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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND
THE EUROPEAN PARLIAMENT**

A Concept for European Community Support for Security Sector Reform

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A Concept for European Community Support for Security Sector Reform

1. INTRODUCTION

The European Union's external action underlines its identity as a global player and partner working to promote its common values, namely respect for human rights, fundamental freedoms, peace, democracy, good governance, gender equality, the rule of law, and solidarity and justice, including in the area of security sector reform.¹ Preventing and resolving violent conflict, combating terrorism and addressing state fragility are part of the EU's efforts to reduce insecurity and eradicate poverty, thus helping to achieve the Millennium Development Goals, sustainable development and global security.

Today there is greater recognition in the international community and within the EU that security sector reform, or *security system reform* as it is also referred to, reflecting the multi-sector nature of the security system, is an important part of conflict prevention, peace building and democratisation and contributes to sustainable development. SSR concerns reform of both the bodies which provide security to citizens and the state institutions responsible for management and oversight of those bodies. Thus, security system reform goes beyond the notion of effectiveness of individual services (including the military, the police, the justice institutions, etc.) and instead focuses on the overall functioning of the security system as part of a governance reform policy and strategy of the public sector. In other words, SSR should be seen as a holistic process, strengthening security for all citizens as well as addressing governance deficits. This is to ensure that the security sector is not placed or treated outside the overall public sector, but seen as an integral but balanced part of public resource allocations and the institutional framework of the state. Although some aspects of SSR can be short-term, the overall SSR process needs to be long-term and be based on strong national ownership.

SSR is not a new area of engagement for the European Union. It has been an integral part of EU integration, enlargement and external assistance for many years. Through Community instruments the EU has supported reform processes in partner countries and regions in different parts of the world and under a wide range of policy areas. These include policies and instruments which fall under Development Cooperation, Enlargement, the Stabilisation and Association Process, the European Neighbourhood Policy, Conflict Prevention and Crisis Management, Democracy and Human Rights, and the External Dimension of the area of Freedom, Security and Justice.

¹ As reflected in key policy documents like the European Union's Development Policy Statement, "The European Consensus" on development, adopted by the Council on 22 November 2005, published in Official Journal No C 46 of 24/02/2006, and in the European Security Strategy (ESS) adopted by the European Council in December 2003.

In recent years the EU has developed additional capacity to support SSR under its Common Foreign and Security Policy (CFSP), as reflected in the European Security Strategy.² In this way European Security and Defence Policy (ESDP) missions and Community action in the area of SSR can complement each other, especially in countries in crisis or post-crisis situations. Some EU Member States are also very active in supporting security sector reform processes on a bilateral basis. The need for a more coherent and common EU concept on SSR across the three pillars has, therefore, been raised by Member States and the Commission in order to contribute to more effective EU external action in this area. This concept paper is the European Commission's contribution to a clearer and integrated EU policy framework for engaging in security system reform.

2. RATIONALE AND OVERALL AIM

The paper sets out principles and norms for the European Community's engagement in SSR, based on current support in different countries and regional settings, the relevant policy frameworks under which the EC supports SSR, and the rationale for SSR as an important part of Community support. In this way the policy framework will help to ensure more coordinated and strategic approaches to Community activities falling under the different policy instruments, recognising that SSR needs to be treated as a cross-cutting issue, spanning the various strands of EC external assistance. In addition, the concept seeks to define the Community's role in the wider framework of EU external action in the area of SSR in order to ensure complementarity between EC activities and those undertaken by the EU as part of CFSP/ESDP and by Member States bilaterally. The aim is that this concept and the EU Concept for ESDP support for Security Sector Reform (SSR), which was agreed under the UK Presidency,³ will complement each other and be joined within the framework of an overarching EU concept for SSR.

3. THE SECURITY SYSTEM AND ITS REFORM

3.1. The need for security sector reform

For the EC, security is not limited to the territorial security of the state or to the security of a particular regime; it includes both the external and internal security of a state and its people. Thus, it focuses on human security (freedom from want, freedom from fear and freedom to take action on one's own behalf),⁴ putting the security of citizens at the centre and thus complementing state security. Citizens should be able to expect the state to be capable of maintaining peace and guaranteeing the strategic security interests of the country, as well as ensuring that their lives, property, and political, economic and social rights are safeguarded. The State has to be able to protect citizens from the threats of insecurity, including violent conflict and terrorism, while protecting rights and institutions from being undermined by these threats. This concept paper focuses on those aspects which are designed to contribute

² Ibid.

³ Council Conclusions, General Affairs and External Relations Council, 21-22 November 2005

⁴ *Human Security Now*, the final Report of the Commission on Human Security (2003) and the Commission Communication on Governance and Development, COM(2003) 615 final.

to peace, the protection of life and limb, and to ensure the upholding of the law and oversight through the justice system and democratic institutions of the relevant executive bodies.

Oversized and underpaid regular forces, irregular forces and security firms operating outside the law, lack of judicial independence, status and resources, lack of capacity, legal competence and sometimes political will by parliaments to ensure accountability of security services, human rights abuses by police and defence forces, a culture of state impunity and the inability to protect the population against terrorist acts; these are some of the challenges faced by EU partner countries, hampering common efforts to achieve sustainable development. Citizens' rights are most vulnerable to abuse by state agents in states where there is no space for civil society to be effective and democracy is weak or non-existent as a result. These challenges also have an impact on the stability of regions and on the international community as a whole. The military is only one instrument for providing security for the population. The police and gendarmerie, the courts and the prison system provide security by upholding law and order within the state. By guarding against abuse of powers and ensuring that policies are implemented according to mandates granted, democratic oversight bodies (parliaments, ombudsmen, etc.) and the judicial system also contribute to security. Oversight may also be provided by civil society institutions (civilian review boards, public complaints commissions), as well as informally through NGO lobbying, investigative media, etc.

3.2. The security system and its reform

Based on the OECD-DAC definition,⁵ the **security system** can be defined as all state institutions and other entities with a role in ensuring the security of the state *and* its people.

Core security actors including law enforcement institutions: armed forces; police; gendarmeries; paramilitary forces; presidential guards; intelligence services; coast guards; border guards; customs authorities; reserve or local security units.

Security management and oversight bodies: parliament/legislature; government/the executive, including ministries of defence, internal affairs, foreign affairs; national security advisory bodies; customary and traditional authorities; financial management bodies; and civil society, including the media, academia and NGOs.

Justice institutions: justice ministries; prisons; criminal investigation and prosecution services; the judiciary (courts and tribunals), implementation justice services (bailiffs and ushers), other customary and traditional justice systems; human rights commissions and ombudsmen; etc.

Non-statutory security forces: liberation armies; guerrilla armies; private bodyguard units; private security companies; etc.

Security system reform means transforming the security system, which includes all these actors, their roles, responsibilities and actions, working together to manage and

⁵ *Security System Reform and Governance, Policy and Practice, DAC Guidelines and Reference Series* (Paris: OECD 2004).

operate the system in a manner that is consistent with democratic norms and sound principles of good governance, and thus contributing to a well functioning security framework. For the EC, the objective is to contribute explicitly to strengthening of good governance, democracy, the rule of law, the protection of human rights and the efficient use of public resources. In this respect, civilian control and Parliamentary oversight are key aspects of SSR.

4. EUROPEAN COMMUNITY SUPPORT FOR SSR

4.1. Areas of engagement

The European Community (EC) is engaged in SSR-related support in over 70 countries, through both geographical and thematic programmes.⁶ This includes SSR support for Eastern Europe, North and South Caucasus and Central Asia, Western Balkans, Africa, Caribbean and the Pacific, South Mediterranean and the Middle East, Latin America and Asia.

The EC has supported SSR in countries and regions in relatively stable environments, in countries undergoing transition and long-term democratisation processes as well as in countries in immediate post-conflict and in longer-term post-conflict peace building and reconstruction processes.⁷ This includes support for the reform of law enforcement institutions, justice institutions, and state institutions dealing with management and oversight of the security system. There are also a large number of activities designed to strengthen civilian control and democratic governance of the public sector in general and to guarantee the respect for human rights which also encompass the security sector and thus indirectly contribute to security sector reform. Linked to this is the EC support for capacity building of regional and sub-regional organisations concerning security-sector related activities and reforms in the area of peace and security to contribute to regional aspects of SSR. This can also have a positive impact on SSR efforts at national level.

A number of policies and strategies are relevant to support in this area. Although principles guiding support for SSR should be the same for all forms of Community support for SSR, approaches and methods of implementation may vary depending on policy frameworks and country contexts.⁸ Within the OECD/DAC, EU Member States and the EC have helped to development guidelines for support for SSR, *Security System Reform and Governance*,⁹ which provide an important basis for EC engagement in this area, in terms of norms, principles and operational guidance.

Extension of Official Development Assistance (ODA) eligibility to the area of security, as agreed at the OECD/DAC High-Level Meeting in March 2005, means that a wider spectrum of SSR activities can be financed by development cooperation funds than before. This encompasses all civilian aspects of SSR, as well as activities

⁶ See annex 2 - Areas of EC support for SSR – Regional and Country examples.

⁷ Ibid.

⁸ See annex 1 - EC Policy frameworks - and annex 3 concerning the programming cycle.

⁹ *Security System Reform and Governance, Policy and Practice*, DAC Guidelines and Reference Series (2004).

in relation to democratic and civilian control of the military parts of SSR, including financial and administrative management of defence issues.¹⁰

EC support is provided in close cooperation with national, regional and international actors, including the UN, the Council of Europe and the OSCE, to ensure sustainable and nationally owned processes of change. Political buy-in by national stakeholders is of central importance to ensure a sustainable reform process. National ownership of the overall reform process should therefore always be ensured, together with engagement by the different national and regional stakeholders. Political dialogue with third countries is an important instrument for helping the EU and partner countries to agree on common objectives and priorities for action. In addition, implementation of the OECD/DAC principles for good international engagement in fragile states,¹¹ by both the Community and the Member States, could further help to consolidate an enabling framework for support for SSR in such country situations.

4.2. Principles guiding EC support for SSR¹²

Security system reform processes should be:

- nationally/regionally owned reform processes designed to strengthen good governance, democratic norms, the rule of law and the respect for human rights, in line with internationally agreed norms;¹³
- addressing the core requirements of a well functioning security system, including the development of a nationally owned concept of security, well defined policies and good governance of security institutions, while 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 assigned to them;
- seen as a framework for addressing diverse security challenges facing states and their populations, based on a gender-sensitive multi-sector approach, and targeting reform needs in different key sectors. This includes separating tasks between different services and institutions and taking into account the role of civil society and other non-state structures of governance, for example, traditional justice systems in some societies, in the development and implementation of national SSR;

¹⁰ Technical cooperation provided to parliament, government ministries, law enforcement agencies and the judiciary to assist, review and reform the security system and thus improve democratic governance and civilian control; technical cooperation provided to governments to improve civilian oversight and democratic control of budgeting, management, accountability and auditing of security expenditure, including military budgets, as part of a public expenditure management programme; assistance to civil society to enhance its competence and capacity to scrutinise the security system so that it is managed in accordance with democratic norms and principles of accountability, transparency and good governance. Direct support for the military and non-statutory security forces is not included.

¹¹ The OECD/DAC High-Level Meeting of Development Ministers and Heads of Agencies agreed on 3 March 2005 that the principles drafted by the OECD/DAC Fragile States Group on “good international engagement in fragile states,” by both development and security stakeholders, should be piloted in 9 fragile states until the end of 2006 and be considered for adoption by the HLM in 2007.

¹² These are based on the principles outlined in the OECD/DAC Guidelines: *Security System Reform and Governance, Policy and Practice*, DAC Guidelines and Reference Series (Paris: OECD 2004).

¹³ See annex 4.

- based on the same principles of accountability and transparency that apply across the public sector, in particular improved governance through greater civilian and parliamentary oversight of security processes;
- based on political dialogue with each partner country, addressing human rights, development and security concerns, and be carried out in synergy with other instruments.

4.3. The particular role and strength of EC support for SSR

The EC aims to provide added value in support of SSR on the basis of the following factors:

- The Commission's supranational nature and its experience in promoting democracy, human rights and nation-building, including in very difficult situations, provides it with the ability to conduct activities which might not be possible for other actors, including bilateral donors.
- The global reach of the EC enables the Commission to act in almost any region of the world, if considered necessary, and to respond to a wide variety of situations.
- Long-term presence on the ground, through the EC Delegations, means that the EC can lend long-term support to both the national dialogue on SSR and to different aspects of the SSR process.
- The commitment to policy coherence for development, in particular where EC policies have a significant impact on developing countries. A coherent approach to SSR, taking into account the close inter-linkages between security, development and governance, including democratic principles, rule of law, human rights and institutional capacity building, is crucial for successful reform and effective use of scarce financial resources, not only at Community and Member States level, but also at partner country level.
- The vast array of instruments - EC support for SSR forms part of its regular external assistance and EU political dialogue. The potential to coordinate EC action through its spectrum of policy instruments and financial instruments is a critical advantage in security system reform.
- The EC can draw on the wide variety of experiences of SSR among Member States. In most of the new Member States, there has been comprehensive reform of the security sector in the context of regime change and the establishment of democratic institutions and the rule of law.
- The potential to coordinate and to facilitate harmonisation of EC actions in transitional situations by promoting linkages after a crisis to recovery and long-term development, by addressing root causes of conflict and by ensuring coordination and complementarity with action carried out by the EU in the framework of the CFSP/ESDP, by Member States, by other regional and multilateral organisations and by local civil society, is a critical advantage in security system reform. This can reinforce the reform process in post-conflict situations and should be guided by integrated transition strategies, including clear

links between SSR support and support in the area of Disarmament, Demobilisation and Reintegration of former combatants (DDR).

5. EU SUPPORT FOR SSR IN THE FUTURE

5.1. EC perspectives on how to strengthen the overall EU support for SSR

Security sector reform is an integral part of EU enlargement, as regards pre-accession countries, and is an important part of development cooperation and external assistance to third countries. The new instruments for external assistance, which are all relevant to EC SSR support, will enable the Community to increase its support still further.¹⁴ The Community needs to focus more clearly on the governance aspects of SSR, including the strengthening of parliamentary oversight, judicial independence and media freedom, and take a more holistic approach to SSR by engaging in coordinated support for the different sectors of the SSR process. This will contribute to better implementation of EC support in this area and result in more coordinated and comprehensive support from the EU as a whole. In order to achieve this, SSR needs to be more clearly integrated into Country and Regional Strategy Papers and action plans as well as into other forms of cooperation with partner countries.

While the EU's medium to long-term engagement in SSR needs to be ensured through Community programmes and Member State bilateral support, more short to medium-term engagement can kick-start and complement long-term instruments. The Stability Instrument will boost the capacity of the Community to respond rapidly and engage more flexibly in the short term in different parts of the world. ESDP missions are often involved in supporting the early stages of SSR in crisis or post-crisis situations and in initiating new areas of EU support, especially in areas such as core military and intelligence reform. To consolidate EU support for SSR, the EU needs to ensure greater synergy between ongoing Community and Member State bilateral support, on the one hand, and more effective coordination between missions undertaken in the framework of ESDP and Community and Member State action, on the other.

It is important for the EU as a whole to take a comprehensive and pragmatic approach to the reform process in order to provide timely, well coordinated and relevant support throughout the overall process and its different parts. Joint strategic analyses and needs assessments¹⁵ of the overall process and comprehensive planning, where applicable, will ensure more coherent and coordinated action. Effective support needs exchanges of expertise and a broader base of experts in the Member States who can be deployed in the different aspects of SSR.

¹⁴ For example, the European Neighbourhood and Partnership Instrument offers new approaches to cross-border cooperation and the capacity to support a wide range of SSR activities. Under the Instrument for Pre-accession Assistance, beneficiary countries will be supported in their efforts to undertake reforms, in particular concerning their legal systems, police, prosecution, judiciary and penitentiary systems, customs and border controls. Cross-border cooperation will also help to prevent and combat common security threats in border areas.

¹⁵ EC, CFSP/ESDP and MS

Based on political dialogue with the partner country, the EU needs to ensure that its support matches the needs and wishes of national stakeholders and is provided within the political context of the overall reform process. Civil society action, without the prior agreement of governments, can also contribute to improvements in oversight of the security sector. In addition, an analysis should be made concerning what EU action would be most appropriate for any given context, complementing existing programmes and adding value in terms of international support for SSR. Comprehensive implementation guidelines would be an important next step.

EU action also needs to be coordinated with the work of other external actors. Implementation frameworks for SSR in the OECD/DAC, with the active participation of the Commission, Member States and other donors (e.g. Canada, US, Japan, Norway and Switzerland), could improve donor coordination and enable donors to complement each others' support.

In promoting effective multilateralism, close coordination and cooperation with the UN and other international organisations should always be sought, including with regional and sub-regional organisations, such as the OSCE and the African Union, and with civil society. This reflects the fact that they are important partners and stakeholders for the EU in the development and implementation of SSR approaches and programmes. Capacity building at regional and sub-regional level will therefore also be an important focus in the future for SSR support.

5.2. Recommendation to strengthen the EC contribution to overall EU support for SSR

Strengthening policy and programming dialogue

- Ensuring a more effective and holistic policy and programming dialogue with stakeholders in partner countries by bringing international standards on SSR¹⁶ and the principles of EC support to the policy dialogue and agreeing on objectives, priorities and follow-up mechanisms with governments and Non-State Actors, in an effort to address the capacity and performance of public institutions more effectively. EC assistance may be agreed in countries where the quality of security sector governance is deteriorating.

Integrating SSR in Country (CSP) and Regional (RSP) Strategy Papers, Action Plans and programming tools

- Integrating SSR in CSPs, RSPs and Action Plans, based on governance and conflict analyses and specific security sector analyses. This will make it easier for the EC to take a holistic approach to SSR. At the same time, flexibility needs to be ensured to enable the EC to adjust its programming to circumstances on the ground. Coordination between EC and Member States bilateral CSPs can enhance the planning of overall EU efforts in this area.

¹⁶ See annex 4.

Ensuring coordinated planning

- A coordinated planning approach across the three-pillar structure, when applicable, will ensure better coherence of all EU actions.
- Needs assessments and the use of assessment and planning teams to carry out fact-finding missions can assist in the planning of (additional) EC activities and wider EU action. Joint missions with the Council Secretariat and/or Member States should also be considered.

Strengthening overall implementation of EU support

- Work towards strengthening coordination and complementarity between EU actions by the EC, the EU in the framework of CFSP/ESDP and Member States' bilateral programmes at headquarters and field level.
- Work towards enabling more joint implementation between the Community, the Member States and EU action undertaken in the framework of CFSP/ESDP.

Developing tools for planning and implementation

- Developing tools for comprehensive SSR analyses as well as operational guidelines for implementing SSR as a follow-up to this concept can assist in the overall assessment, programming and implementation of EU/EC support in the field.

Expanding the expertise and pool of experts for field missions and programmes

- Contributing to the development of institutional cooperation between the relevant institutions in the Member States and the Commission to respond to the need to deploy numerous and qualified experts for short, medium and long-term activities and to ensure coherence in profiles, training and equipment for such experts due to be seconded abroad, within the framework of specific SSR programmes. Appropriate modalities for effective mobilisation of human resources need to be identified.

Developing SSR-specific training for the mainstreaming of SSR

- For the EU to take a more holistic and comprehensive approach to SSR, specific training should be developed for SSR to help mainstream SSR into programming and to broaden expertise across EU and Member States institutions.

Prioritising SSR under the new Financial Instruments

- Support for SSR should, where relevant, be prioritised under the new Financial Instruments by taking a comprehensive and holistic approach to SSR, including the instruments for Pre-Accession Assistance, European Neighbourhood and Partnership, Development Cooperation and Economic Cooperation, and Stability. The Stability Instrument could have an important role in ensuring rapid and flexible support for critical phases of the reform process, and complementing both long-term assistance programmes and other short-term instruments.

Strengthening cooperation with international partners

- Strengthening cooperation with regional and multilateral organisations, including the UN, OECD, Council of Europe, OSCE and AU, in training, information sharing on best practice and more coordinated planning and implementation of SSR support. Cooperation should also be strengthened with civil society organisations and other donors at field level with a view to improve the efficiency of EU support in the area of SSR.