with the EU, the option of full membership of NATO and/or the EU is not available to any of these countries, or at least not for the time being. Thus, the willingness of these ‘new’ neighbours to undergo democratic reforms in general and security sector reform in particular is limited, except for Georgia and Ukraine whose recent peaceful transitions of power have opened new windows of opportunity for democratisation, including with respect to the security sector. Given the geographical distance and the special role that Russia still plays in this part of the EU’s ‘new’ neighbourhood (which Russia considers to be its ‘near abroad’), external SSR assistance to the westernmost NIS and the south Caucasus has been rather limited and incremental.

### **Division of labour with NATO in South-Eastern Europe**

South-Eastern Europe comprises, *inter alia*, two NATO member states (Bulgaria, Romania), three NATO candidate states (Albania, Croatia, and the former Yugoslav Republic of Macedonia), three EU candidate countries (Bulgaria, Croatia, and Romania) and two post-conflict entities under international auspices (Bosnia and Herzegovina, and Kosovo). In Bosnia and Herzegovina, responsibility for stabilisation and security was taken over from NATO by the EU in December 2004, whereas in Kosovo the EU contributes to stabilisation and peace building together with NATO, the UN and the OSCE. Given the diversity of the region in terms of security, governance and development (for indicators see Annexe 2), it is difficult to adopt a common approach in dealing with these challenges. In discussing security sector governance, we will follow established EU practice and subdivide South-Eastern Europe into two groups: the more advanced east Balkan countries, Bulgaria and Romania, on the one hand, and the post-conflict countries in the Western Balkans on the other (whilst acknowledging that Croatia plays a special role in the latter group).

### Bulgaria and Romania: traditional division of labour

Bulgaria and Romania are considered to be in the vanguard of security sector reform in South-Eastern Europe.<sup>64</sup> This may be true for the defence sector but much less so for internal security. Bulgaria's, and even more so Romania's military have been transformed beyond recognition over the past decade, whereas reforms in the internal security domain have lagged behind. This difference of reform achievements within the security sectors of both countries can be explained by the fact that the promotion of security sector governance in post-communist Europe, with the emphasis on defence reform and democratic civilian control of armed forces, became one of NATO's central goals in the 1990s. NATO was the first and the most active and influential provider of external assistance in security sector reform.<sup>65</sup> The main tools were the PfP programme, launched in 1994, and since 1999 the MAP for candidate countries of the second enlargement round. Contrary to other South-East European states, Bulgaria and Romania have both been fully involved in these processes since their inception and have benefited from NATO assistance in establishing democratic governance and reforming their defence apparatus. Their accession to NATO in March 2004 is proof of this progress in recent years, which suggests that both Bulgaria and Romania have passed the key threshold of consolidating democratic governance of the defence sector – although as some would argue NATO's leverage over security sector governance in these states may decline after their accession to the EU.<sup>66</sup>

The EU still holds considerable leverage over Bulgaria and Romania, as both countries are part of its enlargement process which was launched in 1997 (candidate status since 1999) and will probably come to a conclusion with their accession to the Union in 2007. However, the EU's push for reforms pertaining to the security sector is confined to the JHA chapter of the *acquis communautaire*. No reference to security sector governance is made under the political criteria for membership, which, in the case of the West Balkans countries and Turkey, includes the strengthening of civilian control of the military.

Both Bulgaria and Romania continue to suffer from deficiencies in the areas of judicial reform and border management. This reflects the EU's primary concern with strengthening its external borders and combating illegal immigration and organised crime. Consequently, the pre-accession financial assistance that Bulgaria

64. Tim Donais, 'The Status of Security Sector Reform in South East Europe: An Analysis of the Stability Pact Stock-Taking Programme', in Eden Cole et al., *Defence and Security Sector Governance and Reform in South East Europe. Regional Perspectives* (Baden-Baden: Nomos, 2005), pp. 224-6, 234-6.

65. Marian Zulezan, 'Romania: Analysis of the Stability Pact Self-Assessment Studies', in Cole et al., op. cit., pp. 87-99.

66. Marina Caparini, 'Security Sector Reform and NATO and EU Enlargement', in Hänggi and Winkler, op. cit., pp. 55-84; Cottey and Forster, op. cit., p. 40.

and Romania receive through the PHARE programme also covers projects aimed at institution-building in the judiciary and border security. The 2004 regular reports on progress made by Bulgaria and Romania in fulfilling accession criteria point to judicial reform and border management as two such areas where further improvements need to be made. As to Bulgaria, the report called for further reforms in the structure of the judiciary and the police, and for a more proactive attitude regarding border controls, although progress was noted regarding the performance of border police.<sup>67</sup> With respect to Romania, the report stressed the need for a continuation of judicial reforms, the establishment of an integrated border management system and measures aimed at increasing the effectiveness of the border police as well as its demilitarisation and its capacity for inter-agency cooperation.<sup>68</sup>

In sum, Bulgaria and Romania represent a good example of the traditional division of labour between NATO and the EU, with the former promoting security sector governance in the traditional field of the military and defence institutions and the latter concentrating on the reform of non-military structures of the security sector such as border guards, police, and the judiciary.

### Post-conflict challenges to SSR in the Western Balkans

Compared with Bulgaria and Romania, the West Balkans countries are not only faced with the challenges of post-communist democratisation but also find themselves struggling with the fallout of a decade of deadly violence and the transition from planned to market economies at a comparatively low level of development. Thus, security sector reform in this subregion is taking place in a setting which combines the difficulties of all three contexts discussed above: post-authoritarian, post-conflict and to a certain degree even developmental. The security sectors of the West Balkan countries have been portrayed as being 'fragmented, underdeveloped (although some sectors, typically the armed forces, are over-developed for peacetime conditions), over-politicized and structured along ethnic or religious lines'.<sup>69</sup> Moreover, the task of security sector reform is greatly aggravated and complicated by the presence of armed non-state actors ranging from paramilitary organisations and private military companies to criminal groups and guerrilla movements. Security sector governance is further undermined by the lack of civilian expertise

67. '2004 Regular Report on Bulgaria's progress towards accession', SEC(2004)1199, pp. 17-19, 27, 117, 120, 140.

68. '2004 Regular Report on Romania's progress towards accession', SEC(2004)1200, pp. 19-21, 31, 123-4, 127, 129-130.

69. Caparini, *op. cit.*, p. 143.

in government and parliament, and by the weakness of civil society, particularly in the security domain.

Throughout most of its existence, the authoritarian regime of former Yugoslavia relied on the support of the armed and special police forces. This tradition was continued in the 1990s, when under the Tudjman and Milosevic regimes in Croatia and Serbia respectively the militaries and intelligence services continued to exercise exclusive control over defence planning and policy. After the death of Tudjman and the overthrow of Milosevic, the new governments began to engage in democratising security sector governance. The process was slow and suffered setbacks in the case of Serbia and Montenegro, which still has to reach a national consensus on its foreign and security policy and its role in the Euro-Atlantic community. SSR in Serbia and Montenegro has largely been limited to the revision of key legislation and the adoption of strategic documents. The lack of cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) remains the main obstacle to external assistance for reform including SSR, although this holds true for other West Balkan states, too. Croatia on the other hand, after having embraced the goal of NATO membership, successfully embarked on the course of institutional reform of the defence structures, although the actual practice of democratic governance is still lagging behind. As an active participant in PfP and an aspirant to NATO membership, the country is benefiting from considerable external assistance in defence reform.

The same could be said of Albania, which despite its deficits in overall democratic governance, has progressed in reforming its security sector, particularly in the defence area. With the active assistance of both NATO and allies such as the United States, Albania's military reforms have in many ways been 'the bright spot on the country's reform agenda over the past ten years' – though its record is somewhat less exemplary on questions of democratic oversight.<sup>70</sup> Being the third NATO aspirant in the Western Balkans, the FYROM faces the specific challenges of reforming the security structures in a post-conflict environment, even with pre-conflict features in this case given the continuing tensions between the ethnic groups and the lingering Kosovo issue which is related to these tensions. Yet, FYROM's efforts to strengthen democratic governance and to reform its security sector should be facilitated by the considerable international resources which are still being

70. Donais, *op. cit.*, p. 222.

devoted to the country's stabilisation process – including assistance by NATO on defence reform, by the OSCE on police reform and by the EU on border security.

Bosnia and Herzegovina, another – even more problematic – case of post-conflict stabilisation in the region, faces additional challenges of security sector governance. The post-Dayton existence of ethnically based, parallel security institutions and in fact three separate armed forces has been a heavy burden on public finances, which in turn has given the international community new leverage for insisting on reform. Indeed, the 'carrot' of prospective PfP membership has greatly facilitated the downsizing of armed forces and defence reform assisted by NATO, whereas police reform has been predominantly driven by successive international police missions, particularly the EUPM.<sup>71</sup> Despite this, the dependence on pressures of the international community and the lack of local ownership make the sustainability of security sector reforms in Bosnia and Herzegovina questionable. The same holds true for Kosovo, an international protectorate whose unresolved legal status is a major source of crisis and instability in the region and whose security sector is characterized by an uneasy reliance on both international military and police missions and also local auxiliary forces largely made up of former guerrilla combatants.<sup>72</sup>

### NATO and EU as key players in external assistance to SSR

External assistance to security sector reform has always been part of approaches by the West to the region in the aftermath of the Yugoslav wars in the 1990s – ranging from crisis management and post-conflict stabilisation to partnership, association and more recently even pre-accession programmes. Not surprisingly, NATO and the EU have been, and still are, the key actors in this regard. NATO plays the leading role in providing assistance for defence reform, civilian management and democratic control of armed forces. Having officially applied for accession to NATO, Albania, Croatia and FYROM are fully integrated in the MAP activities which are aimed at bringing the defence sector of the candidate countries up to NATO standards, including in terms of democratic governance. In Bosnia and Herzegovina, for example, through the NATO-led Stabilisation Force (SFOR), the Alliance has been active in downsizing armed forces and retraining and reintegrating demobilised military personnel. Following the handover to

71. The internationally composed Defence Reform Commission (DRC) and Police Restructuring Commission (PRC), established in June 2003 and July 2004 respectively, are the principal instruments for promoting SSR in Bosnia and Herzegovina. NATO plays the key role in the DRC, while the EU is the principal external actor in the case of the PRC. See <http://www.ohr.int/>.

72. On security sector governance and reform in the Western Balkans see Caparini, *op. cit.*, pp. 148-66; Donais, *op. cit.*, pp. 222-4, 226-31; Milan Jazbec, 'Defence Reform in the Western Balkans: The Way Ahead', *DCAF Policy Paper* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2005), pp. 7-15.

EUFOR's military Operation Althea at the end of 2004, NATO will now focus primarily on defence reform in Bosnia and Herzegovina, preparing the country initially for membership of the PfP and eventually of the Alliance itself. Serbia and Montenegro – the target of a sustained NATO air campaign just six years ago – has become a candidate for the NATO PfP programme.

The Western Balkans are gradually becoming part of the EU's own orbit, with Croatia being the first West Balkan country to have been admitted as a candidate for EU membership, in 2003. In the 1990s, the EU's involvement in the region focused on crisis management, humanitarian relief and reconstruction, reflecting the countries' most critical needs at that time. However, as the region emerged from this immediate post-crisis period, the EU shifted towards a longer-term approach to the Western Balkans, in the form of the Stabilisation and Association Process (SAP), which was launched in 1999. In two cases, Croatia and FYROM, Stabilisation and Association Agreements (SAA) have been signed to underpin the process. The EU has incorporated a number of commitments into these agreements which pertain to the JHA dimension of security sector governance, particularly the need for judicial reform.

The CARDS assistance programme that was launched in 2001 serves as the EU's main instrument in supporting the West Balkan countries in the SAP. This programme includes a number of activities in the field of police reform and particularly border security (see below). In the framework of its evolving ESDP operations, the EU is increasingly becoming involved in peacekeeping (EUFOR *Althea*, *Concordia*) and police restructuring (EUPM, EUPOL) in the region's post-conflict states, namely Bosnia and Herzegovina and FYROM.

With the EU taking the lead in internal and border security issues, and NATO in defence affairs, the two organisations appear to be operating a division of labour in promoting security sector governance which – although at the time not a deliberate policy – has already proven quite successful in Central and Eastern Europe as well as Bulgaria and Romania (see above). Given their crucial and largely complementary role in stabilising the Western Balkans, both organisations have agreed to develop 'a framework for an enhanced dialogue and a concerted approach to supporting security and stability in the Western Balkans'.<sup>73</sup> Coordination between the EU and NATO in promoting security sector governance has indeed proven to be workable in the Western Balkans. This has

73. 'NAC Final Communiqué', Brussels, 12 June 2003.

been underlined by the handover of command arrangements from NATO to the EU under the 'Berlin-plus' formula, first in FYROM (from Operation *Allied Harmony* to *Concordia*) and more recently in Bosnia and Herzegovina (from SFOR to EUFOR *Althea*). Another case in point is the NATO-initiated Ohrid Border Process (see below).<sup>74</sup>

Apart from NATO and the EU, a wide range of multilateral, bilateral and transnational actors have been involved in the promotion of security sector governance in the region. The Council of Europe's promotion of its Code of Police Ethics among its member states falls into this category, as does the OSCE's assistance to the parliamentary defence committees in Bosnia and Herzegovina. As an inventory drawn up on behalf of the Stability Pact for South Eastern Europe indicates, there has been an abundance of externally assisted SSR activities throughout the region – in addition to the measures undertaken by the EU and NATO. This considerable international attention to security sector governance in the Western Balkans is, however, undermined by the lack of coordination among external actors, especially within individual target states.<sup>75</sup>

The EU-initiated Stability Pact, which makes 'democratisation and non-discrimination fundamental preconditions to guaranteeing internal and external security', has attempted to address this widely recognised deficiency by establishing a kind of a clearing house for joint regional action, bringing together both the relevant international actors engaged in the region and the regional states proper. The Pact's Working Table III covers security sector governance issues ranging from JHA to defence conversion, with SSR and border security being considered as 'cross-sub-table issues'.<sup>76</sup> A number of regional SSR-related initiatives have been launched within this framework, such as the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC), the South Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC), the Initiative against Organized Crime (SPOC) or the Migration, Asylum, Refugees Regional Initiative (MARRI), which also covers border management issues. Some of them have yielded significant results. Other initiatives, however, have been criticised for lacking sustainability and producing little added value.

74. Law, *op. cit.*, pp. 36-7.

75. See *Security Sector Reform in South Eastern Europe: An Inventory of Initiatives*; <http://ssr.yciss.yorku.ca/search.htm>.

76. Information on the Stability Pact; available at <http://www.stabilitypact.org>.

### The EU: border security, police – and armed forces

In the Western Balkans, the EU has a comparatively strong influence on the shaping of security sector governance. It is the key external player in reforms in the area of JHA, and particularly those concerning policing and border security. The latter has become a first priority of its technical assistance channelled to the Western Balkans through the regional CARDS programme. Police reforms are also being pursued in the framework of post-conflict EUPOL missions in Bosnia and Herzegovina and in FYROM. Finally, it is noteworthy that, in the case of the Western Balkans, civilian control of the military, traditionally the domain of NATO, has been made a political condition in the stabilisation and association process.<sup>77</sup>

*Border security.* The prevention of illegal migration and cross-border crime from and through the Balkans has become a major concern for the EU (the so-called ‘Balkan route’ is a major corridor for trafficking in human beings, drugs and other illicit goods into the EU). As a consequence, great – and, some would argue, disproportionate – emphasis has been placed on the establishment of effective border security systems in the region. The EU’s approach to promoting border security in the region is embedded in the NATO-initiated Ohrid Border Process. Launched in 2003, the Ohrid process constitutes a concerted effort by the EU, NATO, the OSCE, the Stability Pact and the West Balkan countries to establish ‘integrated border management’ (IBM)<sup>78</sup> systems in a regional framework. Through the instrument of the CARDS Regional Programme, the EU has made the development of IBM systems one of four priority areas for support in the stabilisation and accession process. A total of €117 million – almost two-thirds of the CARDS regional budget in 2002–04 – has been attributed to IBM development alone.<sup>79</sup> EU assistance for border security in the Western Balkans takes the operational form of providing policy advice and equipment, upgrading infrastructure and promoting training. In Bosnia and Herzegovina, for example, a priority area has been the creation of the State Border Service (SBS). In FYROM, the focus is on demilitarising border guarding by creating a professional border police and transferring the responsibility from the defence to the interior ministry. Overall, the annual stabilisation and association reports on the West Balkan countries indicate huge deficiencies in regional border guarding and rather slow progress in developing an IBM (inte-

77. See, for example, Commission Staff Working Papers SEC(2004)376 [Albania], SEC(2004)373 [FYROM], SEC(2004)374/2 [Albania], SEC(2004)375 [Serbia and Montenegro].

78. According to the EU, the integrated border management concept for the Western Balkans covers: ‘The coordination and cooperation among all relevant authorities and agencies involved in border control, trade facilitation and border region cooperation to establish effective, efficient and integrated border management systems, in order to ensure the common goal of open, but controlled and secure borders.’ Guidelines for Integrated Border Management in the Western Balkans, p. 14.

79. CARDS Assistance Programme to the Western Balkans, ‘Regional Strategy Paper 2002–2006’, pp. 26 ff.

grated border management) system that meets EU standards. These deficiencies may, at least in part, be explained by the ambiguity of the IBM concept itself.

*Police.* The most important EU police reform projects in the Western Balkans have been those carried out in the framework of EUPM in Bosnia and EUPOL *Proxima* in FYROM. One could also mention the EU's assistance for the Kosovo Police Force under UNMIK's supervision and the Multinational Advisory Police Element (MAPE), which was carried out under the auspices of the WEU in Albania after the crisis in 1997. What these operations have in common is that they were, and in some cases still are, part of post-conflict reconstruction efforts under international auspices. In FYROM police restructuring became an important – externally induced – measure in achieving proportional representation among the country's ethnic communities within security sector institutions.<sup>80</sup> Apart from this, the EU has been supporting police reforms in Albania, Bosnia and Herzegovina, Croatia and Serbia and Montenegro in the framework of the CARDS programme. The main objective of these reform activities has been to depoliticise, rebuild and transform the numerous police forces, whose main mission should be to safeguard the rights of the citizens, and which operate according to democratic standards and the principles of 'community policing'. As to democratic standards, EU documents refer to the Council of Europe's Code of Police Ethics. In addition, a core focus of police reform assistance has also been to train police forces in the fight against organised and transnational crime, phenomena which were largely absent in the region prior to the 1990s. The EU's assistance for police reform in West Balkan states consists of support for institution-building and policy development as well as the provision of training and equipment.

*Armed forces and intelligence.* Unlike in Bulgaria and Romania, the EU takes more interest in the defence and military dimension of security sector governance with respect to the West Balkan countries (see above). In its annual stabilisation and association reports, armed forces have been included in the assessment of democratic institutions. It is worth mentioning that this is done in a more comprehensive way than in the case of Turkey (see Chapter 4). These reports comprise a number of demands pertaining to the defence sector, including the strengthening of civilian control of the armed

80. See Art. 5.2. of the Ohrid Agreement.

forces and the defence industry, military reforms and the downsizing of the army, safeguards for civilian leadership in crisis management, demilitarisation of border control, and even intelligence reform, generally one of the most sensitive aspects of security sector reform. Finally, reference is made to the efforts undertaken by the SAP countries in acceding to NATO or PfP.<sup>81</sup> This would suggest that the requirement of democratic governance of the defence sector has become an integral part of the political criteria for EU accession and eventual membership. In the case of the Western Balkans, EU conditionality takes a comparatively comprehensive approach to security sector governance by covering both military and non-military aspects. This does not necessarily mean that the EU is stumbling into NATO's domain of promoting democratic governance of the defence sector. Thus far at least, political conditionality with respect to defence reform has been confined to the setting of membership requirements but has not been followed by policy advice or technical assistance in this field.

### **A cautious approach towards the 'new' eastern neighbours**

While for South-Eastern Europe, the 'European perspective offers both a strategic objective and an incentive for reform',<sup>82</sup> the absence of such a perspective complicates the prospects for promoting security sector governance in the EU's 'new' eastern neighbourhood. This part of the EU's neighbourhood, ranging from Belarus to the south Caucasus, is marked by a degree of diversity which makes it difficult to treat it as one strategic entity. What these countries – all former Soviet republics – have in common is that they are members of the Commonwealth of Independent States (CIS); that they all collaborate with NATO in the framework of its PfP programme (Russia and Ukraine having a special status);<sup>83</sup> and that relations between them and the EU have evolved on the basis of PCA and the TACIS programme of EU assistance (although Russia and Ukraine have developed special relations with the EU).<sup>84</sup>

As regards reform-mindedness of the NIS governments, the picture is rather bleak with the exception of Georgia and Ukraine, which, in the aftermath of recent peaceful regime change, have both fully embraced the concept of Western integration and

81. See, for example, Commission Staff Working Papers SEC(2004)376 [Albania], SEC(2004)373 [FYROM], SEC(2004)374/2 [Albania], SEC(2004)375 [Serbia and Montenegro].

82. 'A secure Europe in a better world', p. 8.

83. Russia as a 'strategic partner', Ukraine as a 'distinctive partner'.

84. Russia as a 'strategic partner', Ukraine as an ENP 'first priority partner'.

embarked on an ambitious reform programme. At the other end of the spectrum are countries like Armenia, Azerbaijan and Moldova, whose more or less authoritarian regimes follow, each for their own specific reasons, the course of long-term integration into NATO and/or EU but fall far short of meeting even basic political requirements. There is also the peculiar case of Belarus, which does not aspire to integrate into Western institutions, certainly not on the conditions of democratic governance. Finally, Russia is a nuclear armed former superpower which expects to be dealt with on special terms rather than being submerged in broad partnership programmes or neighbourhood policies, and which might be wary of Western institutions trying to meddle in the delicate and complex transformation of its security institutions.

In discussing security sector governance, it is useful to subdivide the 'new' eastern neighbourhood into two groups: the Western NIS, comprising Ukraine, Belarus, Moldova, and Russia, on the one hand, and the three states of the south Caucasus (Armenia, Azerbaijan and Georgia) on the other.

### **Focus on judiciary and border security in the Western NIS and Russia**

The Western NIS and Russia form a typical example of security sector reform taking place, if it does at all, in a post-authoritarian context. Post-communist legacies such as continued authoritarian leadership, nepotism, corruption, and overblown and unaccountable segments of the security apparatus make SSR a daunting task, even more so given the absence of any significant leverage of NATO and the EU. Russia, Ukraine, Belarus and Moldova are all formal partners of NATO (through PfP membership) and of the EU (through the conclusion of PCA and participation in the TACIS programme), with certain restrictions in the case of Belarus. As such they are exposed to, and may benefit from, a broad range of activities aimed at promoting governance and reform of the security sector

The focus of NATO's activities in these countries is on civilian control and defence reform issues, reflecting the priorities set by the Partnership Work Programme. NATO was particularly active in supporting SSR in Ukraine even long before the 'Orange Revolution' of late 2004. Clearly, defence reform is the main priority of the NATO-Ukraine partnership, but it is carried out in the broader

SSR context and with a strong governance dimension. Support for the transformation of the armed forces and the defence establishment is complemented by assistance in the areas of border security and inter-agency cooperation. Measures aimed at ‘strengthening civilian and democratic control over the armed forces and the whole security sector’, with emphasis on parliamentary oversight and participation of civilians in decision-making related to security issues, are an integral part of the cooperation package.<sup>85</sup>

In the case of Russia, security sector governance is conspicuously absent from the joint cooperation agenda, except for certain aspects of defence reform which are of a fairly technical nature and void of any governance dimension. Major activities in this field include a dialogue on defence reform within the NATO-Russia Council (NRC) and a project for the retraining of retired Russian military personnel.<sup>86</sup> This narrow focus reflects the problematic nature of security sector governance in Russia under the Putin presidency and suggests that SSR related issues will, for the foreseeable future, remain at the margins of NATO-Russia cooperation.

The EU concentrates its assistance to the Western NIS and Russia on the JHA related aspects of security sector governance such as judiciary, policing and border management. Its relations with Russia and Ukraine are both guided by a common CFSP strategy, adopted in 1999, which sets out the general framework of cooperation. In the case of Russia, it notes the EU’s wish to support the country in the reform and strengthening of its judicial bodies and police, in accordance with democratic standards.<sup>87</sup> In terms of practical cooperation, the EU concentrates on supporting the judicial reform initiated by President Putin by providing training and retraining for judges and their supporting staff. Cooperation on border security issues has so far remained on the level of declarations of intent.<sup>88</sup>

In the case of Ukraine, the strategy paper states that ‘the EU will put increased emphasis on border management issues’.<sup>89</sup> Indeed, apart from assistance in judicial reform, the EU concentrates its SSR activities on support for Ukraine’s efforts in strengthening its overall border management system. This includes capacity building, the provision of technical assistance and relevant training as well as supply of modern equipment for border guards and customs officials.<sup>90</sup> It is noteworthy that in the late 1990s the EU, in the framework of EIDHR, had been involved in human rights training for Ukrainian armed forces, thereby reaching out, albeit mar-

85. See <http://www.nato.int/docu/basicxt/b021122a.htm>.

86. See [http://www.nato.int/docu/nato-russia/html\\_en/nato\\_russia05.htm](http://www.nato.int/docu/nato-russia/html_en/nato_russia05.htm).

87. ‘Common Strategy of the European Union of 4 June 1999 on Russia’ (1999/414/CSFP), p. 2.

88. ‘National Indicative Programme: Russian Federation’ (adopted by the European Commission on 21 May 2003), pp. 10-12.

89. ‘Common Strategy of the European Union of 11 December 1999 on Ukraine’ (1999/877/CSFP), p. 5.

90. ‘National Indicative Programme: Ukraine’ (adopted by the European Commission on 4 August 2003), pp. 10-14.

ginally, to the defence sector (see Chapter 2). It remains to be seen whether the peaceful transfer of power in Kyiv in late 2004 broadens the scope for EU assistance for SSR in the Ukraine beyond the narrow confines of integrated border management. Yet, neither the EU-Ukraine Action Plan of December 2004 nor the measures agreed in February 2005 in order to enrich the Action Plan contain any references to security sector governance.<sup>91</sup>

Not surprisingly, Russia – a ‘strategic partner’ – and Ukraine – a ‘first priority partner’ in the ENP framework – tend to dominate the agenda of EU relations with the region. Belarus and Moldova risk being sidelined in the EU’s overall engagement with the region, for obvious reasons in the case of Belarus, and for less obvious ones in the case of Moldova given the latter’s strong European integration aspirations (although one has to recognise that, as a member of the Stability Pact for South Eastern Europe, Moldova enjoys alternative options for engaging with the EU and its member states). Just as the other NIS, Belarus and Moldova continue to benefit from the TACIS Cross-Border Cooperation programme, which in contrast to the previous state of affairs now seems to comprise SSR-related border management activities, including the establishment of an IBM system in Belarus.<sup>92</sup> All this seems to indicate that border security concerns, rather than concerns about a lack of democratic governance, are the driving factor for EU assisted SSR activities in authoritarian neighbouring countries.

### **An EU ‘non-strategy’ towards the south Caucasus?**

The promotion of security sector governance in the south Caucasus (Armenia, Azerbaijan and Georgia) takes place in an environment which is even more complex than the one just discussed. Only Georgia, since the ‘Rose Revolution’ of November 2003, is really a post-authoritarian state engaged in democratic reforms, whereas both Armenia and Azerbaijan can still be characterised as illiberal democracies at best. All three countries are post-conflict but given the frozen yet unresolved internal (Georgia) and interstate (Armenia, Azerbaijan) conflicts, they could also be characterised as pre-conflict. In socio-economic terms, the south Caucasus appears to be composed of developing rather than transitional countries. Armenia, Azerbaijan, and Georgia suffer from serious deficits in security, democracy and development, as has been recently noted in the country assessments drawn up by the European Commis-

91. See *CEPS Neighbourhood Watch*, Issue 1, February 2005, pp. 3-4.

92. ‘Country Strategy Paper/National Indicative Programme: Belarus, 2005-2006’ (28 May 2004).

sion.<sup>93</sup> Against this background, the challenges for any meaningful SSR programme in these countries are considerable.

Yet, in view of closer integration with the Euro-Atlantic community and strongly encouraged by the United States in the context of its post-9/11 engagement in the region, Armenia, Azerbaijan and Georgia have embarked on SSR programmes which are supported by NATO in the PfP framework. The Partnership Action Plan on Defence Institution Building (PAP-DIB), launched in 2004, was designed particularly for the purpose of assisting the three south Caucasian states (as well as the five Central Asian republics) in their SSR efforts. PAP-DIB is intended to provide a common platform for bilateral and multilateral cooperation in developing (and sustaining) 'efficient and democratically responsible defence institutions including the armed forces under democratic and civilian control'.<sup>94</sup> Apart from defence institution building, NATO intends to 'facilitate' SSR 'in other areas where it does not have a primary responsibility, such as border security'.<sup>95</sup> Border security has been made a priority issue in the Partnership Action Plan against terrorism, in which context the Ohrid Border Process is viewed as a model for other regions such as the Caucasus.<sup>96</sup>

While NATO plays a key role in promoting norms and practices of democratic governance of defence structures, the EU has thus far been only marginally engaged in SSR activities in the region. This is not so much specific to SSR activities: there seems to have been a general lack of EU engagement with the south Caucasian countries, which is much resented by the pro-European reformists in the region, but may not be a bad policy given the comparatively low importance of the south Caucasus for the EU, the limited leverage of the EU over these countries and the unmatched US presence in the region.<sup>97</sup> The EU's benign neglect of the countries in the south Caucasus has been manifested by the emergence of the new neighbourhood initiative which initially excluded Armenia, Azerbaijan and Georgia, only to have them included at a later stage as the policy further developed. In practice, the EU's relations with the south Caucasus has followed the rationale of its overall approach to the former Soviet area, based on the conclusion of fairly technical PCA in the late 1990s and the provision of assistance through the TACIS programme. The only TACIS projects relevant to security sector governance at large are measures aimed at judicial reform. Also, judicial reform is mentioned as the only SSR key objective for the future ENP Action Plans on Armenia, Azerbaijan and Georgia.

93. Communication from the Commission to the Council, 'European Neighbourhood Policy, Recommendations for Armenia, Azerbaijan, Georgia and for Egypt and Lebanon', COM(2005), 72 final, 2 March 2005.

94. 'Partnership Action Plan on Defence Institution Building (PAP-DIB)', Brussels, 7 June 2004, para. 3.

95. 'Report on Partnership Action Plan against Terrorism', Brussels, 23 June 2004, para. 7.

96. *Ibid.*, para. 4.2.

97. Neil MacFarlane, 'The Caucasus and Central Asia', in Roland Dannreuther (ed.), *European Union Foreign and Security Policy: Towards a New Neighbourhood Strategy* (London: Routledge, 2004), pp. 132-3.

In this context, Georgia has recently become a focal point for EU civilian crisis management in the framework of ESDP. In the aftermath of the November 2003 'Rose revolution', the EU swiftly increased its assistance to Georgia including in areas related to security sector governance. Extra funds were made available under the Rapid Reaction Mechanism for measures to reinforce the rule of law in Georgia. The RRM programme was complementary to the first ever (civilian) Rule of Law Mission EUJUST *Themis* in Georgia in July 2004. Under the new 2004-06 TACIS national programme for Georgia, reforms of the judiciary and law enforcement were made a priority area for cooperation, to include police institution building and improvements in border management as well as increased civil and civil society oversight regarding law enforcement.<sup>98</sup> Finally, one must recall that the EU introduced CFSP Joint Actions in support of border guards and to prevent the spillover of the Chechen conflict into Georgia. The EU also assisted in the establishment of a Georgian-Ossetian police force.<sup>99</sup>

In recent years, the idea of creating a Stability Pact for the south Caucasus – following the example of the Stability Pact for South Eastern Europe – has repeatedly been brought up but has not so far resulted in a concrete initiative. Yet, from a security sector governance perspective, it might be an attractive option for the EU to embed its respective activities in the region in a broader multilateral framework involving all relevant stakeholders.

## Conclusion

Although the scope and nature of EU efforts at promoting security sector governance in its eastern neighbourhood vary from country to country, these efforts exhibit a certain pattern of engagement. The EU plays a comparatively strong role with the 'transitional' neighbours which have the prospect of eventual membership, particularly so in the Western Balkans. In the NIS countries, however, the EU plays only a marginal role, which reflects the fact that these countries do not have a perspective of membership, at least not for the time being, although recent political transitions in Georgia and Ukraine provide new windows of opportunity for engaging them in SSR. The availability of the membership 'carrot' seems to shape the scope of the EU's involvement in, as well as the neighbouring states' commitment to, improving security sector governance.

98. 'TACIS National Indicative Programme 2004-2006: Georgia' (23 September 2003), pp. 28-9.

99. *Ibid.*, p. 19.

This cannot, however, be separated from the nature of the evolving relationship between NATO and the EU in the area of security sector governance. While NATO, through the offer of membership or partnership, has been the driving force in promoting democratic governance of the defence sector throughout Central, Eastern and South-Eastern Europe and beyond, the EU is increasingly assuming responsibilities for SSR assistance in the Western Balkans, through its SAP and the deployment of ESDP missions. In the Western Balkans, NATO and the EU have arrived at a concerted approach to SSR assistance, the former concentrating on defence issues and the latter on internal security affairs. However, as the formerly clear military/non-military, external/internal security dichotomy between NATO and the EU has become increasingly blurred, the traditional division of labour in SSR assistance is giving way to more comprehensive SSR approaches embraced by both NATO and the EU: with respect to the Western Balkans, the EU has made the democratic governance of armed forces and intelligence part of the political conditionality for accession, whereas NATO has embarked on a rather broad defence reform assistance programme for Ukraine and is involved in supporting the demilitarisation of border security in the Western Balkans and the south Caucasus.

The EU's approach to SSR assistance for its eastern neighbours is not holistic, in the sense that it is mainly focused on border security, judiciary and police reform and, within these categories, on the development of efficient structures rather than well-governed ones. The emphasis on promoting border security, judiciary and police reform reflects the EU's primary concern with illegal immigration and trafficking of human beings and drugs from (and through) these regions as well as the fact that these activities fall under the JHA part of the *acquis communautaire*. As for the democratic governance of border guards and police forces, although references to the need for democratic accountability of the police, for example, can be found in a number of EU documents, this dimension appears to be totally absent from the EU's core SSR project in the region, i.e. the development of integrated border management systems. Ironically, the issue of democratic governance receives the highest attention in the context of armed forces and defence structures – an area where, thus far, the EU has refrained from providing technical assistance.<sup>100</sup>

100. This, however, is about to change, as evidenced by the EU's most recent operation in the DRC – EUSEC DR Congo – which is tasked to assist the host government in defence reform, the restructuring of armed forces and DDR (see Chapter 2).



The southern neighbourhood of the EU ranges from the Atlantic coast of Morocco to Syria. Two Mediterranean countries (Cyprus and Malta) joined the Union in 2004; Turkey was accepted as an accession country at the EU summit in Brussels in December 2004. The other countries in the south, the Arab countries of the Maghreb and the Mashraq as well as Israel, do not have any membership prospects. The EU's entire southern neighbourhood, with the exception of Turkey and Israel, has a serious democracy and freedom deficit.<sup>101</sup>

This chapter describes how the EU assumed the task of engaging with Turkey on security sector reform, but ignored the very same issue when it came to cooperation with partner states in North Africa and the Middle East. With regard to Turkey, it is the EU and not NATO that has been driving the reform process of the country's defence sector. Even though the EU has not (yet) adopted a comprehensive policy in this field, and has largely limited its demands for reforms to one institution – the Turkish National Security Council – it has been able to gain valuable experience in a domain that is new to it.

With respect to partner states in North Africa and the Middle East, by contrast, the EU has been reluctant to address the democratic deficit and has hitherto only dealt with security sector governance in a sporadic manner. In stark contrast to Central and Eastern Europe, where security sector reform has been addressed in the wake of the region's democratic transformation, the promotion of SSR in the Mediterranean and the Middle East is particularly difficult because the political leaders of the region remain reluctant to embrace the principles of democratic governance.

In addition to the democratic deficit, the EU's southern neighbourhood has a serious security deficit with potential spillover effects on Europe. However, the EU has not been able to engage the region convincingly in a security dialogue.<sup>102</sup> Furthermore,

101. See Annexe 4.

102. Fred Tanner, 'North Africa: partnership, exceptionalism and neglect', in Dannreuther, *op. cit.*, pp. 135-50.

the EU prefers to deal with the region in terms of programmes rather than policies. NATO, in turn, during its 2004 summit in Istanbul, launched two policy initiatives that include cooperation with Mediterranean and Gulf states, in particular in the domain of civil-military relations and defence reform, which are discussed towards the end of this chapter.

### **Pushing for civilian control of the military in Turkey**

The reform of the Turkish security sector has been a *sine qua non* of Turkey's accession to the EU. This has not been an easy task, because the Turkish military establishment has traditionally had a *droit de regard* over national politics. In fact, as recently as 1997, the Turkish military removed politicians from power and overthrew a democratically elected government. Even though Turkey has been a member of NATO since 1952, there has always been great reluctance within the Alliance to raise the issue of democratic governance of the Turkish armed forces.

Turkey's aspiration to join the EU – it formally submitted its application in 1987 – and the pre-accession process have been key factors behind reforms of the country's security sector over recent years. In order to meet the political conditionalities contained in the Copenhagen criteria, Turkey undertook to implement a number of far-reaching reforms of its security sector, including both its armed and internal security forces. While the security sector is not mentioned explicitly in the Copenhagen criteria, which contain some references to democratic governance, and respect for the rule of law and human rights, the EU has identified a number of specific reform objectives which have been of direct relevance to the country's security sector. These have included in particular the removal of the 'guardianship' role of the military in Turkish politics and the powers of the National Security Council, ensuring respect for human rights, eliminating the use of torture by Turkish security forces, preventing arbitrary detention, and the abolition of the death penalty. Other important EU demands, which are, however, less directly relevant to the country's security sector, have concerned the Kurdish issue and the conflict with Greece over Cyprus.

While, at the Luxembourg summit of 1997, Turkey was excluded from the enlargement process, ostensibly because of its

human rights record, a number of developments that have taken place within the EU since then – such as the change of government in Germany and the more benign attitude of Greece towards Turkey in the aftermath of the earthquake in 1999 – eventually paved the way for Turkey’s formal recognition as an EU candidate country at the Helsinki Summit in 1999. However, even though Turkey was formally granted the status of candidate country in Helsinki, in November 2000 the European Commission pointed out that Turkey still failed to meet some of the political requirements of the Copenhagen criteria. As mentioned in earlier regular reports on progress made by Turkey in fulfilling the accession criteria, the main obstacles were seen in the political power of the military, a lack of minority rights and insufficient respect for human rights more generally.<sup>103</sup>

For the EU, a core concern has always been the lack of civilian control of the armed forces in Turkey. However, the EU has shied away from demanding comprehensive reforms from Turkey in this area, and has limited itself largely to one specific institution, namely the NSC. Subsequent to the Helsinki summit, the specific requirements for Turkey to join the EU were outlined in the Accession Partnership Document of December 2000, which sets out a number of short- and medium-term reform objectives. Among the 17 short-term ‘priority areas’ that are listed in the Accession Partnership Document there is no explicit reference to reform of the security sector.<sup>104</sup> Possibly as a matter of convenience, the EU largely reduced the complex issue of security sector reform to the question of the NSC. Here, the EU has called upon Turkey to ‘align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States’. The document also demands that Turkey take all necessary measures to fight against the practice of torture, bring conditions of detention into line with international standards, strengthen respect for human rights by Turkish authorities, and increase the accountability of the police.<sup>105</sup> At the 2003 review of the Accession Partnership with Turkey, the EU Council explicitly referred to civilian control of the armed forces by recommending that Turkey should ‘adapt the functioning of the National Security Council in order to align civilian control of the military with practice in EU Member States’.<sup>106</sup> The EU has buttressed its approach to encouraging reforms in Turkey with a policy of conditionality. With the help of yearly Regular Reports, the

103. ‘Regular Report from the Commission on Turkey’s Progress towards Accession’, COM(2000), final, 8 November 2000.

104. ‘Council Decision of 8 March 2001 on the principles, priorities, immediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey’, *Official Journal of the European Communities*, 24 March 2001.

105. *Ibid.*

106. ‘Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey’, *Official Journal of the European Union*, 12 June 2003.

EU has been evaluating the progress Turkey has been making towards meeting European standards. The reports 'outline the steps taken ... in fulfilling the Copenhagen criteria, and the Accession Partnership listing short and medium-term recommendations to achieve that end'.<sup>107</sup>

In Turkey, its official recognition as a 'EU candidate' has sparked a gradual but nevertheless far-reaching reform process which has involved both the political role of the military and other elements of the country's security sector. It is noteworthy in this regard that these reforms only began in earnest once Turkey was formally recognised as a 'candidate country'. Earlier calls for reform by the EU had not been heeded by the government in power, as they were considered by many domestic actors within Turkey as too costly to enact solely to please the EU.<sup>108</sup>

Major reforms of the NSC were initiated as part of the final legislative package on democratic reform in 2003, in order to bring Turkey into line with EU requirements. The main effects of these have been to strip the NSC of its executive powers and to transform it into a merely 'advisory' body, and to increase the number of civilian members, which are now in the majority.<sup>109</sup> In August 2004, a civilian became Secretary-General of the NSC for the first time.

Reforms have also aimed at reducing the power of the military with regard to other state institutions. For example, the formerly military-dominated Higher Education Board has been brought under civilian control. Moreover, the military's formerly easy access to financial resources has been limited by new legislation on transparency of defence expenditure. In this regard, the 2004 Regular Report on Turkey noted that budgetary transparency had been enhanced by the permission granted to the civilian Court of Auditors 'to audit military and defence expenditures'.<sup>110</sup>

Regarding the country's internal security apparatus, important reforms over recent years have been enacted mainly through amendments to the country's Penal Code, the Anti-Terror Act, and the Law on Political Parties. *Inter alia* these have involved the abolition of the death penalty, an increase in penalties for torture-related crimes, and the strengthening of a number of basic freedoms, such as freedom of expression, freedom of association and gender equality. Similarly, at the procedural level, retrial rights have been established for individuals in cases that have been in conflict with rulings of the European Court of Human Rights. In addition,

107. 'Turkey in Europe', *CEPS Monitor*, Issue 8, August 2004, p. 7.

108. Nathalie Tocci, 'The European Neighbourhood Policy: Responding to the EU's Post-Enlargement Challenges', *Document IAI*, 2004, p. 7.

109. Umit Cizre, 'The Catalysts, Directions and Focus on Turkey's Agenda for Security Sector Reform in the 21st Century', *DCAF Working Paper 148* (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2004), p. 16.

110. Commission of the European Communities, 'Recommendation of the European Commission on Turkey's progress towards accession', Communication from the Commission to the Council and the European Parliament, COM(2004), 656 final, 6 October 2004, p. 11.

the infamous State Security Courts have been abolished. In order to ensure effective implementation of this new legislation, human rights boards which are responsible for adjudicating human rights complaints have been set up in major towns and cities.<sup>111</sup> An important focus of EU accession-driven police reforms has been to enhance Turkey's police forces (National Police and Gendarmerie) in the fight against organised crime and drug trafficking through capacity-building and training programmes.<sup>112</sup>

However, despite Turkey's progress in the field of security sector governance, the EU remains generally sceptical about, and vigilant over, the implementation of these reform packages, and the extent to which changes in legislation actually have an impact on political and social life in Turkey. Thus, in its 2004 Regular Report, the European Commission, while welcoming the reform of the NSC and observing that 'civil-military relations are evolving towards European standards', also expresses concern about the various 'informal mechanisms' through which the NSC continues to influence political life in Turkey.<sup>113</sup>

The European Parliament, which has traditionally been much more vocal in criticising the lack of democratic governance and respect for human rights in Turkey, also continues to be sceptical about the reforms enacted by the Turkish leadership. In its March 2004 report, it, too, welcomes the efforts of the Turkish government to bring defence expenditure under parliamentary control, but at the same time points to the 'influential (formal and informal) army network comprising *inter alia* think tanks, businesses and funds, which could prove to be an obstacle to reform of the state'. Similarly, it notes that that 'torture practices and mistreatment still continue' and that 'little progress' has been made in this regard. In general, the European Parliament considers that there remains a 'wide gulf between the principles of the European rule of law and judicial principles in Turkey'.<sup>114</sup>

It is evident that EU conditionalities alone have not been sufficient to push Turkey ahead with reforms that redistribute the political control of military power within Turkish society. Rather, the reform process needs to be sustained from within the security system. Such support has come mainly from General Hilmi Ozkök, the Chief of Staff of the Turkish Armed Forces and member of the NSC. By putting himself behind these reforms, General Ozkök has clashed with the Euro-sceptics within the Turkish armed forces as well as with the land army, army intelligence units,

111. Tocci, *op. cit.*

112. Cizre, *op. cit.*, p. 19.

113. Commission of the European Communities, 'Regular Report on Turkey's progress towards accession', COM(2004), 656 final, 6 October 2004, p. 23.

114. European Parliament, 'Report on the 2003 regular report of the Commission on Turkey's progress towards accession', 19 March 2004, pp. 8, 9 and 13.

and the corps of gendarmes 'that oppose such reforms, which they find excessively constraining'.<sup>115</sup> The problem of sustained reform is that the Turkish Army continues to use international or national crises such as Cyprus or the fight against Kurdish insurgents in south-east Turkey to reassert its standing in domestic politics. The Army's main argument against reform has been that national security and unity must take precedence over democratisation.

For Turkey to consolidate its rapprochement with the EU, these reform processes will need to reach a point where they are irreversible. To achieve this objective the EU should use the Accession Process to make sure that all reform measures are fully implemented. This is a long-term objective and will probably require a new generation of General Staff and commanding officers. Finally, the transformation of the 'mind-set', political culture and attitude within Turkish society with regards to civil-military relations needs to be actively supported. A great challenge for the EU will be to better coordinate and eventually combine in a common framework the policy approach of the efforts on both defence reform and internal security reform.

### **Soft security approach towards the southern Mediterranean**

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The European Security Strategy positions the Mediterranean in the strategic neighbourhood of the enlarged EU. Over the past ten years the EU has created a solid framework of cooperation with its Mediterranean partners. The partnership is, however, troubled by ruling élites in the southern Mediterranean region that are hostile towards reform and a public that has grown suspicious of both its own leaders and Western motives for cooperation. As Chapter 2 has shown, the question of democratic governance of the security sector is closely linked to more general reform objectives such as democratisation and improvement of human rights. This section shows that the EU has been rather reluctant to push for democratic governance of the security sector in the Mediterranean region even though it would have the instruments to do so.

Numerous strategic changes are defining the relationship between the EU and the southern Mediterranean states at the beginning of the twenty-first century. First, the terrorist attacks

115. David L. Phillips, 'Turkey's Dream of Accession', *Foreign Affairs*, vol. 83, no. 5, September/October 2004, pp. 92-3.

of 9/11, and then the bombings in Casablanca and Madrid by Islamist groups, clearly show the importance of the Mediterranean 'as an area of strategic concern, with a bearing on internal as well as regional security'.<sup>116</sup> Second, the United States and Europe have come to consider the lack of democracy and exclusionary policies in the region as one of the root causes of Islamic terrorism. Thus, at least on a declaratory level, the promotion of democracy has become one of the preferred policies of the West with regard to the Mediterranean and the Middle East. Third, the US military overthrow of the Saddam Hussein regime and the continuing conflict in Iraq has a great potential to destabilise the Middle East and Gulf region. The Iraq war has also led to deep transatlantic divisions over the questions of regime change with illegitimate use of force. Finally, the death of Yasser Arafat in 2004, the replacement of the senior Palestinian leadership and the announced Israeli withdrawal from the Gaza Strip have opened new opportunities for the Palestinians and the Israelis as well as the international stakeholders to move ahead in finding a solution to the Israeli-Palestinian conflict.

### Democratic deficit and deficiencies in the security sector

The Greater Mediterranean is one of the regions in the world with the largest democratic deficit.<sup>117</sup> This observation is closely linked to what the Arab Human Development Report refers to as 'Freedom Deficit', i.e. a lack of freedom of expression, the right of association and choice.<sup>118</sup> As a consequence of these deficits, there are several deficiencies in the defence sectors of countries in the region. These include:

- ▶ *Limited civilian participation in and oversight of security policy-making.* In most countries of the region, security policy is largely the preserve of the military, with limited involvement of civilian authorities or the public at large. Parliaments, and civil society generally, play a fairly modest role in the political process in southern Mediterranean countries, and the political systems are characterised by a powerful executive that exerts control over all other branches of government.
- ▶ *Limited separation of police and military forces.* In many countries of the southern Mediterranean, the dividing line between the functions of internal and external security forces is blurred, with the military playing a considerable role in internal security, as well as

116. *Strategic Survey 2003/4* (London: IISS, 2004), p. 146.

117. 'Freedom calls, at last?', *The Economist*, 3 April 2004. According to the ratings of Freedom House, all Arab partner countries (Algeria, Egypt, Jordan, Lebanon, Mauritania, Morocco, Syria and Tunisia) show ratings of between 5 and 7 in terms of political rights (seven being the least free or democratic category). According to the overall rating of FH (taking into account both political rights and civil liberties), the majority of these countries (Algeria, Egypt, Lebanon, Mauritania, Syria and Tunisia), are qualified as 'not free', whereas only Jordan and Morocco are considered 'partly free'. None of them qualifies as 'free' (data from 2004). See Annex 4.

118. UNDP, Regional Bureau for Arab States, *Arab Human Development Report 2004. Towards Freedom in the Arab World* (New York: United Nations Publications, 2005).

in domestic politics more generally. A clear definition of the respective roles of the police and the military is lacking. This goes hand-in-hand with a conflation of regime security with the security of the state as a whole. The security of the regime in power is often equated with the security of the state as such, with the consequence that external defence forces are sometimes mobilised to counter opponents to an existing regime, or that political dissidents are tried not by ordinary but rather by military courts.

- ▶ *High levels of defence spending.* Southern Mediterranean countries generally have high levels of military spending, averaging more than 4.5 per cent of GDP in 2003.<sup>119</sup> Moreover, given the various informal sources of income of these countries' military establishments, it can be assumed that military spending is actually far higher than the official figures.

There are multiple reasons for the deficits in democracy and freedom, including underdevelopment, low human development opportunities, a difficult colonial heritage, the prevalence of authoritarian regimes and a clear, even if partially understandable, bias towards internal stability and external mistrust. Moreover, the Israeli-Palestinian conflict and more recently the war in Iraq are often used as a pretext by Arab governments not to embrace democratic reforms. In addition, there are a number of other difficulties in promoting democratic governance in the security sectors of the countries of the region.<sup>120</sup>

The first major obstacle to reform is the intimate but opaque relationship between the security establishment and the ruling élite in most southern Mediterranean states. This intimacy is based on shared interests in maintaining political power as well as on economic ties. In many countries of the region, 'the military has its own sources of revenue for which it is not accountable and is under no observable political pressure either better to utilize its capital or to divest itself of enterprises, as is the case with regard to the civilian public sector.'<sup>121</sup>

Second, on a more conceptual level, the compatibility between Islam and democratic governance is questioned by some analysts.<sup>122</sup> They typically point both to the absence of liberal/individualistic ideas in Islam as a religious and political doctrine, as well as to the lack of a tradition of democratic governance in Arab countries. Less categorical arguments within this debate suggest

119. See Annexe 4.

120. For an in-depth analysis of the democracy deficit, Western and Arab concepts of democracy and human rights, see Roberto Aliboni, 'Common Languages in the Euro-Mediterranean Partnership', *EuroMeSCo Papers* 31, May 2004.

121. Robert Springborg, 'Military Elites and the Polity in Arab States', *Occasional Paper 2* (Arlington, Va.: Development Associates, 1998), p. 6.

122. Bernard Lewis, *What went wrong? Western Impact and Middle Eastern Responses* (New York: Oxford University Press, 2002).

that Arab countries could achieve some form of democratic governance, not necessarily a 'Western-style' but rather some other form of democracy.

A third obstacle is the apparent double standards that exist when Western states favour 'stable' regimes in the region, even if these are undemocratic, over 'unstable' but potentially more democratic regimes. This is particularly the case when 'instability' in the countries of the region could have spillover effects on the territory of EU countries, in the form, for instance, of large-scale refugee flows. European countries' policies towards Algeria after 1992 are an often-cited example in this regard.

A final obstacle to the promotion of democracy is the Western 'war on international terrorism'. The argument can be made that in the current war against terrorism all that matters is being a reliable ally in the struggle against terror, regardless of how democratic the country is. Thus, countries or regimes which used to be shunned by the West for undemocratic behaviour are now embraced as important allies in the fight against terror.<sup>123</sup>

This being said, recent developments in, for example, Lebanon, do suggest that at least certain steps towards democratisation and accountability in the security field are indeed possible in the region. In the aftermath of the assassination of the former Lebanese Prime Minister, Rafik Hariri, in February 2005 and the announced retreat of Syrian troops from Lebanon, growing public pressure has led to seemingly far-reaching purges of the country's security and intelligence services and the resignation of several of its most senior chiefs. The UN Fact-Finding Mission to Lebanon, whose task it was to inquire into the assassination of Rafik Hariri, also pointed to serious deficiencies, including the absence of effective oversight of the Lebanese security sector, laying the primary responsibility for the lack of security and law and order in the country on both the Lebanese security services and Syrian Military Intelligence.<sup>124</sup> Among Lebanese political forces, the need to reform the country's security and intelligence services and to bring these institutions under control of the country's civil (judicial) authorities has been emphasised, for instance, by General Michel Aoun's reform programme, whose Free Patriotic Movement, in June 2005, was invited to join the new government led by Saad Hariri's party.<sup>125</sup>

123. Thomas Carothers, 'Promoting Democracy and Fighting Terror', *Foreign Affairs*, vol. 83, January/February 2003, pp. 84-97.

124. 'Report of the Fact-Finding Mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of former Prime Minister Rafik Hariri', 25 February - 24 March 2005.

125. *Lebanon Wire*, 16 June 2005.

## EU policies towards the southern Mediterranean

EU policy towards the Mediterranean region is multilayered and driven by actors with different outlooks and philosophies.<sup>126</sup> Some EU member states, through a *realpolitik* approach, favour primarily a status quo in the region: containment of terrorism and illegal migration as well as assured continued access to energy sources in North Africa and the Gulf. The European Commission, in turn, acts on the 'liberal' premise that increased economic cooperation and trade, political reform, democratic transformation and respect for human rights will foster long-term stability in the region. In its Common Strategy on the Mediterranean Region that was launched in 2000, the EU tried unsuccessfully to consolidate, or at least harmonise, these different objectives for policy-making towards the Mediterranean. Nowadays, the EU pursues its security policy towards the Mediterranean through a number of instruments, including the EMP or Barcelona Process, the ENP, and the ESDP, on which a dialogue has been established since the Naples Euro-Mediterranean Conference in December 2003. In view of the critical developments in Iraq and also Iran in 2003, the EU took the decision to create a regional stability strategy for what could be defined as the 'Mediterranean and the Wider Middle East'. This strategy or 'line of action' would supplement EU relations with the Mediterranean partners. In June 2004, the EU proposed in a report to combine these two strategies into an 'EU Strategic Partnership with the Mediterranean and the Middle East'.<sup>127</sup>

### *The Barcelona Process and the European Neighbourhood Policy*

The Euro-Mediterranean Partnership is a framework for developing a 'zone of peace and stability'. It includes a politico-security dialogue, economic relations that should lead to a free trade zone, and social-cultural relations. This multilateral framework is underpinned by a network of Association Agreements that regulate bilateral relations between the EU and individual partner states. With the EU membership of Malta and Cyprus, and Turkey as an accession country, the remaining Mediterranean partners comprise only the Mediterranean Arab countries, the Palestinian Authority and Israel. There has been little progress in the domain of security cooperation in the Euro-Mediterranean framework. Efforts at norm-setting on comprehensive security have been blocked ever since 1999: the Euro-Mediterranean Charter for Peace and Stability proposed by the EU was rejected by some Arab states. As a con-

126. Martin Ortega, 'A new EU policy on the Mediterranean?', in Judy Batt et al., 'Partners and neighbours: a CFSP for a wider Europe', *Chaillot Paper* 64 (Paris: EU Institute for Security Studies, September 2003), pp. 86-101.

127. 'EU Strategic Partnership with the Mediterranean and the Middle East, Final Report', *EuroMed Report* 78, 23 June 2004.

sequence, the Charter has been watered down from a blueprint for a comprehensive 'Stability Pact' to an arrangement that does not go much beyond the commitments contained in the Political and Security Chapter of the Barcelona Declaration. After ten years of its existence, the EMP's lack of visible results in the political and security chapter has given rise to considerable criticism, both by government officials and policy analysts.

The new European Neighbourhood Policy (ENP) is intended to promote political, economic and social reforms with the objective of giving the Partner states access to the EU's four freedoms (free movement of goods, persons, services, and capital). It is conceived as an instrument of conflict prevention and security building with the post-enlargement neighbourhood. In December 2004, the EU proposed Action Plans under this policy for four Arab EMP partners, namely Jordan, Morocco, the Palestinian Authority and Tunisia.<sup>128</sup> Moreover, in March 2005, country reports which are to serve as a basis for future Action Plans were also issued for Egypt and Lebanon.<sup>129</sup> Democratic governance and human rights are an integral part of this policy, and the Commission refers to 'common values' that should hold Europe and the southern Mediterranean together.<sup>130</sup> Moreover, the Action Plans which the EU has proposed for the EMP Partners contain a number of provisions regarding SSR-related activities such as judicial reform, the rule of law, transparency and the fight against corruption. Despite this, however, these Action Plans stop short of measures aimed at enhancing democratic governance of the security sector.

One important way in which the ENP differs from the EMP is that the ENP allows the Partner countries to pursue a policy of self-differentiation. In practice, this translates into a cooperation based on bilateral action plans on a country-by-country basis. The principle of self-differentiation allows the EU to pursue a multi-speed policy in the Mediterranean region and to formulate tailor-made reform packages that could be subject to EU conditionalities. This is the case with the ENP Action Plans, as will be discussed below.

### *Programmes to promote democracy*

The EU's policy on human rights and democratisation in the Mediterranean has been 'presented by the EU as a strategic, not merely ethical imperative'.<sup>131</sup> However, human rights and democ-

128. Proposed Action Plan EU-Jordan, 9 December 2004, Proposed Action Plan EU-Morocco, 9 December 2004, Proposed Action Plan EU-Palestinian Authority, 9 December 2004, and Proposed Action Plan EU-Tunisia, 9 December 2004.

129. European Neighbourhood Policy Country Report Lebanon, COM(2005) 72 final, and European Neighbourhood Policy Country Report Egypt, COM(2005) 72 final.

130. 'The privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development. Commitments will also be sought to certain essential aspects of the EU's external action, including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution'. Communication from the Commission, 'European Neighbourhood Policy – Strategy Paper', 12 May 2004.

131. Richard Youngs, 'European Approaches to Security in the Mediterranean', *Middle East Journal*, vol. 57, no. 3, Summer 2003, p. 416.

ratification have been low on the EMP agenda, 'despite the fact that the EU does have a range of tools at its disposal to exercise pressure for the respect for human rights and democracy in the Mediterranean'.<sup>132</sup> The policy instruments for promoting democratic reform include the Association Agreements and the European Neighbourhood Action Plans. According to the Presidency Conclusions of the Euro-Mediterranean ministerial meeting of 2004 in The Hague, the Mediterranean partners agreed to work within the framework of these arrangements 'towards the implementation of political reforms, and welcomed a structured dialogue, based on joint ownership, on co-operation on human rights and democratisation including support for civil society'.<sup>133</sup>

With the US drive towards the promotion of democracy in the 'Greater Middle East' that led to the Middle East Partnership Initiative (MEPI) and the G-8 Broader Middle East and North Africa Initiative, the EU responded with the abovementioned 'Strategic Partnership' between the EU, the Mediterranean and the Middle East. The policy agenda of that partnership covers the Middle East Peace Process, the Barcelona process, the promotion of a political dialogue on human rights and the rule of law, non-proliferation, security dialogue and counter-terrorism, migration and economic reforms, social developments, and cultural dialogue.<sup>134</sup>

### *Security governance in EU-Mediterranean cooperation*

Neither the EU nor Mediterranean states formally embrace the concept of democratic governance of the security sector in their EMP discourse. The EU approach to security in the region has been largely limited to soft security cooperation and, more recently, a dialogue on ESDP issues.<sup>135</sup> Nevertheless, this dialogue could, in the future, also include items dedicated to security sector reform. The few EU-sponsored activities in the domain of police reform and the training of police forces in human rights are linked to security sector reform only by approximation and not by design.

On a normative level, the Barcelona Declaration establishes a link between domestic political conduct and regional security. It is also for this reason that the human rights commitments contained in the Barcelona Declaration were made part of the Political and Security Chapter of the Declaration. On a general level, in the Barcelona Declaration the partners agreed to foster 'political pluralism' and to 'develop the rule of law and democracy in their political systems'. More specifically they undertake to 'refrain from

132. Rosa Balfour, 'Rethinking the Euro-Mediterranean political and security dialogue', *Occasional Paper 52* (Paris: EU Institute for Security Studies, May 2004), p. 20.

133. Council of the European Union, 'Presidency Conclusions for the Euro-Mediterranean meeting of Ministers of Foreign Affairs', The Hague, 29-30 November 2004, p. 7.

134. EU Strategic Partnership with the Mediterranean and the Middle East, op. cit.

135. The EU dialogue with Mediterranean partners on ESDP was agreed upon at the 2002 Valencia Ministerial Conference and pursued since the Naples Conference in 2003. The objectives of this dialogue are to share information and to explore the possibility for cooperation in the area of conflict prevention and crisis management.

developing military capacity beyond their legitimate defence requirements, at the same time reaffirming their resolve to achieve the same degree of security and mutual confidence with the lowest possible levels of troops and weaponry.’

Institutional reform, promotion of democracy and human rights projects in Arab EMP countries have been carried out within the framework of the MEDA Democracy programme, and the EIDHR. Overall funding for human rights and democracy promotion projects under MEDA has, however, traditionally been rather limited. Most of these funds have also gone to ‘soft’ projects, such as support for NGOs in the fields of development assistance and environmental protection.<sup>136</sup> Another core focus of MEDA aid has been improvement of ‘good governance’ in the region, but projects in this field have concentrated mainly on technical or regulatory aspects, in particular harmonisation with the EU’s single market rules.<sup>137</sup>

This may change with the recently adopted ENP Action Plans. Following negotiations with the partners concerned, in December 2004, plans to guide EU relations with Israel, Jordan, Morocco, the Palestinian Authority and Tunisia, amongst others, were approved. Although those plans are not identical, references to dialogue on ESDP, crisis management, the judicial system and democracy and human rights may have an impact on security sector governance.<sup>138</sup>

### *Judicial reforms and counter-terrorism*

The events of 9/11 did lend greater urgency to the need for reform in the region, as lack of democracy in the Middle East increasingly came to be viewed as one of the main causes of terrorism. However, there has been no substantial rise in funds allocated by the EU to institutional reform and democracy promotion in the region, although there does seem to have been at least a slight increase in the field of judicial reform.<sup>139</sup> Relatively large projects on judicial reform have been launched in Algeria (€15 million), Morocco (€28 million) and Tunisia (€30 million) in recent years. Moreover, in Algeria, a police reform project (which was initiated in 2000) has been carried out in the framework of the ENP. The main objective of this project has been to professionalise Algerian police forces, and to enhance respect for human rights and the rule of law. In addition, an important goal of the EU has been to improve the abil-

136. Richard Youngs, ‘Ten Years of the Barcelona Process : A Model for Supporting Arab Reform?’, *FRIDE Working Paper 2*, January 2005, p. 2.

137. Youngs, ‘Ten Years of the Barcelona Process’, op. cit., p. 3.

138. See proposed texts of ENP Action Plans of the EU with Israel, Jordan, Morocco, and Tunisia (9 December 2004), at [http://europa.eu.int/comm/world/enp/document\\_en.htm](http://europa.eu.int/comm/world/enp/document_en.htm).

139. *Ibid.*

ity of the Algerian police to manage migratory flows. A total of €10 million has thus far been allocated to this project.<sup>140</sup>

Since 1999, EU countries have generally been devoting more attention to internal security or JHA cooperation with Arab EMP countries, reflecting not only deepening involvement of EU countries in this area but also growing concerns with internal security challenges such as illegal immigration, drug trafficking and organised crime. Since early 2001, JHA has generally become a priority area within the EMP, with regular meetings of senior officials of interior ministries being held in parallel with meetings on political and security matters.<sup>141</sup> In the aftermath of 9/11, these efforts also increasingly focused on terrorism in addition to illegal migration, drug trafficking and organised crime. A framework document on a regional cooperation programme on JHA issues was adopted at the Valencia conference of 2002. The development of this programme has resulted in regional and bilateral co-operation in the area of justice, freedom and security.<sup>142</sup>

Since the terrorist attacks on New York and Madrid, the EU has been concentrating its policy on strengthening cooperation between law enforcement agencies of EMP countries. For this purpose, the newest generation of Association Agreements contain clauses on security cooperation relating to the fight against terrorism.<sup>143</sup> The downside of these anti-terrorist clauses is – as is the case for Algeria, for instance – that they give the partner state *carte blanche* with regards to its security sector, as well as its arms trade and defence policies.<sup>144</sup> The official view within the EU is that enhanced security cooperation with Arab EMP partner countries is consistent and indeed supportive of its objective of promoting democracy and ‘good governance’ in the region.<sup>145</sup> It is, however, often pointed out that the EU’s enhanced focus on counter-terrorism has actually been detrimental in terms of improving accountability of and respect for human rights by security forces of Arab EMP countries. Morocco, for instance, has been criticised by human rights organisations for its anti-terror legislation and policies adopted in the aftermath of the Casablanca bombings in 2003. According to Human Rights Watch, for instance, Morocco’s campaign against Islamist militants, which has also involved fast-track convictions, has been undermining the considerable progress made by Morocco in this field over recent years.<sup>146</sup>

Moreover, it seems clear that both the EU and individual EU countries have tended to devote resources mainly to enhancing

140. Euro-Med Partnership, ‘National Indicative Programmes for Algeria, Morocco and Tunisia, 2005-06’.

141. Richard Gillespie, ‘Reshaping the Agenda? The Internal Politics of the Barcelona Process in the Aftermath of September 11’, *Mediterranean Politics*, vol. 8, 2003, p. 27.

142. See ‘Regional and bilateral MEDA co-operation in the area of justice, freedom and security’, *Euro-Med Report* 86, 1 March 2005, at [http://europa.eu.int/comm/external\\_relations/euromed/publication/2005/report\\_86.pdf](http://europa.eu.int/comm/external_relations/euromed/publication/2005/report_86.pdf).

143. See for instance Art. 90 of the Association Agreement with Algeria, signed 12 April 2002.

144. See Art. 101 of the Association Agreement.

145. See the conclusions of the Euro-Mediterranean Conferences in Naples, Dublin and The Hague.

146. Human Rights Watch, *Morocco: Human Rights at a Crossroads*, October 2004.

the efficiency of police forces of southern Mediterranean countries in preventing undocumented migration across the Mediterranean and less to actual police reform. In October 2002, for example, the EU allocated €40 million to Morocco for the construction of a coast control system along the country's northern shores aimed at preventing migration and drug trafficking across the Straits of Gibraltar.<sup>147</sup> In order to supply Libya with military equipment to beef up its border controls, Italy has also been pushing to lift the arms embargo imposed on Libya since 1986. In late 2004, the EU agreed to end these sanctions against Libya. Moreover, the EU has recently set up a €250 million fund for assisting third countries in preventing irregular migration towards the EU, and in 2004 a project by the European Police College was carried out aimed at training police forces of southern Mediterranean countries in fighting terrorism and human trafficking.<sup>148</sup>

Overall, with regard to the EU's policies in this area, it can be argued that operative aspects and short-term security concerns with illegal migration, drug trafficking and terrorism have taken precedence over institutional reform objectives, such as enhancing respect for human rights, accountability and civilian oversight over security forces in the region.

### *Reforming the security sector of the Palestinian Authority (PA)*

EU assistance to the Palestinian Authority (PA) not only has a long history – dating back to the early 1970s – but over the years, the EU has also emerged as the main donor supporting the Palestinian Authority. Since 1995, the PA has been a member of the EMP, and in 1997 an Association Agreement between the EU and the PA entered into force. Between 1994 and 2004, EU support for the Palestinians amounted to a total of more than €2 billion, and it has been argued that it is mainly thanks to the EU that the PA has been able to avoid collapse.<sup>149</sup> This assistance has focused on both long-term institution-building as well as on humanitarian assistance; this latter aspect became increasingly important after the outbreak of the second *intifada* in 2000. The EU's membership of the Quartet and the International Task Force on Palestinian Reform established in 2002 also provides it with political mandates to engage in the reform process of the PA.

It was mainly the growing awareness of the problem of corruption within the PA, as well as mounting allegations that EU aid was being diverted to finance terrorist activities, that led the EU to

147. *El Pais*, 6 October 2002.

148. Youngs, *op.cit.*, p. 8.

149. European Commission, 'The EU's relations with West Bank and Gaza Strip', at [http://europa.eu.int/comm/external\\_relations/gaza/intro/index.htm#4.%20EU%20financial%20assistance%20to%20the%20Palestinians](http://europa.eu.int/comm/external_relations/gaza/intro/index.htm#4.%20EU%20financial%20assistance%20to%20the%20Palestinians).

focus more strongly on 'institutional reforms' of the PA, such as independence of the judicial system and financial transparency. Some of these efforts have directly touched upon the Palestinian security sector. Thus, in 2002-03, judicial reform programmes amounting to a total of €7 million were launched aimed at modernising the Palestinian judicial system. These programmes comprise both material assistance and the training of judges and prosecutors. Moreover, the EU has been organizing human rights training for Palestinian security services.<sup>150</sup> Over recent years, the EU has also generally shifted its assistance policy towards more 'targeted' aid instead of direct payments to the budget of the Palestinian authority – although a survey by the EU's anti-fraud office concluded that EU funds had not been utilised for terrorist activities.

Most recently, the EU has initiated police reform projects in the Occupied Territories, aware of the growing need for effective policing that will be necessary after the Israeli pull-out from Gaza and parts of the West Bank. In June 2004, the European Council declared its 'readiness to support the Palestinian Authority in taking responsibility for law and order, and in particular in improving its civil police and law enforcement capacity'.<sup>151</sup> In January 2005, the EU set up an EU Coordination Office for Palestinian Police Support (COPPS), which consists of four EU police experts and is based in East Jerusalem and Ramallah. Its objectives include both immediate operational elements, in particular the delivery of technical equipment, as well as longer-term transformation of the Palestinian police forces, such as the reform of management structures and the development of proper accountability mechanisms.<sup>152</sup>

### **Transatlantic relations and security sector governance in the Middle East**

The EU's SSR-related activities in the Mediterranean and the Middle East, however modest thus far, should also be seen in the larger context of Western countries' efforts to promote democracy in the region, and the divergences between the EU and the United States in this regard. In general terms, the EU and the United States are in agreement that democracy promotion should be pursued in the Mediterranean and the Middle East. But, at present, this common philosophy is eroded by different world-views, threat perceptions

150. Ibid.

151. Presidency Conclusions of the Brussels European Council, 17 and 18 June 2004 (10679/2/04 REV 2), p. 25.

152. EU Council Secretariat Fact-sheet, 'EU assistance to the Palestinian civil police, 25 February 2005.

and policies. The EU views the need for democratisation in the region as a corollary to its mainstream policies of development assistance and economic as well as political partnership building. Moreover, the EU sees its programmes for the promotion of reforms in the Middle East as complementary but independent measures to those of the United States,<sup>153</sup> which has a much more direct and 'can-do' perspective on political reform and democratisation in the Middle East.

It can be argued that the objective of addressing the democratic deficit – together with addressing the security deficit – has become much more salient with the current war on terror, at least as far as the Middle East is concerned. The Bush administration considers the lack of democracy and exclusionary policies in the region as one of the main 'root causes' of Islamist terrorism. Consequently, fighting such terrorism also requires the promotion of democratic governance in Arab countries. The various US initiatives reflect this understanding: MEPI, launched in 2003, the US-led 'Partnership for Progress and a Common Future with the Broader Middle East and North Africa' adopted in the context of the 2004 G-8 summit and the Istanbul Summit Initiatives all propose cooperation with a view to political, economic and social reforms in the wider Middle East and the Mediterranean. Further political impetus for political reform in the region has been given by President Bush's 'arc of reform' speech in Brussels on 22 February 2005. This speech indicates that the second Bush administration is inclined to tackle the democratic deficit in the Middle East even more vigorously than before, a situation which will put the Europeans under additional pressure. Nevertheless, US initiatives to promote democracy have, for the time being, not received appropriate financial resources.

Some of the US activities in the region also have a narrower anti-terrorist focus and lack a governance dimension. For instance, in May 2005, the US government decided to launch the Trans-Saharan Counter-Terrorism Initiative, based on the earlier Pan-Sahel Initiative, which was carried out in the aftermath of 9/11. The initiative is to cover Algeria, Morocco and Tunisia, as well as a number of sub-Saharan African countries (Chad, Mali, Mauritania, Niger, Nigeria and Senegal). As was the case for its predecessor, the main objective of the initiative is to train special forces of these countries, in particular in the field of counter-terrorism.

153. Volker Perthes, 'Bewegung im Mittleren Osten', *SWP-Studie*, September 2004, p. 23.

The democratic deficit and the need for defence reform have been addressed more directly by the initiatives launched at NATO's 2004 Istanbul summit. The first initiative is an effort – which falls far short of a 'Greater Middle East Initiative' – to deepen the existing Mediterranean Dialogue (MD) with seven countries in North Africa and the Middle East, and to transform it into a genuine 'partnership'. It is not yet clear what the 'deepening' should entail, particularly in view of the sombre mood of some Arab states regarding the US military presence in Iraq. Formally, the objectives of the Partnership are dialogue, interoperability, defence reform and the fight against terrorism. For the first time – for some NATO officials possibly prematurely – NATO calls upon the MD states to 'promot[e] democratic control of armed forces and facilitat[e] transparency in national defence planning and defence budgeting in support of defence reform'.<sup>154</sup> This is one of seven 'priority areas' that should support the following objectives of collaboration: enhancing the existing political dialogue; achieving interoperability; developing defence reform; and contributing to the fight against terrorism. NATO Secretary General Jaap de Hoop Scheffer reiterated this offer at the Munich Security Conference 2005, when, referring to the MD countries, he offered to 'assist interested countries in the field of security sector reform and defence institution building'.<sup>155</sup>

The second initiative is the Istanbul Cooperation Initiative (ICI). With this, NATO aims to reach out for the first time to Gulf states (i.e. the 'broader Middle East region'). The somewhat surprising aspect of the ICI is that – perhaps because it is based on the PfP template – it contains explicit language on democratic governance of the security sector. There is, however, no formal institutional link to PfP. According to the North Atlantic Council, the objective of the Initiative is to enhance security and stability through a new transatlantic engagement, offering 'tailored advice on defence reform, defence budgeting, defence planning and civil-military relations, and promoting military-to-military cooperation to contribute to interoperability [and] fighting terrorism . . .'.<sup>156</sup>

In contrast to the PfP partner states, but as in the case of the EU, the carrot of membership cannot be used with NATO partner states in the Mediterranean and the Middle East. This means that it is too early to provide the partner states with a 'Mediterranean Partnership Framework Agreement' similar to that of the 1994

154. 'A More Ambitious and Expanded Framework for the Mediterranean Dialogue', *NATO Policy Document*, 9 July 2004.

155. NATO Secretary General, Jaap de Hoop Scheffer, speech delivered at the Munich Security Conference Munich, Germany, 12 February 2005.

156. Quoted in *Polaris*, Special Issue, NATO School, 7 August 2004, p. 12.

PfP Framework Agreement, which would include provisos on 'democratic control of the armed forces'. This situation is reminiscent of the EU's futile efforts to promote a 'Charter for Peace and Security in the Mediterranean' in the context of the Barcelona Process. Even though the Charter does not contain any explicit language on security sector governance, the Southern partners will continue to shy away from formal arrangements in the field of security governance and democracy.

There remains hope that one or other of the Mediterranean partner states may – under a courageous leadership – begin to embrace the process of democratisation of the security sector. Progress in this domain – timid as it may be – should be supported by substantial positive inducements from the North. The EU would have to assume the lead with regards to areas such as police and judicial reform, whereas NATO would have to deal with defence reform and defence budget control. In this context, it would make sense that the EU and NATO develop a joint strategy on security sector governance promotion in North Africa and the Middle East. Only a combined soft security, political and economic approach can help countries in transition to engage in a sustained process of reform and eventual democratisation.

## **Conclusion**

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The EU has chosen a gradualist and low-key approach to political reform and democratisation in the southern Mediterranean. This reflects its concerns with balancing the risks and benefits of democracy promotion in the region. The EU should not destabilise fragile governments in its neighbourhood with short-term and intrusive instruments promoting human rights, political reform and security governance. Nevertheless, the EU must come to the understanding that security sector reform is part and parcel of the Mediterranean partner states' reform efforts. Thus, regardless of the intensity and forcefulness of the EU's political reform policy, the time is ripe to agree within the EU to a proposal that presents security sector reform as a mid- to long-term objective of the Euro-Mediterranean Partnership. The new Strategic Partnership should recognise that a one-size-fits-all approach will be impossible. The Action Plans in the context of the Neighbourhood Policy include some requirements that can be linked to democratic governance of

the security sector. Since the Association Agreements include legally binding commitments on human rights cooperation, it should also be possible in the medium term to insert provisions regarding the security sector.

In view of the various regional impediments to security sector reform, the EU could, in a first step, insert questions of parliamentary oversight of the defence sector in the agenda of the new Euro-Mediterranean Parliamentary Assembly. Moreover, the Charter for Peace and Stability in the Mediterranean should be revitalised, this time with the addition of some language on the need for security sector governance, with particular reference to the linkage between sustainable development and the need to downsize the defence sectors in the region. Those issues should be discussed by all partners in the EMP.

The pitfall of current EU policy with regard to the Mediterranean is the temptation to 'purchase' southern cooperation in the fight against terrorism, drug trafficking and illegal migration with an implicit agreement to keep political reform and security sector governance issues off the common agenda. In the same vein, although the strengthened cooperation between law enforcement agencies across the Mediterranean is an important development, the EU should not ignore the fact that most internal security forces of southern Mediterranean countries have a serious governance problem. Another obstacle remains the reality that Arab states would only embrace reform to the extent that it would provide more legitimacy to the ruling regime but not jeopardise its leadership.

Finally, the EU will have to devote most of its attention to management of its largest expansion to date that will also in one way or another include Turkey. In view of this monumental task, the attention it will be able to give to security sector reform in Mediterranean countries may be sporadic at best.

# Conclusions and policy recommendations

This study started out from the assumption that the European Union's neighbourhood to the east and the south is composed of areas which have to a greater or lesser extent serious deficits in security, development and democracy, and that the combined effects of these deficits constitute a serious challenge for the EU's own security as well as an impediment to its attempts to create 'a ring of well governed countries' in its neighbourhood, as the European Security Strategy puts it. Although the EU is not yet pursuing a comprehensive and coherent policy, it has explicitly or implicitly entered into promoting security sector governance in a number of policy areas, such as development cooperation, human rights and democratisation, conflict prevention, crisis management and justice and home affairs. Throughout its eastern and southern neighbourhood, the EU has increasingly been involved in assisting the reform of police forces, border guards and judicial systems as well as the structures that oversee these security institutions – albeit to an extent that differs from region to region and with a certain bias in favour of restructuring security institutions as opposed to improving their governance.

In the case of the EU's *eastern neighbours*, this study has shown that NATO has been the driving force in the promotion of security sector governance, with a clear emphasis on democratic control of armed forces and defence reform. The EU, however, is increasingly assuming responsibilities for SSR assistance in *South-Eastern Europe*, particularly in the Western Balkans, through its stabilisation and association process and the deployment of ESDP operations. In the Western Balkans, NATO and the EU have succeeded, at least de facto, in developing a concerted approach to SSR assistance, with the former concentrating on defence issues and the latter on internal security. With the devolution of NATO (and UN) responsibilities to the EU and in view of the membership perspectives of West Balkans countries, the EU has to develop a holistic approach to security sector governance in the region.

As regards the *NIS area* – the ‘new’ eastern neighbours – the EU has so far only played a very marginal role in promoting security sector governance. Even more than in the case of the Western Balkans, the EU is concentrating its efforts on providing support for strengthening border security, police and the judiciary while largely neglecting governance, which should be an integral dimension of any SSR assistance. Given that all of these countries are part of the Euro-Atlantic community and are therefore politically bound by the provisions of the OSCE Code of Conduct, including those relating to the democratic control of armed forces, the EU should develop a much more proactive approach to promoting security sector governance in its ‘new’ eastern neighbourhood.

In the case of the *southern neighbours*, the EU has assumed the task of engaging with Turkey on a broad range of security sector reform issues, but ignored the very same issues when it comes to cooperation with partner states in North Africa and the Middle East. With regard to *Turkey*, NATO has failed to address the reform of the politically dominant military apparatus; this task has largely fallen to the EU, which has used the lever of membership to induce and sustain reform in Turkey. Its lack of operational capabilities in the politico-military domain, however, has prevented the EU from adopting a comprehensive approach to civil-military relations in Turkey, where it has largely limited its efforts to reforming the Turkish National Security Council. Apart from that, the EU has provided operational support for non-military aspects of security sector reform such as judicial reform, human rights training and the promotion of professionalisation within the Turkish police and gendarmerie. The lessons learned in promoting democratic governance of the security and defence sectors in Turkey could turn out to be useful for the EU in shaping its future policy towards other neighbours.

With regards to the *southern Mediterranean* region, the EU is confronted with the question of how to promote democracy and security sector governance with partners that are reluctant or unwilling to reform. Here, the EU has pursued a cautious and gradualist partnership-building process which has been based primarily on development cooperation and economic reform. Current US pressure for political reform and democratisation in the Mediterranean and the Middle East may pave the way for reform in the security sector as well. For this to happen, however, the conflicts in Iraq and elsewhere in the Middle East need to be mitigated first. As far as the EU

is concerned, it will need to devise a policy that appears attractive to the Mediterranean partners without seeming intrusive. It also requires Mediterranean partner states where a courageous leadership is prepared to embrace the process of democratisation, including in the security sector. The self-differentiation and country-by-country approach in the framework of the ENP and the Association Agreements could be used to shift support to those countries that are prepared to engage in the reform of their security sectors. The EU should also make sure that short-sighted policies with regard to preventing illegal migration, drug trafficking and terrorism do not take precedence over institutional reform objectives, such as enhancing respect for human rights, accountability and civilian oversight of security forces in southern Mediterranean countries. This will only be possible if the EU realises that democratic governance of the security sector in its neighbourhood is a long-term strategic imperative.

The time is ripe for the EU to develop an explicit approach that positions security sector governance in the broad framework of development cooperation, democracy and human rights promotion as well as conflict prevention, crisis management and peacebuilding. This should be applied particularly, but not only, to the EU's relations with its neighbourhood to the east and the south.<sup>157</sup> Sub-Saharan Africa, for instance, could be another region of increasing importance for EU activities in the field of security sector governance. The promotion of security sector governance should be mainstreamed into all relevant policy areas and taken up in specific policy instruments such as the revised Association Agreements, annual accession and association assessment reports, EMP and ENP action plans, country strategy papers, political dialogues, particularly in the context of counter-terrorism, and last but not least the new financial instruments for the delivery of external assistance.<sup>158</sup> Unlike any other international actor, the EU would be in a position to promote security sector governance in a holistic way – covering both non-military and military security domains as well as activities aimed at both restructuring security institutions and improving their democratic accountability. The EU's liberal democratic identity, its comprehensive mandate, and its evolving activities in the area of security sector governance, would not only permit but indeed call for such an approach.

If the EU is to adopt such a holistic approach to promoting security sector governance in its eastern and southern neighbour-

157. Sub-Saharan Africa would be another region of increasing importance for EU activities in the field of security sector governance.

158. See 'Communication from the Commission to the Council and the European Parliament on the Instruments for External Assistance under the Future Financial Perspective 2007-2013', COM (2004), 626 final, 29 September 2004.

hood and beyond, it is recommended that it follow three broad guidelines:<sup>159</sup>

- First, this study has shown that the EU has tended to focus its SSR assistance on building efficient and effective security institutions, border guards and police forces in particular, without necessarily giving much attention to governance issues. This, however, falls short of promoting security sector governance proper, and stands at odds with the EU's definition of itself as a community of democracies and a promoter of democracy. The EU should therefore systematically embed its SSR-related activities in a (democratic) governance approach aimed at strengthening civilian, parliamentary and public oversight of the security sector.
- Second, this study has also demonstrated that the EU has largely shied away from getting involved in politico-military, particularly defence-related, aspects of security sector governance. This, however, does not meet the demands of a holistic approach to security sector governance and neglects the fact that the EU will increasingly be faced with the need to rebuild or reintegrate armed forces and to engage in defence institution-building, particularly in the context of ESDP operations. The EU should therefore not hesitate to integrate democratic control of armed forces and defence reform in its agenda for promoting security sector governance.
- Third, this study has argued that there is a need to coordinate SSR-related activities of various international organisations in order to avoid overlap, duplication and even competition. In the case of the Euro-Atlantic and adjacent areas, this applies particularly to the EU's relationship with NATO, the OSCE and the Council of Europe. Among these organisations, NATO would become the EU's most pertinent partner because of its comparative advantage on the military and defence side of security sector governance. In short, for the EU and NATO this means the acceptance of a closer relationship with regards to promoting security sector governance within the 'new' eastern and southern neighbours – and possibly beyond.

159. Guidelines for an EU policy on security sector reform have been proposed elsewhere, however, in the specific context of the EU's relationship with the African, Caribbean and Pacific (ACP) countries. See Malcolm Chalmers, *Security sector reform in developing countries: an EU perspective* (Bradford: Saferworld/University of Bradford, 2000).

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*Abbreviations*

AFSJ	Area of Freedom, Security and Justice
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CFSP	Common Foreign and Security Policy
CIS	Commonwealth of Independent States
CIVCOM	Committee for Civilian Aspects of Crisis Management
CIVPOL	Civilian Police
CSP	Country Strategy Paper
DCAF	Democratic Control of Armed Forces
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
EAFSJ	European Area for Freedom, Security and Justice
EAPC	Euro-Atlantic Partnership Council
EC	European Community
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
EMP	Euro-Mediterranean Partnership
ESDP	European Security and Defence Policy
EU	European Union
EU COPPS	EU Coordination Office for Palestinian Police Support
EUFOR	European Union Force in Bosnia and Herzegovina
EUJUST	European Union Rule of Law Mission to Georgia
EUPM	European Union Police Mission
EUPOL	European Union Police Mission
FSC	Forum for Security Cooperation
GDP	Gross domestic product
IBM	Integrated Border Management
ICC	International Criminal Court
ICI	Istanbul Cooperation Initiative
ICTY	International Criminal Tribunal for the Former Yugoslavia
INGO	International Non-Governmental Organisation
IPAP	Individual Partnership Action Plan
JHA	Justice and Home Affairs
JSSR	Justice and Security Sector Reform
MAP	Membership Action Plan
MAPE	Multinational Advisory Police Element
MD	Mediterranean Dialogue
MEDA	EC Assistance Programme for Mediterranean Countries
MENA	Middle East and Northern Africa
MEPI	Middle East Partnership Initiative
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NIS	Newly Independent States
NRC	NATO-Russia Council

NSC	National Security Council
OECD	Organisation for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
PA	Palestinian Authority
PAP-DIB	Partnership Action Plan on Defence Institution Building
PACE	Parliamentary Assembly of the Council of Europe
PCA	Partnership and Cooperation Agreement
PfP	Partnership for Peace
PHARE	Pologne-Hongrie – Assistance à la Restructuration des Economies
PMC	Private Military Company
PPP	Purchasing Power Parity
PSC	Political and Security Committee
RACVIAC	Regional Arms Control Verification and Implementation Assistance Centre
RRM	Rapid Reaction Mechanism
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SALW	Small Arms and Light Weapons
SFOR	Stabilisation Force
SSG	Security Sector Governance
SSR	Security Sector Reform
TACIS	Technical Assistance to the Commonwealth of Independent States
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNDPKO	United Nations Department for Peacekeeping Operations
UNMIK	United Nations Interim Administration in Kosovo
WEU	Western European Union

## The EU neighbourhood: political, economic and security features

Country / Partner	Political features (1)		Socio-economic features (2)			Security-related features (3)		
	Freedom rating	PR/CL (4)	Level of human development	HDI rank	GDP per capita 2002 (PPP \$US)	Defence exp. in % of GDP 2003	Numbers in armed forces ('000)	Numbers in para-military ('000)
<b>Non-ENP eastern neighbours (South-Eastern Europe)</b>								
Albania	Partly free	3 / 3	Medium	65	4,830	1.2	22	1
Bosnia & Herzegovina	Partly free	4 / 3	Medium	66	5,970	2.2	24	-
Bulgaria	Free	1 / 2	Medium	56	7,130	2.4	51	34
Croatia	Free	2 / 2	High	48	10,240	2.1	21	10
FYROM	Partly free	3 / 3	Medium	60	6,470	3.1	11	8
Romania	Free	3 / 2	Medium	69	6,560	2.3	97	80
Serbia & Montenegro	Free	3 / 2	Medium	n/a	n/a	3.0	65	45
<b>ENP-eastern neighbours (Newly Independent States)</b>								
Armenia	Partly free	5 / 4	Medium	82	3,120	6.4	45	1
Azerbaijan	Not free	6 / 5	Medium	91	3,210	3.2	67	15+
Belarus	Not free	7 / 6	Medium	62	5,520	4.0	73	110
Georgia	Partly free	3 / 4	Medium	97	2,260	2.7	18	12

<b>Moldova</b>	Partly free	3 / 4	Medium	113	1,470	2.4	7	3
<b>Russia</b>	Not free	6 / 5	Medium	57	8,230	4.9	1 213	359
<b>Ukraine</b>	Partly free	4 / 3	Medium	70	4,870	2.1	160	110
<b>Non-ENP southern neighbours</b>								
<b>Turkey</b>	Partly free	3 / 3	Medium	88	6,390	4.9	515	152
<b>ENP southern neighbours (Euro-Med Partners)</b>								
<b>Algeria</b>	Not free	6 / 5	Medium	108	5,760	3.4	128	181
<b>Egypt</b>	Not free	6 / 5	Medium	120	3,810	4.0	450	330
<b>Israel</b>	Free	1 / 3	High	22	19,530	9.5	168	8
<b>Jordan</b>	Partly free	5 / 4	Medium	90	4,220	8.7	101	10
<b>Lebanon</b>	Not free	6 / 5	Medium	80	4,360	2.8	72	13
<b>Libya</b>	Not free	7 / 7	Medium	58	7,570	4.2	76	-
<b>Morocco</b>	Partly free	5 / 4	Medium	125	3,810	4.2	196	50
<b>Syria</b>	Not free	7 / 7	Medium	106	3,620	7.0	297	108
<b>Tunisia</b>	Not free	6 / 5	Medium	92	6,760	2.0	35	12
<b>Palestinian Authority</b>	Not free	5 / 6	Medium	102	n/a	n/a	-	14

(1) *Freedom in the World 2005* (covering the period from 1 December 2003 to 30 November 2004); (2) *Human Development Report 2004*; (3) *The Military Balance 2004-2005*; (4) Political Rights and Civil Liberties, respectively; 1 represents the most free and 7 the least free rating.

## The EU's relations with the countries in its neighbourhood

Country / Partner	Candidate country since	SAA	PCA	Association Agreement	Country Strategy Paper	EMP Action Plan	ENP Action Plan	ESDP missions
<i>Non-ENP eastern neighbours (South-Eastern Europe)</i>								
Albania	-	-	-	-	2002-06	-	-	-
Bosnia & Herzegovina	-	-	-	-	2002-06	-	-	EUFOR- <i>Althea</i> ; EUPM
Bulgaria	1999	-	-	1995 (Europe Agreement)	-	-	-	-
Croatia	2003	Signed 2001	-	-	2002-06	-	-	-
FYROM	-	Signed 2001	-	-	2002-06	-	-	EUPOL- <i>Proxima</i>
Romania	1999	-	-	1995 (Europe Agreement)	-	-	-	-
Serbia & Montenegro	-	-	-	-	2002-06	-	-	-
<i>ENP-eastern neighbours (Newly Independent States)</i>								
Armenia	-	-	1999	-	2002-06	-	-	-
Azerbaijan	-	-	1999	-	2002-06	-	-	-
Belarus	-	-	Signed 1995	-	2005-06	-	-	-

<b>Georgia</b>	-	-	1999	-	2003-06	-	-	-	EUIJUST- Themis
<b>Moldova</b>	-	-	1998	-	2002-06	-	2004	-	-
<b>Russia</b>	-	-	1997/ 2004	-	Common Strategy 1999/2003	-	-	-	-
<b>Ukraine</b>	-	-	1998	-	Common Strategy 1999/2003	-	2004	-	-
<b>Non-ENP Southern Neighbours</b>									
<b>Turkey</b>	1999	-	-	1964 (1995 Customs Union)	-	-	-	-	-
<b>ENP Southern Neighbours (Euro-Med Partners)</b>									
<b>Algeria</b>	-	-	-	signed 2002	2002-06	2005-06	-	-	-
<b>Egypt</b>	-	-	-	2004	2002-06	2005-06	-	-	-
<b>Israel</b>	-	-	-	2000	-	-	2004	-	-
<b>Jordan</b>	-	-	-	2002	2002-06	2005-06	2004	-	-
<b>Lebanon</b>	-	-	-	2005	2002-06	2005-06	-	-	-
<b>Libya</b>	-	-	-	-	2002-06	-	-	-	-
<b>Morocco</b>	-	-	-	2000	2002-06	2005-06	2004	-	-
<b>Syria</b>	-	-	-	signed 2004	2002-06	2005-06	-	-	-
<b>Tunisia</b>	-	-	-	1998	2002-06	2005-06	2004	-	-
<b>Palestinian Authority</b>	-	-	-	1999 (Interim Agreement)	n/a	2005-06	2004	2004	(EU COPS)

## **Norms and standards for security sector governance**

### **OSCE Code of Conduct on Politico-Military Aspects of Security (1994)<sup>160</sup>**

#### **Democratic control and use of armed forces**

20. The participating States consider the democratic political control of military, paramilitary and internal security forces as well as of intelligence services and the police to be an indispensable element of stability and security. They will further the integration of their armed forces with civil society as an important expression of democracy.

21. Each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy. Each participating State will provide controls to ensure that such authorities fulfil their constitutional and legal responsibilities. They will clearly define the roles and missions of such forces and their obligation to act solely within the constitutional framework.

22. Each participating State will provide for its legislative approval of defence expenditures. Each participating State will, with due regard to national security requirements, exercise restraint in its military expenditures and provide for transparency and public access to information related to the armed forces.

23. Each participating State, while providing for the individual service member's exercise of his or her civil rights, will ensure that its armed forces as such are politically neutral.

24. Each participating State will provide and maintain measures to guard against accidental or unauthorized use of military means.

25. The participating States will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities. If a participating State is unable to exercise its authority over such forces, it may seek consultations within the CSCE to consider steps to be taken.

160. Sections VII and VIII of the OSCE Code of Conduct on Politico-Military Aspects of Security. See <http://www.sce.org/docs/english/1990-1999/summits/buda94e.htm>.

26. Each participating State will ensure that in accordance with its international commitments its paramilitary forces refrain from the acquisition of combat mission capabilities in excess of those for which they were established.

27. Each participating State will ensure that the recruitment or call-up of personnel for service in its military, paramilitary and security forces is consistent with its obligations and commitments in respect of human rights and fundamental freedoms.

28. The participating States will reflect in their laws or other relevant documents the rights and duties of armed forces personnel. They will consider introducing exemptions from or alternatives to military service.

29. The participating States will make widely available in their respective countries the international humanitarian law of war. They will reflect, in accordance with national practice, their commitments in this field in their military training programmes and regulations.

30. Each participating State will instruct its armed forces personnel in international humanitarian law, rules, conventions and commitments governing armed conflict and will ensure that such personnel are aware that they are individually accountable under national and international law for their actions.

31. The participating States will ensure that armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given. The responsibility of superiors does not exempt subordinates from any of their individual responsibilities.

32. Each participating State will ensure that military, paramilitary and security forces personnel will be able to enjoy and exercise their human rights and fundamental freedoms as reflected in CSCE documents and international law, in conformity with relevant constitutional and legal provisions and with the requirements of service.

33. Each participating State will provide appropriate legal and administrative procedures to protect the rights of all its forces personnel.

34. Each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with

the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.

35. Each participating State will ensure that its defence policy and doctrine are consistent with international law related to the use of armed forces, including in armed conflict, and the relevant commitments of this Code.

36. Each participating State will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating State will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.

37. The participating States will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity.

### **NATO PfP Partnership Work Programme for 2000-2002<sup>161</sup>**

#### **Democratic control of forces and defence structures**

Provide for further discussion with Partners on such concepts as:

- The seat of authority: constitutional and legal checks and balances in the security and defence fields;
- The process of interaction between Government, Parliament and the armed forces; parliamentary oversight of decision-making in defence;
- Defence reform: reconciling military culture and tradition with the restructuring of the defence establishment;
- The need for military's political neutrality; participation of the military in political life;
- The role of the media and of independent civilian expertise on security;
- Military training and the use of military forces to support civilian authorities.

161. Chapter 6 of the Generic Section of the Partnership Work Programme for 2000-2001; <http://www.nato.int/pfp/docu/d990616a.htm>.

Encourage defence and security related education for civilian cadres and staff in Government and Parliament.

Encourage the development of balanced civil-military relations including the military's role and image in a democratic civic society and the role of conscription if any.

Discuss progress in the implementation of the OSCE Code of Conduct.

Exchange information on concepts of defence structures such as:

- The structure, organisation and roles of a Defence Ministry in a democratic society and civil-military interface in a Defence Ministry;
- The structure and organisation of the armed forces (including command structures) in a democratic society;
- The role of Reserve Forces and Mobilisation;
- Other Personnel issues under a system of balanced civil-military relations.

Improve the use of modern information technology for the access to and provision of free flow of DPS information.

## **Human Development Report 2002<sup>162</sup>**

### **Principles of democratic governance in the security sector**

- Ultimate authority on key security matters must rest with elected representatives;
- Security organisations should operate in accord with international and constitutional law and respect human rights;
- Information about security planning and resources must be widely available, both within government and to the public. This means that security forces should be subject to the same principles of public sector management as other parts of government, with adjustments for confidentiality appropriate to national security;
- Civil-military relations must be based on a well-articulated hierarchy of authority between civil authorities and defence forces, on the mutual rights and obligations of civil authorities and defence forces, and on a relationship with civil society based on transparency and respect for human rights;
- Civil authorities need to have the capacity to exercise political control over the operations and financing of security forces;
- Civil society must have the means and capacity to monitor security forces and provide constructive input into the political debate on security policy;

162. Chapter 4: 'Democratizing security to prevent conflict and build peace', p. 90, at <http://hdr.undp.org/reports/global/2002/en/>.

- ▶ Security personnel must be trained to discharge their duty professionally and should reflect the diversity of their societies – including women and minorities; and,
- ▶ Policy-makers must place a high priority on fostering regional and local peace.

### **OECD DAC Guidelines on Security System Reform and Governance (2004)<sup>163</sup>**

#### **‘Core requirements of a well-functioning security system’**

Developing a nationally-owned concept of security and the policy and institutional frameworks states require to handle development and security as distinct but integrated areas of public action.

Establishing well-defined policies and strengthening governance of the security institutions that are responsible for formulating, executing, managing and monitoring security policy.

Building the institutional mechanisms for implementation and capacity throughout the security system; this includes ensuring that any development of professional security forces leads them to be both accountable to the civil authorities and capable of carrying out the operational tasks asked of them. Strengthening of a professional security system must be balanced and include the capacity building of civil control and supervision bodies in order to avoid any increase in the power and influence gap between military and civil bodies.

### **PACE Recommendation 1713 (2005)<sup>164</sup>**

#### **‘Democratic oversight of the security sector in member states’**

10. The Parliamentary Assembly of the Council of Europe, conscious of the fact that the proper functioning of democracy and respect for human rights are the Council of Europe’s main concern, recommends that the Committee of Ministers prepare and adopt guidelines for governments setting out the political rules, standards and practical approaches required to apply the principle of democratic supervision of the security sector in member states, drawing on the following principles:

- i. Intelligence services
  - a. the functioning of these services must be based on clear and appropriate leg-

163. *Security System Reform and Governance. Policy and Good Practice*, A DCAF Reference Document (Paris: OECD, 2004), p. 19, at <http://www.oecd.org/dataoecd/8/39/31785288.pdf>.

164. Excerpts drawn from the Parliamentary Assembly of the Council of Europe Recommendation 1713 (2005), at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/EREC1713.htm>.

isolation supervised by the courts;

- b. each parliament should have an appropriately functioning specialised committee. Supervision of the intelligence services' "remit" and budgets is a minimum prerequisite;
- c. conditions for the use of exceptional measures by these services must be laid down by the law in precise limits of time;
- d. under no circumstances should the intelligence services be politicised as they must be able to report to policy makers in an objective, impartial and professional manner. Any restrictions imposed on the civil and political rights of security personnel must be prescribed by the law;
- e. the Committee of Ministers of the Council of Europe is called upon to adopt an European Code of Intelligence Ethics (in the same fashion as the European Code of Police Ethics adopted by the Council of Europe);
- f. the delicate balance between confidentiality and accountability can be managed to a certain extent through the principle of deferred transparency, that is to say by declassifying confidential material after a period of time prescribed by law;
- g. lastly, parliament must be kept regularly informed about general intelligence policy;

#### ii. Police

- a. each state must set up its own specific legal framework for the functioning and supervision of a democratic police force. The credibility of the police will depend on its professionalism and the extent to which it operates in accordance with democratic rules and the utmost respect for human rights;
- b. given their different mandate and competences, it is important that legislation distinguishes between security and intelligence services on the one hand and law enforcement agencies on the other;
- c. the police must remain neutral and not be subject to any political influence. Transparency is also important if the public is to have confidence in the police and co-operate with them;
- d. police officers must be given training covering humanitarian principles, constitutional safeguards and standards deriving from codes of ethics laid down by international organisations such as the United Nations, the Council of Europe and the OSCE;
- e. legislation in this area must take account of developments in modern technologies and cybercrime and be updated regularly;
- f. police action against crime must show due regard for the principle of proportionality, particularly during public demonstrations where there is a significant risk of matters getting out of hand;

### iii. Border management

- a. as a result of the rise in crime and terrorism, this sector must be subject to heightened democratic supervision and enhanced international co-operation. Clear legislation is needed in this respect to prevent corruption, discrimination and excessive use of force;
- b. the principle of the free movement of persons must not be subject to unwarranted restrictions. However, our borders cannot be abused for reasons relating to economic crime, trafficking in human beings, drug trafficking and arms smuggling. Where State authorities consider that there is a threat to law and order and security and consequently apply the border protection clause, such measures should not be applied excessively or to groups or individuals whose presence is undesirable for ideological or political reasons only;
- c. border security must be provided by a centralised, hierarchical system based on clearly defined rules. Training and working and living conditions for border guards must be organised in such a way as to protect them from the pressures of organised crime and corruption;

### iv. Defence

- a. national security is the armed forces' main duty. This essential function must not be diluted by assigning the armed forces auxiliary tasks, save in exceptional circumstances;
- b. the increasing importance attached to international co-operation and peace-keeping missions abroad must not be allowed to have an adverse effect on the role of parliament in the decision-making process. Democratic legitimacy must take precedence over confidentiality;
- c. at European level, it is essential to avoid any step backwards in relation to the democratic achievements of the Western European Union Assembly by introducing a system of collective consultation between national parliaments on security and defence issues;
- d. in this connection, national parliaments should continue to have an inter-parliamentary body to which the relevant European executive body would report and with which it would hold regular institutional discussions on all aspects of European security and defence;
- e. deployments of troops abroad should be in accordance with the United Nations Charter, international law and international humanitarian law. The conduct of the troops should be subject to the jurisdiction of the International Criminal Court in The Hague;

### v. National security and democracy

- a. in general, due regard must be had to the hierarchy of values in a democratic society when deciding on national security policies. It is essential that this sec-

tor, which traditionally lacks transparency, be overseen by democratic institutions and procedures;

- b. exceptional measures in any field must be supervised by parliaments and must not seriously hamper the exercise of fundamental constitutional rights;
- c. member states should ensure that there is a reasonable number of women in the various security sectors at all levels, including ministries of defence and national delegations in international security bodies;
- d. freedom of the press and the audiovisual media must be preserved in law and in practice and restrictions imposed in cases of absolute necessity must not entail any infringement of the international principles of fundamental rights;
- e. private companies dealing with intelligence and security affairs should be regulated by law and specific oversight systems should be put in place, preferably at the European level. Such regulations should include provisions on parliamentary oversight, monitoring mechanisms, licensing provisions and means to establish minimal requirements for the functioning of those private companies.

**Promoting security sector governance: an inventory of activities**

Reform area	Types of activities
<b>General and cross-sectional activities</b>	
<b>Entire security sector</b>	<ul style="list-style-type: none"> <li>• <i>General:</i> Development of norms, standards, ‘good practices’ and ‘lessons learned’ in all areas of SSR</li> <li>• Inventory making (‘stock-taking’) and evaluation of national security sector (‘security system reviews’)</li> <li>• Realisation of comparative inventory making and evaluation of national security sectors in a regional context (e.g. Western Balkans)</li> <li>• Support to political dialogue between security and civil authorities as well as representatives of civil society (levelling the terrain for effective SSR)</li> <li>• Assistance to the formulation and implementation of international confidence building measures (e.g. sharing of information on defence expenditures, force levels, procurement plans etc.)</li> </ul>
<b>Restructuring security institutions (efficiency and effectiveness dimension)</b>	
<b>General</b>	<ul style="list-style-type: none"> <li>• Support to relevant institutions (especially parliaments, governments and civil administrations) in the generation of legal foundations (through advice, documentation, review or expert opinion)</li> <li>• Assistance to the development and implementation of specific codes of conduct and normative paradigms (e.g. ethical code for policing by the Council of Europe, code of conduct for armed forces in Africa etc.)</li> </ul>

<b>Defence reform</b>	<ol style="list-style-type: none"> <li>1. Policy advice (e.g. formulation of military doctrine)</li> <li>2. Training (e.g. in the area of OSCE code of conduct, 'organisational management', human rights in the armed forces, civil-military relations, international humanitarian law, peacekeeping, gender issues etc.)</li> <li>3. Technical assistance (e.g. upgrading of military equipment)</li> </ol>
<b>Intelligence reform</b>	<ol style="list-style-type: none"> <li>4. Policy and legal advice</li> <li>5. Other cooperation instruments are seen as problematic by donor countries</li> </ol>
<b>Police reform</b>	<ol style="list-style-type: none"> <li>6. Policy and legal advice (e.g. support to the initiation of 'community policing')</li> <li>7. Training (e.g. training of 'police investigators', human rights instruction, schooling in the ethical code for policing, training in gender issues etc.)</li> </ol>
<b>Reform of border security</b>	<ol style="list-style-type: none"> <li>8. Policy and legal advice, training and technical assistance for the establishment of integrated border management (cf. police reform)</li> </ol>
<b>Judicial reform</b>	<ol style="list-style-type: none"> <li>9. Policy advice (e.g. incorporation of international human rights standards into national legislation, reform of criminal law and criminal proceedings, easement of access to justice)</li> <li>10. Training (e.g. training of judges and attorneys, human rights instruction)</li> <li>11. Technical assistance (e.g. construction of humane prisons, computers for the ministry of justice etc.)</li> </ol>

<b>Strengthening control mechanisms (governance dimension)</b>	
<b>General</b>	<ul style="list-style-type: none"> <li>• Support to appropriate authorities in the generation of national security policy consensus with inclusion of civil society ('Brunner Commission' model)</li> <li>• Assistance to appropriate authorities (especially government and parliament) for the creation of legal foundations (through advice, documentation, review or expert opinion, respectively)</li> <li>• Support in the creation of overarching control authorities (e.g. Ombudspersons, human rights commissions, etc.)</li> </ul>
<b>Civilian control</b>	<ul style="list-style-type: none"> <li>• Support in the formulation of national security policy ('strategic security review')</li> <li>• Assistance to the establishment and reform (especially strengthening of the civilian organization) of the ministry of defence and other pertinent administrative bodies (especially the ministry of the interior, but also customs and fiscal administrations)</li> <li>• Furtherance of transparency and efficiency in the administration of security expenditures and security sector relevant budgets respectively ('management of security expenditures')</li> </ul>
<b>Parliamentary control</b>	<ul style="list-style-type: none"> <li>• Policy and legal advice to parliaments and commissions relevant to security policy</li> <li>• Training (of parliamentarians and parliamentary staff engaged in security policy)</li> <li>• Technical assistance (support to commissions relevant for security policy making and the pertinent parliamentary staff)</li> </ul>

<b>'Public control'</b>	<ul style="list-style-type: none"> <li>• Support to academic institutions, research centres and think tanks engaged in security policy (generation of independent national expertise)</li> <li>• Assistance to non-governmental organisations (for research, policy advice, facilitation of political dialogue, implementation of technical aid)</li> <li>• Training and promotion of independent media (creation of expertise in the area of security policy)</li> </ul>
<b><i>Reconstructing the security sector (specific post-conflict dimension)</i></b>	
<b>Armed non-state actors</b>	<ul style="list-style-type: none"> <li>• Regulation and integration (see also DDR) of non-statutory security forces (e.g. private military companies, party militia, bodyguard contingencies, private armies of warlords, guerrilla factions, etc.)</li> </ul>
<b>Conversion</b>	<ul style="list-style-type: none"> <li>• Transfer of installations and goods from the security sector to civilian use (e.g. barracks, armament industry, arsenals, etc.)</li> <li>• Rehabilitation of members of former members of the security sector (including WMD experts and scientists; see DDR)</li> </ul>
<b>Demobilisation, disarmament and reintegration (DDR)</b>	<ul style="list-style-type: none"> <li>• Disarmament (disarmament of former combatants, collection and demolition of weapons)</li> <li>• Demobilisation (controlled discharge of former combatants from disbanded or reduced troop formations)</li> <li>• Reintegration (transfer of former combatants into civilian professions, integration into</li> </ul>

	civil society, often linked with resettlement)
<b>Small arms and light weapons (SALW)</b>	<ul style="list-style-type: none"> <li>• Collection and destruction of small arms</li> <li>• Regularisation of possession of and trade in small arms</li> <li>• Monitoring and prevention of illegal acquisition and trade in small arms</li> </ul>
<b>Mine action</b>	<ul style="list-style-type: none"> <li>• Awareness promotion</li> <li>• Humanitarian demining (documentation, training, implementation)</li> <li>• Assistance to victims of landmines</li> <li>• Stockpile destruction</li> </ul>
<b>Child soldiers</b>	<ul style="list-style-type: none"> <li>• Abatement of the recruiting of child soldiers by regular and irregular combat units</li> <li>• DDR, especially reintegration of former 'child soldiers' into civil society</li> <li>• Systematic integration of women into all SSR activities (especially into aspects of security sector governance)</li> <li>• Abatement of gender-specific assaults by security forces (through norm setting, training, political dialogue, etc.)</li> <li>• Assistance to victims of gender-specific assaults by security forces</li> </ul>
<b>Integration of women in security policy and SSR</b>	

# Chaillot Papers

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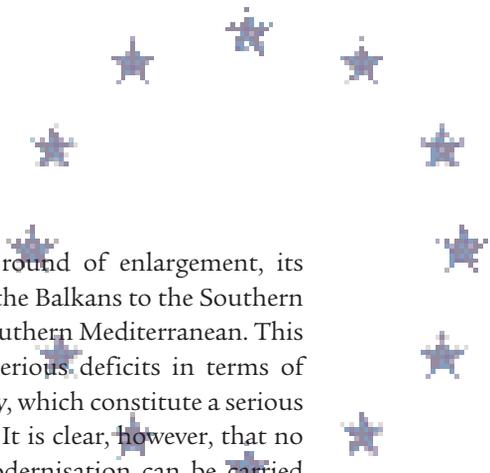
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With the European Union's 2004 round of enlargement, its neighbourhood now stretches from the Balkans to the Southern Caucasus, and from Russia to the Southern Mediterranean. This new neighbourhood suffers from serious deficits in terms of security, development and democracy, which constitute a serious challenge for the EU's own security. It is clear, however, that no genuine political and economic modernisation can be carried out as long as defence and security sectors remain unaccountable to civilian authorities, lack transparency and waste valuable national resources.

This *Chaillot Paper* examines to what extent the EU is able to address the question of security sector reform and governance with its neighbours. Although increasingly engaged in the promotion of security sector governance, the EU has neither developed a comprehensive policy framework, nor mainstreamed its manifold activities aimed at promoting security sector governance. Moreover, it pursues the reform of security institutions such as police forces, border guards or judicial systems on a piecemeal basis, shying away from involving itself in defence-related aspects of security sector governance, even though ESDP operations are increasingly dealing with post-conflict situations that require the reform and reintegration of military forces.

The main policy recommendation advanced by this *Chaillot Paper* is that the EU should develop a holistic approach to promoting security sector governance in its neighbourhood.

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