THEMATIC BRIEF

Provisions on SSR and DDR in Peace Agreements
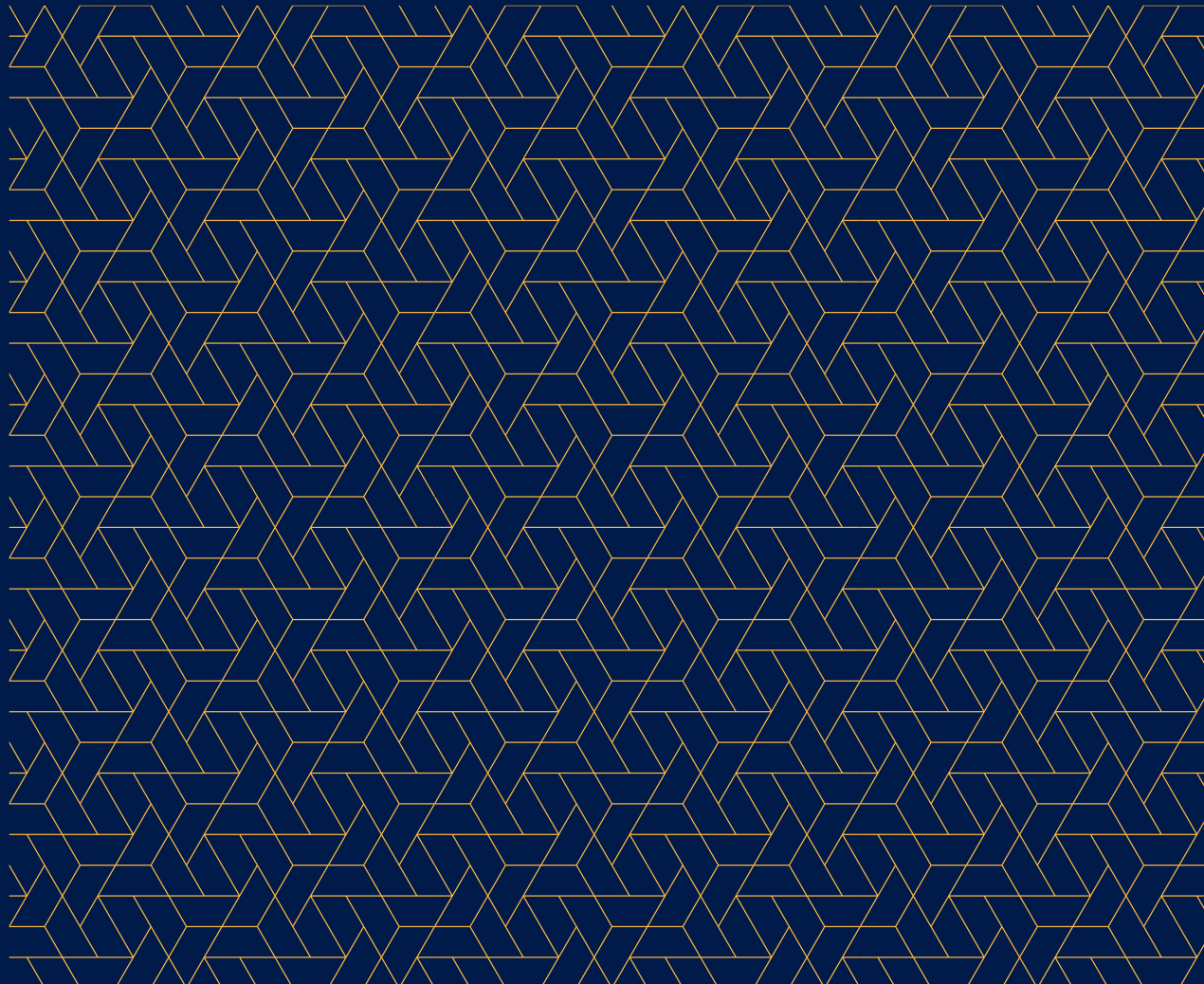
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About DCAF
DCAF – Geneva Centre for Security Sector Governance is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector. DCAF develops and promotes norms and standards, conducts tailored policy research, identifies good practices and recommendations to promote democratic security sector governance, and provides in-country advisory support and practical assistance programmes.

Introduction

Security sector reform (SSR) and related post-conflict recon-
struction activities (e.g. disarmament, demobilization and
reintegration (DDR), Mine Action, and small arms and light
weapons (SALW) control) are commonly addressed in peace
processes, whether to support the outcomes of negotiations or
enhance the quality of their implementation. In particular, SSR
and DDR are closely related because they both aim at enhancing
human security and strengthening the state's monopoly on the
legitimate use of force.[1] In other words, they both shape *how, by
whom and to whom* security is provided in post-conflict states.
DDR may lead to short-term security gains for the population and
state institutions, the development of local institutional capac-
ities, and a shift in the balance of power in favour of legitimate
and accountable state security forces. SSR seeks to build on these
gains to enhance state capacity to provide security and legitimize
government rule through good security sector governance (SSG).

Despite their relevance for transitional and long-term SSG, there
has also been a lack of understanding of how different sectoral
SSR components and DDR commonly feature in peace agree-
ments. In order to contribute to an informed and empirically
grounded debate about questions of SSG in peace processes, this
thematic brief summarizes some of the key patterns identified
from a mapping of the peace agreements that were produced in
the context of intrastate armed conflicts[2] over central government
control between 2000 and 2015. Data on these 301 peace agree-
ments was retrieved from the PA-X Peace Agreement Database[3]
at the University of Edinburgh. The results of this mapping show
how police, defence, justice and intelligence reform, as well
as DDR, feature in different "stages" of peace agreements (as
categorized by the PA-X database): pre-negotiation agreements,
ceasefire agreements, substantive framework agreements and
implementation agreements.[4]

The brief is structured around five guiding questions. The first two
sections address the question of how frequent and how compre-
hensive provisions on sectoral SSR components commonly are.
The third section examines the stages of a peace process at which
these SSR components are usually considered. Fourth, the brief
analyses whether justice reform is a common aspect of SSR in
peace agreements. The final section broadens the perspective
of SSG in peace processes by asking how DDR features in peace
agreements in comparison with SSR.

Key definitions

Good security sector governance (SSG) describes how the principles of good governance apply to public security provision, management and oversight. The principles of good SSG are accountability, transparency, the rule of law, participation, responsiveness, effectiveness and efficiency.[5]

Security sector reform (SSR) is the political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a framework of democratic civilian control, the rule of law and respect for human rights. SSR may focus on only one part of public security provision or the way the entire system functions, as long as the goal is always to improve both effectiveness and accountability.[6]

Disarmament, demobilization and reintegration (DDR) is the process of comprehensively disarming combatants, formally discharging them, preparing them for civilian life and providing them with opportunities for sustainable social and economic reintegration.[7]

Intrastate conflict over central government control is defined as armed violence between a government and at least one non-state armed group, causing more than 25 conflict-related deaths in one year and concerning the type of political system, the replacement of the central government, or the change of its composition.[8]

A **peace process** is a formal attempt to bring political and/or military protagonists of conflict to some sort of mutual agreement as to how to end the conflict.[9]

A **peace agreement** is a formal, publicly available document, produced after discussion with conflict protagonists and mutually agreed to by some or all of them, addressing conflict with a view to ending it.[10]

How often are elements of SSR addressed in peace agreements?

Peace agreements in intrastate conflicts frequently refer to police, defence and justice reform. Almost half of the analysed peace agreements mention a sectoral sub-component of SSR.

At the same time, intelligence reform is rarely addressed in peace agreements, when compared with other sub-components (figure 1). Either governments are not willing to give up their access to sensitive information (which secures their personal and political survival) or, compared with other security issues, intelligence reform might simply not be a priority of the conflict parties and third parties assisting the peace process.
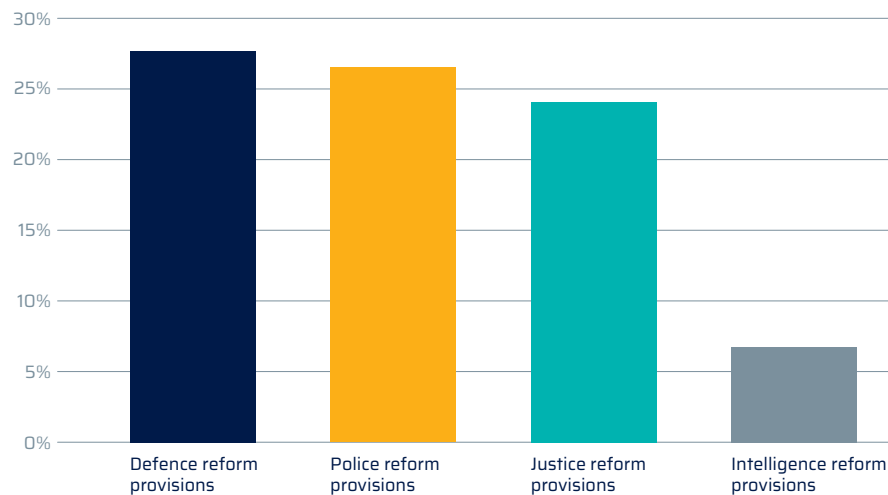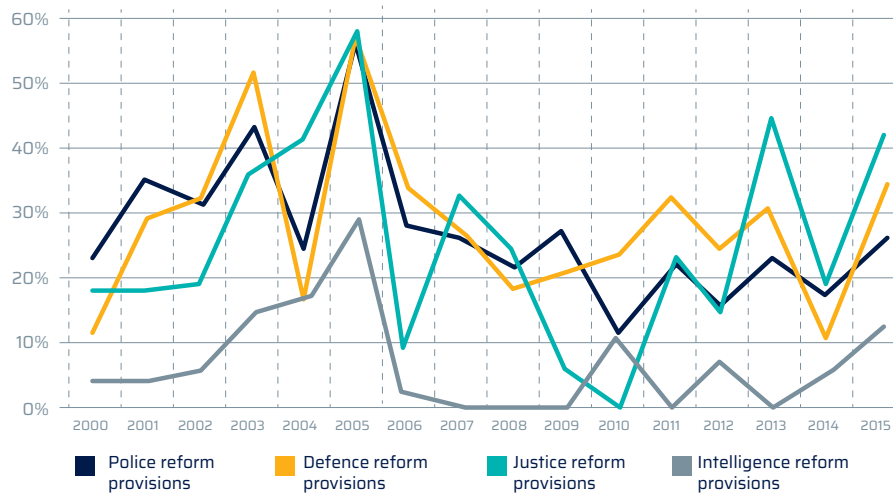

Figure 1: Proportion of peace agreements featuring provisions on different SSR components

n = 301 peace agreements (2000–2015)

Despite significant yearly variation, in the long run, the frequency of SSR provisions has not changed significantly between 2000 and 2015 (figure 2). The proportion of peace agreements that mention SSR peaked in 2005 – which can be explained by both the peak in the number of comprehensive peace agreements in that year and the focus of international security and development policy on state-building and state fragility in the mid-2000s.[11] Even after comprehensive peace agreements had become less frequent, the proportion of peace agreements with SSR provisions did not decrease significantly in the long run.

Figure 2: Proportion of peace agreements featuring provisions on different SSR components, by year

n = 301 peace agreements (2000–2015)

Police reform provisions
Defence reform provisions
Justice reform provisions
Intelligence reform provisions

How comprehensive are SSR provisions?

Peace agreements that target only one sectoral sub-component of SSR are the rule rather than the exception. Of those accords that include SSR provisions, 48 percent address exclusively police or defence reform, compared with only 37 percent that mention both components, 25 percent that also address justice reform and 8 percent that simultaneously address intelligence reform. As figure 3 shows, this pattern is consistent across time. At the same time, throughout the period of observation (2000–2015), the majority of conflicts (17 out of 26) featured peace agreements that, taken together, jointly addressed police, defence and justice reform. Still, only few conflicts (9 out of 26) resulted in peace accords that jointly addressed all four SSR components, including intelligence reform. In other words, while provisions on police, defence and justice reform are seldom included *in the same agreement*, they commonly all feature *in the same conflict*. This could be based on the preference of the conflict parties to pursue different components of SSR at different stages (or outside the peace process).
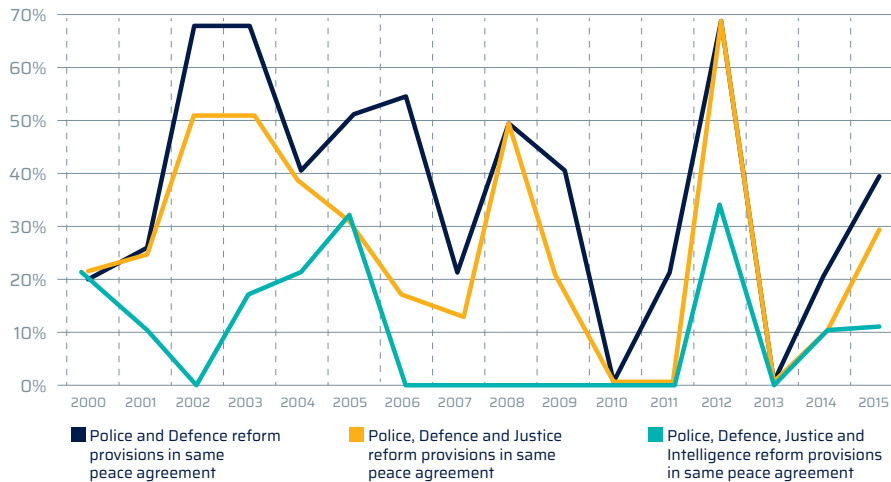
Figure 3: Proportion of all peace agreements featuring simultaneously: (1) police and defence reform provisions, (2) police, defence and justice reform provisions, and (3) police, defence, justice and intelligence reform provisions, by year

n = 301 peace agreements (2000–2015)

Whenever defence and police reform are both mentioned in an agreement, provisions on justice reform are usually (in 69 percent of such agreements) **also included**. While it would seem plausible that police reform is simply often linked to larger justice reform efforts, it is notable that justice reform features equally commonly in tandem with defence reform (55 percent) as with police reform (53 percent). Police, defence and justice reform can have important synergies during implementation of peace agreements. Police reform can strengthen the justice sector by, among other things, improving the quality of evidence in criminal investigations, while justice reform can enhance judicial supervision and oversight of investigative methods such as surveillance, searches, confiscation, wiretapping and preventive detention.[12] Defence and justice reform can have similar synergies in peace processes, for instance, when conflict parties agree to stop the practice of trying civilians under the military justice system and using emergency laws for political purposes.[13]
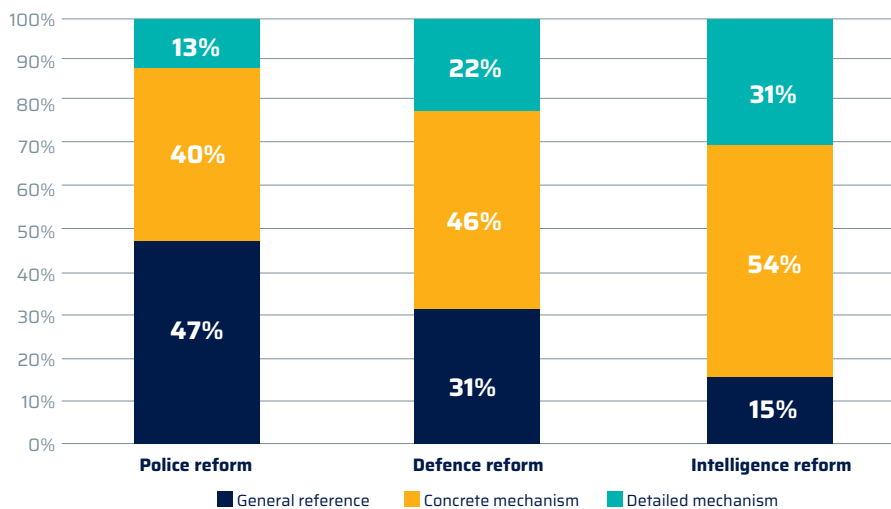

Figure 4: Level of detail of framework agreements featuring police, defence or intelligence reform provisions

n = 55 agreements with police reform provisions, 54 agreements with defence reform provisions, 16 agreements with intelligence reform provisions

This mapping found that the majority of substantive framework agreements with SSR provisions mention reform mechanisms but do not go into details of implementation (figure 4).[14] Hence, while conflict parties seem to be generally open to discussing during the main political negotiations *which* aspects of SSR should be tackled, they tend to refrain from discussing at this stage of the peace process *how* these mechanisms should be implemented, including specific roles and responsibilities. It is not clear, however, whether this is because such details are considered the prerogative of the state (to be decided outside the realm of the peace process) or because they are reserved for further discussions between the conflict parties during the initial stages of implementation.

The content of framework agreements is more detailed with regard to defence reform than police reform (figure 4), while both are mentioned equally often at this stage of negotiations. Hence, during the main political negotiations, priority appears to be placed on creating clarity and accountability with regard to the final status of forces, including the structure, composition, management and oversight of the military.

Figure 5: Proportion of substantive framework agreements featuring police reform provisions, according to level of detail, by year
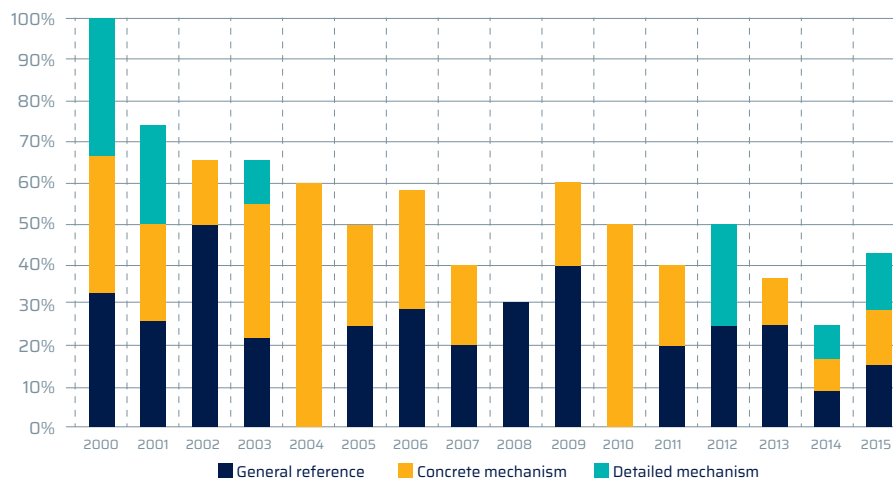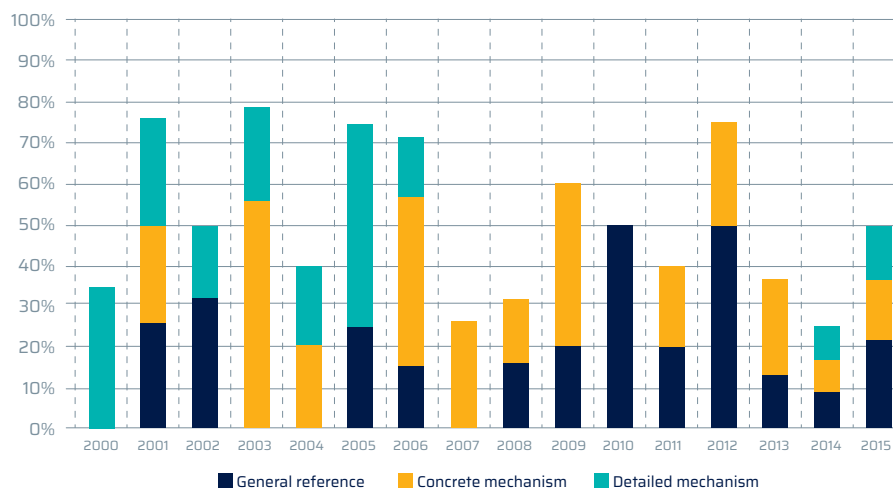
n = 116 framework agreements (2000–2015)

Figure 6: Proportion of substantive framework agreements featuring defence reform provisions, according to level of detail, by year

n = 116 peace agreements (2000–2015)

Both the level of detail of police and defence reform provisions in framework agreements remained relatively constant between 2000 and 2015 (figures 5 and 6). At the same time, there was much fluctuation in the proportion of framework agreements that included provisions on defence reform and a steady decrease in the proportion of framework agreements with police reform provisions. The PA-X database did not permit analysis of whether peace agreements contain provisions that demonstrate the explicit commitment of conflict parties to broad SSG principles that guide the vision for SSR. This would be an important aspect of the "robustness" of SSR provisions.

At what stages of peace agreements are SSR components commonly addressed?

The data shows that SSR is associated with a certain type of peace agreement: **police, defence and justice reform are all frequently negotiated in the context of substantive framework agreements and are seldom addressed in pre-negotiation, ceasefire and implementation agreements** (figure 7). This means that SSR is most often negotiated together with questions pertaining to the form of government and aspects of transitional and long-term governance.[15] This, theoretically, allows SSR to be linked to negotiations on larger institutional reforms, thereby aligning SSG with the overall political vision outlined by the conflict parties in the form of a broad political agreement.
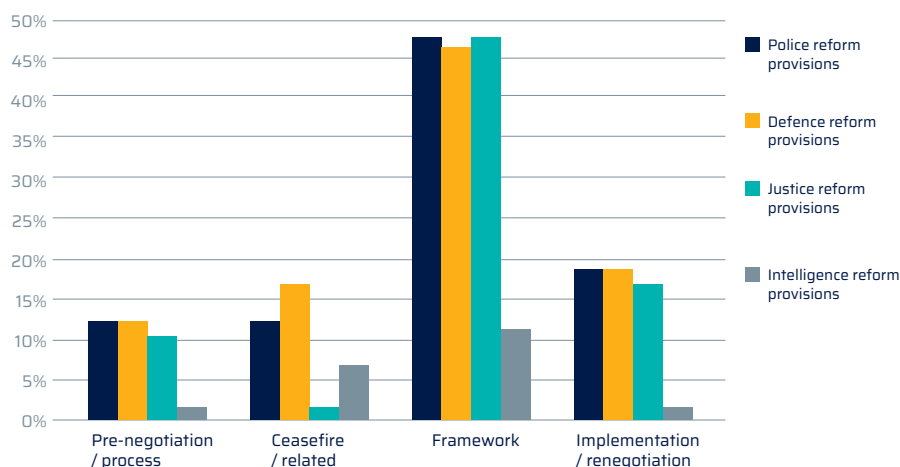
Figure 7: Proportion of peace agreements featuring provisions on different SSR components, per agreement stage

n = 301 peace agreements (2000–2015)

In ceasefire agreements, defence reform is mentioned significantly more often than other sub-components of SSR – especially justice reform. This finding is not surprising as ceasefire agreements focus on stopping the violence and providing for arrangements pertaining to military forces, such as ceasefire management/monitoring and demilitarization.[16]

Is justice reform a common aspect of SSR in peace agreements?

The research found that **justice reform[17] is more common in peace agreements than is often assumed by SSR experts and mediators.**[18] Aspects of justice reform are mentioned in a similar number of peace agreements as police reform and defence reform. This finding holds for all types of agreement, except for ceasefire agreements, in which justice reform is significantly less common than defence reform (figure 7). Moreover, **reference to justice reform in peace agreements has increased between 2000 and 2015** (figure 2). This could be either the result of international normative change towards greater focus on justice reform or justice issues in general, or an indication that mediators and conflict parties increasingly decide to put justice reform on the negotiation table rather than separating it from the peace process.

Considering that the United Nations, the European Union and the Organization for Security and Co-operation in Europe (in contrast to the African Union) consider only aspects of criminal justice reform as being part of SSR,[19] it is important to note that **justice reform provisions in peace agreements focus particularly on judicial reform** (18 percent of agreements). Other aspects, such as reform of specific criminal laws (9 percent), criminal justice system reform and prison reform (both 5 percent), seem to be considered minor issues during peace negotiations. While this seems to indicate that justice reform provisions in peace agreements are not as relevant for international SSR support mandates as other matters, the fact that conflict parties are willing to commit to a well-functioning judiciary can be used as an entry point for the promotion of good SSG, with the aim to increase the judiciary's functional independence and political neutrality, transparency and resource efficiency, as well as its effectiveness in delivering justice.[20]

How does DDR feature in peace agreements in comparison with SSR?

The extent to which DDR, compared with SSR, features in peace agreements depends strongly on the agreement stage (figure 8). **While ceasefire and implementation agreements mention DDR significantly more often than police, justice and defence reform, framework agreements tend to focus on these SSR components rather than on DDR.** This pattern suggests that DDR tends to be prioritized in negotiations concerned with stopping immediate violence, while SSR seems to be associated more with larger political questions and the final status of forces, to be addressed at a later stage of a peace process. This pattern also seems to indicate that conflict parties negotiate the terms of implementation of DDR more often than the terms of implementation of SSR.
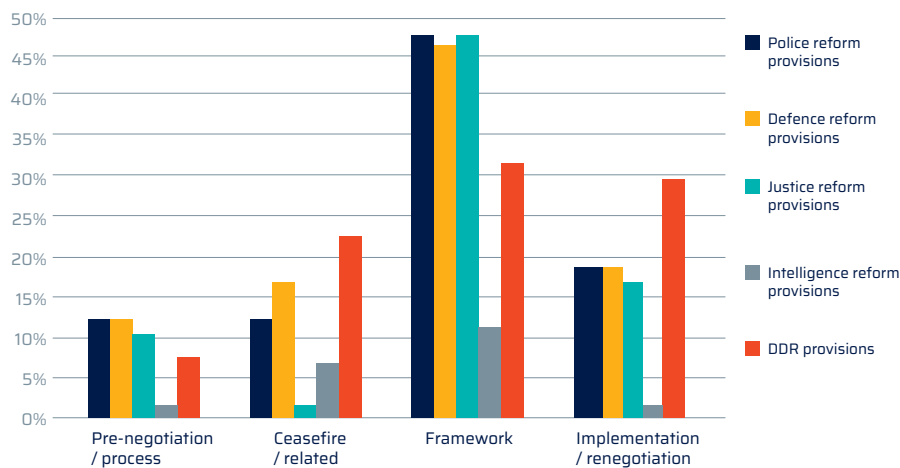

Figure 8: Proportion of peace agreements featuring provisions on different SSR components or DDR, per agreement stage

n = 301 peace agreements (2000–2015)

Provisions on SSR – in particular, defence reform – are included in the majority (63 percent) of peace agreements that mention DDR. Hence, despite being usually treated as distinct processes with different actors, priorities, timelines and functions,[21] SSR and DDR are commonly negotiated at the same time. They can be linked through the integration of previously armed groups into the security sector, which is a form of power-sharing between the conflict parties. One type of collective integration is the merger of forces. Little more than half (21 of 38) of the accords that mention both DDR and defence reform provide for a merger of forces[22] of the opposing parties. The data show that, generally, provisions for a merger of forces have become much less frequent – of 54 peace agreements with such provisions adopted since the year 2000, only nine have been adopted since 2010. This corresponds to the general trend of the United Nations promoting individual rather than collective integration of armed groups, to avoid impunity and break up dysfunctional command structures.

Conclusion

This brief began by providing an overview of how often peace agreements refer to elements of SSR. It demonstrated that SSR provisions are commonly included in peace agreements. While provisions on defence, police and justice reform are all commonly mentioned in peace agreements, intelligence reform is rarely addressed. Despite significant yearly variation, in the long run, the frequency of SSR provisions has not changed significantly between 2000 and 2015.

Second, the brief described the scope and level of detail of SSR provisions. The mapping suggests that sectoral sub-components of SSR are commonly addressed in isolation in peace agreements. However, whenever defence and police reform are both mentioned in an agreement, provisions on justice reform are usually also included. The mapping found that, while SSR provisions in substantive framework agreements usually lay out a concrete vision of what SSR should entail, they commonly lack detail with regard to roles and responsibilities during implementation. This pattern remained relatively constant between 2000 and 2015.

Third, the brief explained the stages of peace agreement at which different SSR components are commonly addressed. Police, defence and justice reform are all frequently negotiated in the context of substantive framework agreements and are seldom addressed in pre-negotiation, ceasefire and implementation agreements. In ceasefire agreements, defence reform is mentioned significantly more often than other sub-components of SSR, especially justice reform.

Fourth, this brief examined how often elements of justice reform are considered in peace agreements. Broadly speaking, provisions on justice reform are just as common as those on other sectoral sub-components of SSR, and reference to justice reform has increased between 2000 and 2015. At the same time, justice reform provisions in peace agreements focus strongly on judicial reform. Criminal justice reform, which is more closely associated with SSR than other aspects of justice reform, seldom features in peace accords.

The brief concluded by describing how DDR, in comparison with SSR, features in peace agreements. While ceasefire and implementation agreements mention DDR significantly more often than police, justice and defence reform, substantive framework agreements tend to focus on these SSR components rather than on DDR. At the same time, most peace agreements with DDR provisions also refer to elements of SSR.

Endnotes

1 Christopher von Dyck, DDR and SSR in War-to-Peace Transition, vol. 14, SSR Paper (Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2016).

2 The conflict sample includes 26 intrastate conflicts that occurred in 26 countries: Afghanistan, Angola, Burundi, Côte d'Ivoire, the Central African Republic, Chad, Colombia, the Democratic Republic of the Congo, Guinea, Iraq, Liberia, Libya, Mali, Mozambique, Nepal, North Macedonia (the former Yugoslav Republic of Macedonia), Pakistan, the Philippines, the Republic of the Congo, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Uganda and Yemen.

3 PA-X, Peace Agreements Database (Edinburgh: Political Settlements Research Programme, University of Edinburgh), www.peaceagreements.org. (accessed 15 August 2018).

4 PA-X, "Peace Agreements Database and Access Tool, Version 1" (Edinburgh: Political Settlements Research Programme, University of Edinburgh, 2017): 5-6.

5 Geneva Centre for the Democratic Control of Armed Forces (DCAF), Security Sector Governance, SSR Backgrounder (Geneva, 2015).

6 DCAF, Security Sector Reform, SSR Backgrounder (Geneva, 2015).

7 United Nations, Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards (New York, 2014): 24–25.

8 International Peace Research Institute and Uppsala Conflict Data Program, "Codebook: UCDP/PRIO Armed Conflict Dataset, version 18.1", 2018: 2–3.

9 Christine Bell et al., Peace Agreements Database and Dataset. Codebook, version 1, 19 February 2018: 1.

10 Ibid.

11 Jan Pospisil and Florian P. Kühn, "The Resilient State: New Regulatory Modes in International Approaches to State Building?", Third World Quarterly, 37(1), 2016: 1-16.

12 Organisation for Economic Co-operation and Development (OECD), OECD DAC Handbook on Security System Reform (SSR): Supporting Security and Justice (Paris, 2017): 83.

13 DCAF, The Justice Sector, SSR Backgrounder (Geneva, 2015): 9.

14 PA-X distinguishes between three levels of detail of provisions, as follows (no more information is available on how each of these levels is constituted): "general references to armed forces/police/ intelligence services, no mention of a concrete mechanism/process; reference to a concrete mechanism or process [related to armed forces/police/intelligence services], but in a more general manner and with less enforceable terms; reference to armed forces/police/intelligence services, with a concrete mechanism or process that is enforceable and specified in detail". Bell et al., Peace Agreements Database and Dataset. Codebook: 54.

15 Jeremy Brickhill, Mediating Security Arrangements in Peace Processes: Critical Perspectives from the Field (Zurich, Center for Security Studies, ETH Zurich, 2018); Vanessa Prinz, Luxshi Vimalarajah and Katrin Planta, "Security Arrangements Before, During and After Negotiations: A Strategic Framework" (Berlin, Berghof Foundation, 2014).

16 Prinz, Vimalarajah and Planta, "Security Arrangements Before, During and After Negotiations: A Strategic Framework": 4; Brickhill, Mediating Security Arrangements in Peace Processes: 39–50.

17 The aggregated variable on justice reform combines several PA-X sub-variables and was assigned a positive value when a peace agreement: (1) "includes any provisions dealing with criminal justice such as review or reform of criminal justice; repeal or review of emergency law"; (2) "includes specific provisions on the rules regarding state of emergency"; (3) "includes any provisions addressing the courts and the judiciary, including their roles, jurisdictions, structures and mechanisms, as well as provisions outlining the mandate of the judiciary and the judiciary's relationship to other parts of the state apparatus, provisions on appointment of persons to the judiciary, including mechanisms and criteria for such appointments. Courts in question can be administrative, district courts, supreme, constitutional, family, tribal, and other"; or (4)

"includes any mention of specific measures dealing with prisons, including staffing of prisons". Bell et al., Peace Agreements Database and Dataset. Codebook: 45–55.

18 Hutchful, Security Sector Reform Provisions in Peace Agreements: 10. Hutchful claims that "While implicitly SSR-related tasks such as disarmament, demobilization, and integration (DDR); the integration of armed forces; and police reform occur with regularity across agreements, other ingredients such as governance, intelligence, and justice reforms are often omitted altogether." See also DCAF, "Geneva Roundtable Dialogue on SSR and Peace Processes," 4 December 2018 (unpublished).

19 Vincenza Scherrer and Alba Bescos Pou, Enhancing Multilateral Support for Security Sector Reform: A Mapping Study Covering the United Nations, the African Union, the European Union, and the Organization for Security and Co-Operation in Europe (Geneva, DCAF, 2018): 28.

20 DCAF, The Justice Sector: 4.

21 Melanne A. Civic and Michael Miklaucic, eds., Monopoly of Force: The Nexus of DDR and SSR (Washington, D.C.: National Defense University Press, 2011): 214.

22 The category of merger of forces, according to PA-X, includes the integration of armed groups into armed forces, but it is not clear whether this refers to any form of integration or only collective integration.

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