

Annual Discussion on the Implementation of the Code of Conduct on Politico-Military Aspects of Security

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Keynote Speech on

‘The Concept and Relevance of Security Sector Governance in an OSCE Context’

– *CHECK AGAINST DELIVERY* –

Mr. Chairperson, Excellencies, Ladies and Gentlemen.

It is a great honor for me to have been invited to speak at this first annual discussion on the implementation of the Code of Conduct on Politico-Military Aspects of Security. Reflecting on security sector governance in the context of the Code of Conduct strikes an important chord with me. As you may know, the Code, namely its sections VII and VIII, inspired the creation of the organization that I represent, the Geneva Centre for the Democratic Control of Armed Forces (DCAF). DCAF has since been committed to cooperating with the OSCE on issues related to the Code and beyond, notably through the organization of workshops, structured dialogue, and the undertaking of targeted studies. Moreover, DCAF’s core business essentially consists of supporting efforts aimed at improving security sector governance through security sector reform.

In my remarks today, I would like to touch on the following issues:

- The concept of security sector governance
- The relevance for the OSCE of security sector governance
- Some reflections on the way ahead.

While there are other important principles reflected in the Code, in the interest of time, and in particular because of the mandate of the institution I represent, I will focus my presentation on sections VII and VIII of the Code which examine the democratic control of armed forces – a core component of security sector governance as we understand the concept.

1.) The Concept of Security Sector Governance

I will start with the concept. In simple terms, security sector governance – or SSG as it is often called – refers to the need to ensure that the security sector is subject to the same standards of good governance as the public service. The aim is to ensure that the security sector is able to provide security in an effective, efficient, and accountable manner. SSG is therefore the normative end state, while security sector reform is the related policy process.

The term security sector is widely used by international actors, however different understandings abound. There are narrow understandings that include the security apparatus and the civilian bodies that support its management and oversight. Broader understandings also include elements of the judicial sector due to the recognized linkages between security and justice. The most inclusive understandings also comprise non-state actors that are involved in delivering security – from private security suppliers to customary justice providers.

International actors are increasingly taking a broader understanding of the security sector as part of the shift from a limited focus on the state towards a more inclusive understanding of the dynamics that affect the security of the state and its citizens. From the UN perspective, for example, as enshrined in the UN Secretary-General's report on 'Securing peace and development: the role of the United Nations in supporting security sector reform' (2008), the security sector can be divided into four main categories:

- a. Defence, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies
- b. Elements of the judicial sector responsible for the adjudication of cases of alleged criminal conduct and misuse of force.
- c. Actors that manage and oversee the design and implementation of security, such as ministries, legislative bodies and civil society groups.
- d. Other non-State actors, such as customary or informal authorities and private security services.

Based on such a broad understanding of the security sector, international actors have begun developing their own concepts of SSG that set out normative and operational principles for their work (e.g. UN, EU). This has helped to give their activities more focus and to enhance the coherence of their approaches. DCAF has assisted in several of these processes. For instance, DCAF was involved in the development of the 2007 *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* which was based on the *OECD DAC Guidelines on Security System Reform and Governance* of 2005. DCAF was part of the review panel and also contributed chapters to the handbook. DCAF also supported the EU in developing its approach to SSR in 2005 and 2006. Finally, since 2006, DCAF has played a key role in supporting the development of the UN approach to SSR. Notably, DCAF conducted an empirically based study which fed into the first ever UN Secretary General's report on SSR that I just mentioned. This report was released in 2008 and has become an important document for the UN system and beyond. DCAF has since assisted the UN in developing technical guidance notes on SSR, which are instrumental in assuring that policy is put into practice.

Having been involved in these processes, we have learnt the importance of having a clear concept of SSG in order to enhance coherence, to recognize the linkages between related activities – for example the disarmament, demobilization and reintegration of ex-combatants and SSR – and to build on the comparative strengths of the various organizations.

2.) The Relevance of Security Sector Governance in an OSCE Context

This brings us to the question of relevance. SSG is clearly relevant to the OSCE. The OSCE has been engaged for years in SSG-like activities without explicitly using this terminology. This engagement has taken place at both the normative and operational levels.

Normative level

At the normative level, the OSCE has adopted a range of documents that are directly related to SSG. The key document is the Code of Conduct, however, there are also: the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990); the Border Security and Management Concept (2005); and the recommendations on policing in multi-ethnic societies (2006) to name a few.

The Code is one of the most innovative normative documents in the area of security. It is unique in that it established new inter-state and intra-state norms of behaviour. The Code has helped to underpin reform processes in many countries of the region and has thus made an enormous contribution to peace and security, as well as strengthening the democratic institutions and practice in the OSCE region. The Code is supported by a unique information exchange mechanism that encourages transparency with regard to the democratic control of armed forces and which was strengthened in 2009 with a new questionnaire. The Code also complements the important Vienna Document 2011 on Confidence- and Security-Building Measures and its predecessors by providing norms and standards in the area of the democratic control of armed forces. The linkage between the Vienna Document and the Code is even clearer when one considers that the Chairmanship's Perception Paper on OSCE Basic Norms and Principles in the Field of Security Sector Governance of 2007 regards SSG as 'an important confidence- and security-building measure'.

The Code of Conduct is widely considered as the normative cornerstone for the democratic control of armed forces. It provides a basis for many of the principles of SSG, such as:

- The need for a comprehensive approach to security that goes beyond a purely military perspective.
- The need to ensure the accountability of the security sector through its democratic control.
- The need for a security sector that is effective and efficient, while limiting expenditures and ensuring transparency.

While the Code can be considered a founding document for SSG, the concept of SSG has moved beyond the principles embodied in the Code. For instance, the normative concept of democratic control of armed forces has been expanded to include the whole security sector. Moreover, SSG has evolved to become a coherent framework for addressing emerging challenges that need to be dealt with by the security sector.

Some examples of how the concept of SSG goes beyond the core principles embodied in the Code include:

- SSG takes a more comprehensive approach to the understanding of the security sector. It includes non-state actors, penal institutions and border control which are not fully acknowledged in the Code. It should be noted, however, that this is also a reflection of the time when the Code was developed. For example border security was not on the agenda of the OSCE at that point.
- SSG takes a broader approach to oversight in that it also foresees a role for judicial institutions and civil society organizations. The Code does not make formal reference to the judiciary, although it does note the need for effective control subject to the rule of law.
- A number of key principles of SSG are also not reflected in the Code. This includes the need for gender mainstreaming, the need for coordination – not just on the international level but also among security sector actors, and the need for monitoring and evaluation in order to track progress in addressing the needs of the sector.

Therefore, while principles of SSG are clearly reflected in the Code, SSG offers a more holistic normative framework for work in this field. This is reflected for instance in the Chairmanship's Perception Paper of 2007 which notes that the Code 'is less holistic than security sector reform; nonetheless, security sector reform/governance builds on the fundamentals of the Code and complements it.' The Code, however, provides a foundation for anchoring a broad vision of the security sector, as, in the text, it considers the importance of the democratic political control of military, paramilitary and internal security forces, intelligence services, and the police. Bringing this forward through a clear normative concept would therefore help to complement the Code. Similarly, new challenges faced today, such as the role of non-state actors, could be addressed through an approach to SSG without needing to open up the Code, which already provides the foundations for addressing many of these issues. In fact, as outlined in the 2011 FSC Chairperson's Progress Report on 'Efforts to Further Improve the Implementation of the Code of Conduct', several states have begun providing additional information on related aspects not directly requested in the questionnaire. Thus, in accordance with the interpretive statements appended to FSC Decision No. 2/09 on the 'Technical Update of the Questionnaire on the Code' this has included information for instance on private military and security companies.

Operational level

The Code is not just an essential normative document for the democratic control of armed forces, it also provides an important foundation for operational engagement through national commitments to the Code. On this basis, OSCE field presences are able to provide support to a range of countries in the area of the security sector. The Chairmanship's Perception Paper therefore notes that the OSCE has developed 'vast experience' in SSG – particularly in the areas of democratic control of armed forces, police, border security and judicial reform, and specific issues such as anti-corruption and anti-trafficking initiatives. Moreover, the Perception Paper situates SSG across the conflict cycle from peacebuilding and early warning to conflict prevention, crisis management and post-conflict rehabilitation – thus spanning across a wide range of support contexts.

Activities falling within the notion of SSG are reflected in many of the mandates of OSCE field presences. This includes assistance in the restructuring and training of law enforcement agencies and the judiciary in Serbia, supporting anti-trafficking and anti-corruption initiatives in Albania, and support to border management initiatives in Tajikistan. In practice, the range of support being provided by the field presences is even more far-reaching than the activities outlined in the Code. Support has been provided, for instance, in the area of penal reform, ombudsman institutions and judicial reform which are not formally included in the Code. There have also been efforts to support gender mainstreaming in the security sector as well as to enhance human resource management within the police. I do not wish to go into the details but DCAF has been engaged in supporting the OSCE's efforts in some of these areas.

However, while the OSCE is de facto engaged in SSG activities, it has not formally embraced this concept at an operational level. In fact, in 2006, at an expert workshop held in Bratislava on 'Developing a Security Sector Reform Concept for the United Nations', Mr. Lamberto Zannier, then Director of the OSCE Conflict Prevention Centre, referred to the fact that while the Organisation has a multitude of relevant shared principles and guidance there is still a lack of a 'single OSCE umbrella concept on SSR'. Similarly, the late Professor Ghebali noted in his 'Recommendations on the Further Development of the OSCE Code of Conduct', that SSG is addressed by the OSCE in a piecemeal manner, without a global vision for SSG. The OSCE's 'Annual Report of the Secretary General on Police-Related Activities in 2004' also noted that the Organisation is missing a framework within which to support these activities in a coherent manner. The report therefore called for the elaboration of an 'OSCE doctrine of security sector reform' which would 'link together the operational elements of the Organization in order to guide the formulation of OSCE mission mandates, present a clear statement of purpose in association with existing ones and distinguish between the activities of the OSCE and its international counterparts in the future'. Finally, the 2007 Chairmanship Perception Paper also noted that it may be relevant for the OSCE 'to reflect its best practices and formal norms in a single text' in order to reaffirm basic standards and recognize interlinkages among all components of SSG, including related issues such as organized crime, terrorism, and environmental threats. Reflecting on what the concept of SSG means for the OSCE and how to operationalise it would respond to concerns from headquarters and the field that the lack of an explicit and coherent OSCE approach to supporting SSG/R has limited the effectiveness of its assistance 'in both scope and impact.'

In sum, developing an explicit and coherent OSCE approach to SSG would:

- Provide an enhanced understanding and visibility of the OSCE's activities in this area;
- Determine ways of enhancing the coherence and effectiveness of its support to SSG/R;
- Support the identification of the OSCE's comparative advantages in this field and provide greater coherence of international support efforts;
- Help to better understand how SSG can facilitate the development of effective approaches to deal with the interconnected and regional challenges increasingly faced in the OSCE region.
- And, last but not least, reaffirm and further strengthen the normative centrality of the Code for all SSG/R-related efforts.

3.) Some Reflections on the Way Ahead

With your permission, ladies and gentlemen, I will conclude by offering some reflections for the way ahead if the OSCE wishes to take up the challenge and consider how it can formally engage with SSG – while recalling that sections VII and VIII of the Code need to be perceived as the cornerstone of any OSCE approach to SSG.

First, a coherent approach to SSG would need to be developed at the internal level. This would rely on enhanced coherence and complementarity among actors and strengthened coordination both at headquarters and field level. The OSCE has already demonstrated its capacity for innovation by developing in early 2012 a Department for Transnational Threats (TNT) that is intended to enhance effective and efficient approaches to dealing with this challenge. This suggests that the OSCE may be ready to also reflect on how to enhance the internal coherence of its support to SSG. Many OSCE entities, such as the parliamentary assembly, also offer great potential for contributing to such a coherent approach to SSG.

Second, a coherent approach to SSG would also need to be developed at the external level. In 2007, the Chairmanship's Perception Paper recognised the need to reflect on the OSCE's engagement in SSG/R in the context of the UN's efforts to develop a comprehensive and coordinated approach to SSR. It was noted that the OSCE contribution to an explicit and coherent approach to SSG/R would strengthen the OSCE's role as a regional organization under Chapter VIII of the Charter. It would therefore enhance the potential for cooperation and coordination with the UN, as well as with other international actors engaged in the region.

The fact that several international actors have been developing their own approach to SSG/R provides a window of opportunity for the OSCE to also reflect on its understanding of SSG. The OSCE could draw on the lessons of these other actors and enable synergies with likeminded organizations, while ensuring that the concept is relevant to the specificities of the OSCE context.

If inspiration should be taken from how other international actors have approached the challenge, the first step for the OSCE would be to take stock of its role in supporting SSG/R. The benefits would be to:

- Establish the acquis of OSCE SSG-related norms with sections VII and VIII of the Code serving as a foundation.
- Identify the range of activities in the area of SSG that the OSCE is currently supporting.
- Determine gaps that need to be addressed through the development of an explicit and coherent approach to SSG that could support the harmonisation of OSCE initiatives in this and related areas.
- Better understand how SSG/R can facilitate the development of effective approaches to dealing with the interconnected and regional challenges increasingly faced in the OSCE region. As Mr. Zannier has noted in the past, 'SSR is an opportunity to make national security systems compatible with one another and more effective in addressing threats and challenges of a regional nature.'
- Identify its comparative advantages in SSG/R to enhance coordination with other regional and multilateral organisations, and in particular the UN.

In conclusion, while it should not be forgotten that the OSCE Code of Conduct pioneered the concept of the democratic control of armed forces, in order to remain competitive in today's complex environment, there is a need to reflect on how to build on the Code. Without undermining the Code – but rather by strengthening its relevance as a normative foundation – this can be done by complementing it with an OSCE approach to SSG, which, as I have sought to portray in my presentation, is becoming an increasingly relevant concept for the organization.

Thank you very much, Mr. Chairperson.